

MINUTES - Pierce County Land Management Committee Meeting, December 15, 2010

Present: Paul Barkla, Jeff Holst, Don Rohl, Eric Sanden and Joe Fetzer

Others: Andy Pichotta, Brad Roy and Shari Hartung

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

Next meeting dates: January 5th & 19th, February 2nd & 16th and March 2nd & 16th, all in 2011.

Approve Minutes: **Rohl moved to approve the November 17, 2010 LMC minutes/Sanden seconded. All in favor. Passed.**

Holst moved to amend the agenda moving item #7 to the top of the agenda/Fetzer seconded. All in favor. Passed.

Discuss take action on a request for renewal of a conditional use permit for Nonmetallic Mining for Rickey Diesing, owner of a parcel located in the SW ¼ of the SE ¼ in Section 5, T24N, R17W, Town of Isabelle, Pierce County, WI. Staff Report – Brad Roy: Diesing Trucking received the original CUP for this site in 2006. Mining had previously taken place on this site, but it was discontinued prior to 2001. Because of that, no reclamation had taken place. The mine was originally “grandfathered” so there are no prior mining permits on the parcel. Because of the “grandfathered” status many of the mining regulations that are now in place had not been followed in the past. All new mining has been consistent with the regulations. The property was a part of a recent land division. There is no longer a residence on the property. The mining site has approximately 3.5 unreclaimed acres; the total extent of the mine will be approximately 6.5 acres. 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. Mining is not permitted in the Commercial District sections of the property. Due to the land division there is no longer a Uniform Address Number for this property. The current conditions are listed in the staff report #1 - #9. The berm has been removed from the 150th Ave right-of-way. The 100 foot setback eliminates the potential to mine on the portions of the property zoned Commercial.

Staff Recommendation: Staff recommends the Land Management Committee consider the above and if it is determined that no additional conditions are necessary to protect the public interest, health, safety or character of the area, renew this conditional use permit with the following conditions:

1. Hours of operation remain consistent with daylight hours Monday through Friday, Saturday hours will be 8:00am – 4:00pm.
2. Applicant shall receive all necessary permits from other agencies.
3. Applicant shall comply with DNR NR 135 Annual Reclamation Permits.
4. A 100-ft setback shall be maintained from all property lines for all mining activities, which includes stockpiling and equipment placement.
5. Applicant agrees that any unforeseen erosion issues that arise shall be addressed to the satisfaction of the county.
6. Reclamation shall be according to submitted plans and shall be completed within one year of ceasing mining operations.
7. This CUP renewal shall expire in two years.
8. A Uniform Address Number shall be obtained for this property.

Condition #8 is a new condition and the previous #4 and #5 have been removed because the applicant has taken care of those problems. Chairperson Barkla asked Mr. Diesing if he had anything to state in

support of his request. Mr. Diesing stated no. Sanden asked about the mining being stopped in 2001; it was discontinued for 12 months or more? So the “grandfathered” status wouldn’t pertain anymore? Roy stated yes. Sanden asked if there were any complaints. Roy stated no. **Sanden moved to approve the renewal of the conditional use permit for Nonmetallic Mining for Rickey Diesing due to the fact it is determined not to be contrary to public interest nor detrimental or injurious to public health, public safety or the character of the surrounding area, with conditions #1 - #8/Holst seconded. All in favor. Passed.**

Public hearing to consider a request for a conditional use permit to expand a Nonmetallic Mining operation located in the Agriculture Residential District for Wisconsin Industrial Sand Co., agent on property owned by Edmund & Dawn Daleiden, Jeffrey Von Holtum and Lost Creek Farms, on property located in Sections 10, 11, 13 & 14, T24N, R16W, Town of Maiden Rock, Pierce County, WI. Chairperson Barkla invited Rich Budinger forward: Mr. Budinger, Regional Manager, introduced other employees and consultants with him, Mark Krumenacher, Hydro geologist from GZA Environmental, Mike Lesar, Neo Solutions, Dan Gerber, General Manager of Industrial Sands operations, Michele Maxson, Environmental and Safety Coordinator, Al Nelson, Plant Manager of the WI – Maiden Rock Facility, Matt Hennick, Quality Control Manager, Kurt Oakes, Olson Explosives, Eric Mcleod, legal counsel. Our request is for the properties described; Lost Creek Farms, Von Holtum and Daleiden parcels. The request is an amendment to our current conditional use permit for the nonmetallic mining purpose. The property additions are purely for reserve replacement. One of the things we’ve identified at the Village and Town level is the need for more communication. We’ve developed a community outreach program we’re calling Citizen Advisory Council. We had a meeting last week and invited the residents of the Town and Village to bring forth concerns and to answer any questions. Mr. Budinger felt the meeting went well and he has submitted the minutes of the meeting as well as the sign-in sheet. They talked about a number of concerns; water clarity, blasting, noise, trucks, essentially everything associated with the operation. Cheyianne George asked if Mr. Budinger would discuss her well water issue. Mr. Budinger explained Cheyianne came to visit last week and brought up the concern about the water clarity in her well. They are working with her and any complaint or concern that is brought to their attention whether it’s blasting noise, water clarity, anything; they’re working with the community. Right now they’re looking at investigating the well, contacting a local well driller to pull the head and see what is causing the problems. Holst stated that you felt the Citizen Advisory Committee meeting went well; do you have another meeting scheduled? Mr. Budinger stated not an exact date but we will be holding them monthly so mid January, tentatively. We’re working with Judy Daleiden in the Village and Jerry Duden for the Township as far as proceeding with the format of the meetings. Sanden stated he wanted to commend WISC for their efforts with the Citizens Advisory Committee. He stated Mr. Budinger was here at the last meeting and may have noted that County Materials had a similar approach. It was very contentious at the beginning and you could see how well it went at the last meeting. This will make all the difference to keep the communication open, be responsive. He commended him on that. Rohl asked how long the additional reserves would keep the mine in business. Mr. Budinger stated it depends on the market levels. Their goal is to achieve a 25 year reserve base ahead of the current mining operation.

Staff Report – Brad Roy: WISC is requesting to add 538 adjoining acres to its current underground mining operation (Lost Creek Farms-318 acres/Daleiden-102 acres/Von Holtum-118 acres). They have agreements to lease or purchase properties. This request is not to change the mining process or activities, but rather to allow the existing mine to continue onto new property. The mine operates 24 hours a day, seven days a week and employs 45 people. Most of the activity associated with the operation takes place within the Village of Maiden Rock, which houses the processing plant. The mine received its first conditional use permit from the Land Management Committee in 2004. The Land Management Committee recently discussed this operation and received concerns from area residents. The focus of the comments were blasting times and frequency and the potential damage to wells and structures caused by blasting. Staff was directed to consider the comments and determine if new

conditions are needed to mitigate any negative impacts. Tunnels are created by blasting; WISC uses a room and pillar method. The entire mining process will take place underground; mining activities will include underground blasting and washing. Surface activity is largely limited to the processing plant in the Village of Maiden Rock. There are two ventilation shafts in the current mining area that extend up to the surface. New shafts will most likely be required, if the expansion is granted, to provide clean air to the underground mine. The exact location of any potential new shafts cannot be determined at this time. The potential new ventilation shafts should be the only change to the current surface activity on the proposed expansion site. The land is currently used for agriculture. The proposed expansion will not prevent future agricultural uses. No new wells are needed for the expansion. There are currently 4 wells onsite. Three of the wells are high capacity wells capable of pumping 1,000 gallons per minute. WISC is currently using two of the three high capacity wells and its goal is to create a water recycling system which will reduce the need so only one well is used. Groundwater is mapped at approximately 750 ft. MSL; mining activity takes place at 800-830 ft MSL. No new exits are planned on the expansion properties. Blasting typically takes place three or four days a week; the blasts usually occur around 5:30pm. WISC has agreed to provide staff with updated copies of the operation's Storm Water Pollution Prevention Plan, Spill Prevention, Control and Countermeasures Plan and the Discharge Elimination System Permit to keep on file. The Town of Maiden Rock recommended approval of this request on November 10, 2010, without reference to the Town Comprehensive Plan, with the following comments:

- Wisconsin Industrial Sand should be required to establish a historical average for each private water well they are mandated to test. This information should be shared with the owner of the well along with an explanation of what the data means.
- The Commission had concerns about the air from the mines and wanted reassurances that noxious fumes and bad odors would not affect near-by neighbors. Therefore, the Commission recommends that Wisconsin Industrial Sand set up a monitoring system that would test the air from the air shafts before and after blasts are set off in the mine.
- The Planning Commission recommended that no new portals can be built for this site in the Town and that Wisconsin Industrial Sand would not be allowed to build more than 3 air shafts for this permit. If the Sand Company wants to build any additions to this permit they must seek another approval from the Town of Maiden Rock.

Staff has received concerns from citizens regarding the proposed expansion including potential ground water contamination/depletion and environmental impacts. (Along with the concerns expressed at the previous LMC meeting – blasting times and frequency and damage to structures and wells.)

- Complaints about the activity at the processing plant were also received. These issues are in the Village and are not within the jurisdiction of the Land Management Committee.

The Land Management Department Nonmetallic Mining Policy states that setbacks to property lines shall be 100 feet to property lines, and no less than 200 feet from a residence. There were established to prevent highwalls being left on a property line or close to a residence which would increase the possibility of an accident. Staff is unaware of any damage to any structure due to blasting with these setbacks in place. The WDNR (and other agencies) regulate many of the activities of a mining operator. This regulatory authority originates not only in the mining laws, but in different environmental statutes. For example, primary authority for the regulation of storm water runoff, impacts to navigable waterways and high capacity wells rest with the WDNR and other State agencies, but are not included in the mining laws. The current conditions of the existing permit are listed #1 - #11 in the staff report.

Staff Recommendation: Staff recommends the Land Management Committee consider the above and if determined to be not contrary to the public interest, health, safety or the character of the area, grant this conditional use permit with the following conditions, as well as any additional conditions deemed appropriate or as suggested by the Town of Maiden Rock or area residents:

1. Blasting shall occur up to seven days a week with no time limit constraint unless complaints are received. If complaints are received, previous time restrictions shall be reinstated at the

discretion of the Land Management Committee. (Blasting shall occur no earlier than 5am up to four times per week, including Saturday.)

2. Comprehensive water testing will be conducted annually for residential wells located within the boundaries of the mined area. Testing of the wells on properties on which mineral rights are not leased and fall within 500' of mining activity shall be comprehensively tested, including for suspended solids and chlorides, two times each year. Test results and the base line data tests shall be provided to the Department of Land Management.
3. A 100-foot buffer shall be maintained from the active mining to the boundaries of non-leased properties, and where already closer than 100-feet, there shall be no further encroachment. Mining under a leased property shall be a minimum of 100' from any well.
4. Reclamation of disturbed areas shall be done consistent with NR 135 and the submitted plan.
5. Evidence of compliance with applicable state and/or federal regulatory agencies shall be submitted to the Land Management Department.
6. Any intensification of use or change in approved plans will require the issuance of an amended conditional use permit.
7. A map of mining activity and areas of future expansion shall be provided to the Town of Maiden Rock.
8. Applicant agrees that any erosion issues that arise shall be addressed to the satisfaction of the county.
9. A map of the facility and underground tunnels shall be updated annually and submitted to the Land Management Department.
10. This permit shall expire in two years.
11. An annual report demonstrating adherence to approved conditions submitted to the Land Management Department on or before December 31st of each year.

Chairperson Barkla opened the hearing to the public. Pichotta reads 13 letters that the Land Management Department received regarding this request, most opposed but some in favor of Wisconsin Industrial Sand Co. John Huffaker and Charlene Torchia expressed concern with use of wells in sand production, silica sand released in the air and the impacts on the infrastructure and costs to the public, Carol Inderieden and James Schiller expressed concerns about the general public, wildlife, environment, Lake Pepin and diminishing property values. Justin Blum, Hydro geologist from Excelsior, MN, expressed concern with the location of the Village of Maiden Rock well and the mine water supply well, Dr. C. Lane stated her concerns are water quantity and quality, air quality and the sonic landscape. She feels the mines current reclamation plan is outdated, Dr. and Mrs. Richard Dart stated the aquifer is our most important resource, George Kraft questioned the volume of water pumped and it's impact on groundwater and stream flows, Corrine Young expressed concern about the aquifers in the area being at risk and property values diminishing, Wallace Zick, Jr stated his main concern is the re-injection of used groundwater back into the aquifer, John Wickham, retired realtor, expressed concern with depressed property values, effects on area businesses and radon gas, Tracy Miller expressed appreciation for Wisconsin Sand Mine and their contributions to the Village with snow removal, the ambulance service, Maiden Rock Community Association and Summerfest besides requiring employees to contribute community service, Maiden Rock Business Association is in support of Fairmont Minerals for all their support and contributions, they feel to lose a business of this size would be devastating to the businesses and Village. The letters will be made a part of the record. Chairperson Barkla asked everyone to limit their comments to 4 – 5 minutes. Cheyenne George, N771 300th St, owns 2 acres and stated her concern is one tunnel is on the property line. Her well is less than 200 ft from the property line. She showed water samples from her well and stated it doesn't always run dirty. She stated her well was drilled in 1993 and is 285 ft deep. Rich Budinger stated as they become aware of issues, they're committed to anyone that approaches them with issues of this nature. They're looking into the water and as far as the structural issues, they're willing to have a structural engineer come in and assess the problem. They have contacted a local well driller. Carol Jennings, wanted to add to the Citizens Advisory Committee minutes. Mr. Budinger stated there is a need for approval of

the minutes and they haven't sent them to everybody yet. Pat Laughlin, the tunnel is right off his property line. They have monitors in his yard but not for every blast. How do they know what the blasts are when the monitors aren't there? Another issue is radon. The bluffs are loaded with it. He has had his basement tested for radon and he has amounts of it. He doesn't have any baseline testing as to whether this has increased. The other issue is the water, the mine tests for suspended solids and chlorides. He feels the water needs to be tested for minerals and heavy metals when he is right by the mine. Property values are also an issue. Mike Michaud, speaking on behalf of the Maiden Rock Citizens Group, they have all their concerns on 19 pages, he will summarize eight areas of concern. One key issue is the new legal framework, beginning January 2010 the committees decisions have to be based on the Town's Comprehensive Plan. The Village does not have a Comprehensive Plan in place. He discussed quotes listed from the Town's Plan and the County's Comp Plan Vision statement. Mr. Michaud stated there is a recommendation and he encourages the committee to sort out what framework they need, to make this decision. He stated this is more than just trying to increase their inventory. This expansion would allow for mining to continue for twenty-five years or more into the future. There is an existing permit that has 789 acres and they are asking for 907 acres more. They haven't mined all 789 acres. Approximately 300 acres are still available. They stated they can mine 40 acres a year. If you add the 907 acres they could possibly mine for 30 years, presuming they maintain the same production rate. The third issue is water; current water demands are not sustainable. The Village well is within 2800 ft of the mine. Polymers are used in the settling ponds. A localized groundwater study needs to be done. The fourth issue is air pollution impacts; silica dust does cause cancer. Monitors need to be put in the community to grab samples. Blasting has been discussed. It is not the only way the sand can be removed from the earth. Comm 7 indicates the regulation of blasting should be based on an annoyance standard not a damage standard. This committee needs to come up with what is a reasonable amount of annoyance. Maiden Rock is on a National Scenic Byway. Tourism is our primary source of economic development. An Industrial Development like the sand mine is inconsistent with the National Scenic Byway. There is a \$100,000 letter of credit deposit to cover future mitigation, how do we know that is adequate. There appears to be no incremental economic development benefit to this expansion; no new employees hired, no additional taxes paid, no benefits to the County, Village or Township. Doug Lansing, Village of Maiden Rock, one comment was about truck traffic, the last study done by Pierce County Highway Dept in 2006 showed 2300 vehicles pass through Maiden Rock. That's a large number that are not all sand mine vehicles. It's a state highway heavily used on the weekends and weekdays. He asked the Village of Maiden Rock Engineer about the well and he stated it is stable and doesn't fluctuate. The dust was mentioned, he was raised on a gravel road, we breathe dust everyday. Just about everyone around here has gravel in their driveways. The smart growth plan for Maiden Rock deals with agriculture. The mine is underground so it doesn't affect the agriculture in the Town of Maiden Rock or in the Village. He feels the sand mine is an open company, they've always given him an answer. He feels it's a very important company because they are producing a product that is needed all over the country. It's a relatively safe environment and he's glad to have industrial commerce right in the Village of Maiden Rock.

8:20pm Chairperson Barkla stated we will recess for 5 minutes.

8:25pm Chairperson Barkla resumes the meeting.

Rich Budinger asks to address some concerns raised tonight. Erik Mcleod, legal counsel for Industrial Sand, stated the issues we're hearing tonight were largely addressed at the Citizens Advisory Council meeting last Thursday. On some legal issues Mr. Michaud suggested that you are somehow constrained by the Comprehensive Plan. A Comprehensive Plan is not zoning it's a guideline for ongoing land use development. The sand mine has been in operation for decades; it isn't a new use. The impacts of that use are well known. The speculative concerns and impacts are things that if there was a lot of foundation for those concerns we would have seen them by now. The nature of this

operation is not going to change. It's still going to be operating in the same manner. The impacts are consistent as in the past. The Town's Comprehensive Plan is silent as to whether to encourage or discourage mine uses. It seeks to preserve agricultural uses. The mine is all underground so it preserves all agricultural uses above ground. The Town recommended approval with certain recommendations forwarded to the Land Management Committee. As to the legal issues, you are looking at the continuation and addition of land to an existing CUP. We need to come back every two years for renewal. If there are concerns, additional conditions can be considered and they can be addressed. Mark Krumenacher, Geologist, works all over the US. The majority of his work is in mining. Hydrogeology groundwater and environmental groundwater is his background. Water quantity and quality issues and the request for an environmental impact study is common and has already been done. There are 80 years of study done. Any impacts on structures, aquifers, environmental health and safety, the river, etc would have manifested themselves already not just in Maiden Rock but also in Bay City where the mining is even older there. None of the concerns that were brought up tonight have been substantiated. The mine has been operating since the 30's. The Village well has been working just fine. The water samples that we saw tonight could be iron bacteria in the water. Why it's getting in there he doesn't know. With the respect to hydrogeology, there are concerns with groundwater quality. The easiest way to explain is there is sandstone and there are aquitards, layers where the water doesn't migrate vertically very fast. The sand mines the sand above the water table. So the mining itself has no impact on the aquifer. They have four wells on the property, one is for the office, three are considered high capacity wells licensed with the state. They only use two of the wells. They are pumping 1,000,000 gallons a day. That volume of water flows past Lock & Dam 3 every couple of seconds. Most of the water goes back into the sandstone, some evaporates. High capacity wells are permitted by the State. The State did an analysis of the potential impact that the high capacity wells would have on the Village well. They concluded that the wells that Wisconsin Industrial Sand has will not have a negative impact on the Village well. Their objective is to pump less water. They use the water to wash the sand, and the sediment that they wash out of the sand are the tailings that go in the ponds. The tailings ponds are former mined out tunnels. They import clay, pile and compact the clay, therefore isolating sections of the mine tunnels. The water that they use to wash the sand is pumped into the tunnels and the sediment that is washed out of the sand settles out. The water gets re-pumped to wash more sand. Sand is very permeable. So they lose water but it's going back into the ground. The sediment left behind is the fine particles that were in the sandstone to begin with. They are using polymers in the mine. Polymers are complex organic compounds. The use of polymers is permitted by the WI DNR. The State gave them restrictions on their use and they are using them according to the restrictions. There will be no negative impacts by these polymers. They use these same polymers in treating drinking water. With time they will degrade to carbon, oxygen and nitrogen elements. For an industrial operation of this size, they have very low chemical use so it has very low potential impact to affect the environment. This is silica sand they are mining. There is a disease called silicosis which people might get. Just because there is silica sand doesn't mean it's a hazard. Many air and water borne materials such as silica sand are indigenous, natural, and they are essential to the proper function of the ecosystem. The silica sand is everywhere. Regulatory safeguards have been established through a systematic approach of evaluation, potential impact assessment and regulation. So at the Federal and State level, these materials have been researched for many years, specifically in Wisconsin, it has been looked at since 1946. Crystal and silica particulate matter VOC's are all included in the regulatory process and the mine is regulated and required to monitor these things. They have permits that have allowable emission limits. They are monitoring and the date it goes to the state shows consistently that they are between 1 and 8 % of their allowable limits. Buying more property to expand the life of the mine will not change that. Any potential toxic affect that people hear about is related to the dose. There is no greater potential exposure than at the mine. The employees are there 8 to 10 hours a day. Every employee over the course of a two-year period will be monitored with a little pump, for at least one day, to see how much dust they breathe in. We have OSHA, the Mine Safety Health Administration and the State of Wisconsin watching to see that they are not a risk to their workers. At no time have

these personal monitors shown even 50% of allowable exposure concentration. Chairperson Barkla stated that although you thought all the questions that could have been answered were after the meeting the other night, but seeing the look on people's faces and with so many people showing up tonight, to me that indicates there are still a lot of questions to answer. Kurt Oakes, General Manager with Olson Explosives, addresses Mr. Michaud's statement about the meeting a month ago, the results they get over an extended period of time being acceptable and within the legal limits of the State of Wisconsin. In Comm 7 it does address annoyance standards. When the State of Wisconsin comes in to review a blast complaint, they have three gentlemen that come out to do it. The determination looks at whether someone is exceeding those limits on the Z-curve the Siskin curve. Based upon those numbers, the standard practice the mine uses, the likely hood of any damage utilizing current practice, is slim to none. Fetzer asked about the gentleman who had the instrument at his home during the blast, do you take readings on every blast? Mr. Oakes stated that the State of Wisconsin requires that you take a reading with a seismograph at the nearest non-owned residential structure to where those headings are being blasted that day. That information is noted on the shot reports. Fetzer stated then for every shot, you are taking readings somewhere. Mr. Oakes stated yes. Sanden asked Mr. Oakes to readdress the Z-curve and annoyance. Mr. Oakes, When the Department of Commerce comes out to do a complaint investigation; the first thing they look at are the seismic reports. Based upon the information in the seismic reports, as far as the amplitude and frequency, they will not go against anything that is not outside or exceeding the Z-curve throughout history. Sanden stated he understood the Z-curve to have to do with structural damage. Mr. Oakes stated it is potential for structural damage. Sanden asked if it was correct to say that this mine has been investigated from a standpoint of complaints or annoyance. Mr. Oakes stated to the best of his knowledge, he knows of no time that the State has been out to set up a seismograph or investigate. Ms George asked how long they have been monitoring. Mr. Oakes stated he personally does not do the monitoring. The mine has their own seismographs and they do the monitoring. That has been the standard of the State since 2005. Mr. Mcleod stated they will set up another Citizens Advisory meeting next month. They want to be as transparent as possible to minimize any impacts to the greatest extent possible, realizing they have to work in this community as a business and it doesn't do them any good not to work these issues out in a productive manner. Mr. Michaud, back in the 1950's the nuclear power industry was telling everyone that no one understands this like they do. Just leave it alone and they would take care of it. We don't know if we can just leave this to the industry. He wanted to readdress the water issue; extracting water from 700 ft down and discharging at the surface. The whole flow patterns are disrupted. As far as the air, dose response relationships are true, cancer risk is a dose response that is dependant on time. What about an exposure of 24 hours a day, seven days a week for 30 years that the residents have to put up with? Chemicals, the polymers, one of the MSDS sheets says the State of California has determined that this agent can cause cancer. The siskin curve, annoyance, what is the proper standard? Jan Eckhart, Maiden Rock Township, my understanding of aquifers is water contained in the rock, rock is permeable. When rock is removed is that going to make the water less pure? Mr. Krumenacher stated the aquifer is huge. The groundwater basin is as big as the surface water basin. They are only mining a few hundred acres out of ten's of square miles. They are only taking a 25 ft high section of rock (40%) of rock in that area. The rest remains. The impact wouldn't even add up. Nan Michaud, Maiden Rock, addresses again the aquifer. The United States Geological Survey doesn't even have accurate information on our wells. They are from 1989. We need to get a better understanding of the entire State. Fred Harding, new resident of Maiden Rock, appreciates all the sand mine has done for the community and in the Village of Maiden Rock and does not wish to shut the mine down. He wants to come up with a consensus to come up with a solution. We are looking at the mine for another 25 years, what's the impact on the water. The mine is talking about not extending their portals in which they extract their products. What is the assurance of this. The mine assures me that silica dust is not a concern. Blasting, the curves are below, however, there are issues, energy is dissipated. When they hit air that is when damage occurs. The Z-curve doesn't measure long-term impact. The waves are also hitting water, both frozen and solid. That water does not compress and that's also going to put hydraulic pressure on things. Go out

and get little glue-on meters. Put them on a variety of places and measure it over and over again. The mine is asking to blast only seven days a week, 24 hours a day. He would like to see an environmental impact study. Jerry Duden, Chairperson of Maiden Rock, stated this is his first term. He has not heard these complaints until recently. He contacted Mr. Roy and asked if he had any complaints at the County level and there hadn't been. If they would bring the complaints to him, he will follow up on them. The mine has been good at answering his questions. Evie Johnson, closest neighbor to the mine and a retired teacher, stated the mine has always been in touch. They do tours of the mine during Summerfest and then give the proceeds to the community so it can be spent on the kids. They also give to the 4-H. They have a good record for safety. There is a sign-in sheet by the entrance. She feels it's a good company, great neighbor and they are lucky to have them provide employment. Michelle Meyer, property owner in Pepin, questioned why Cheyanne's water is brown.

Public hearing closed. Holst asked Mr. Budinger about the two people that the tunnels encroach on property lines. Were those tunnels old or new? Mr. Budinger stated that Cheyanne's was done back in 2004, prior to the current conditional use permit which had some detailed offsets to property lines. Mr. Laughlin stated the tunnels are probably not on his property. Holst suggested that he had misled the committee into believing they were on the property line and apparently they are outside of setbacks. Sanden asked Mr. Krumenacher what is the recharge rate on the aquifer? Mr. Krumenacher stated that it is about 1/3 precipitation; if you get 36" of rain about 12" goes back into the aquifer. Sanden asked about the Town's recommendation regarding air monitoring of the shafts. Mr. Krumenacher explained the State permitting process doesn't address ventilation shafts or exhaust shaft, air in the mine being moved out. A concern during blasting is that while no one is in the mine is breathing the air for about two hours after the blast – what is the risk to a neighbor near the shaft? A sampling on the air from the shaft was done. They set up a weather station with wind speed around 6 -7 mph with air monitors for oxygen, carbon monoxide and hydrogen. They were up wind from the vent, in the vent and at 50 ft, 200 ft and 500 ft down wind during the blast, after the blast and 90 minutes after the blast. It was determined there were no detrimental impacts. Sanden asked about testing for heavy metals and radon. Mr. Krumenacher stated before a sample is collected it has to be determined; what is the potential for a contaminate? They have to understand why they're testing and what they are testing for. Mr. Budinger stated the MSHA comes in every two years and monitors. Sanden asked if there was any damage to the aquifers, the conditional use permit doesn't shield from a legal suit. Mr. Mcleod stated no the conditional use permit isn't a shield. Mr. Budinger stated they could do a pre-blast survey; go into homes and look at the areas of concern. As the mine grows, more people are affected.

Holst moved to defer action on the conditional use permit request to expand a Nonmetallic Mining operation in the Agriculture Residential District for Wisconsin Industrial Sand Co, agent on property owned by Edmund & Dawn Daleiden, Jeffrey Von Holtum and Lost Creek Farms until the January 19, 2011 LMC meeting/ Rohl seconded. All in favor. Passed. The next agenda item will also be deferred until January 19, 2011.

Discuss take action on a request for renewal of a conditional use permit for Nonmetallic Mining 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. Brad Roy presented background information and noted that no complaints had been received regarding this mining operation.

Staff Recommendation: Staff recommends the Land Management Committee consider the above and, if it is determined that additional conditions are not necessary to protect the public interest, health, safety or character of the area, renew this conditional use permit with the following conditions:

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 annually for all wells within 1000 feet of the proposed mining operation.
6. The applicant shall notify the Zoning Office if groundwater is encountered.
7. Dust control measures shall be implemented along haul roads.
8. Hours of operation are 7:00am to 6:00pm Monday through Friday and 7:00am to 4:30pm on Saturday.
9. Recycling of concrete, asphalt, and bricks into Class five materials is allowed.
10. Reclamation shall be according to submitted plans.
11. Applicant agrees that any unforeseen erosion issues shall be addressed to the satisfaction of the county.
12. This CUP renewal shall expire in two years.

Sanden asked Mr. Roy if there have been any complaints. Roy stated no.

Holst moved to approve the conditional use permit renewal for Nonmetallic Mining for Rumpca Excavating due to the fact it is determined conditions are adequate to protect the public interest, health, safety and the character of the area, with conditions #1 - #12/Fetzer seconded. All in favor. Passed.

Discuss take action on Travel/Training Requests. Andy Pichotta reports: There was recently a change in policy by the County that any travel/training requests need to be approved by the standing committee or committee chairperson. This will be an item that will always be on the agenda, though there will not always be something to take action on. We had a couple of classes for continuing education credits that Jim and Emily need to be sent to that Chairman Barkla had already signed off on.

Departmental Update and Future Agenda Items

- Public hearing for a Utility Facility (Substation) in Town of Hartland.
- Approval of a 2-Lot major CSM in Town of Ellsworth
- Brekken Heliport conditional use permit renewal
- Proposed Code Amendments relating to Agritourism

Motion to adjourn at 09:40pm by Holst/Rohl seconded. All in favor. Motion carried.
Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING REVISED AGENDA
Wednesday, December 15, 2010 – 7:00 p.m.
County Board Room, Pierce County Courthouse,
414 W. Main St. Ellsworth, WI 54011**

#	Action	Presenter
1	Call to order	Chair
2	Set next meeting dates: January 5 th & 19 th , February 2 nd & 19 th , March 2 nd & 16 th , all in 2011.	Chair
3	Approve minutes of the November 17, 2010 Land Management Committee meeting.	Chair
4	Public hearing to consider a request for a conditional use permit to expand a Nonmetallic Mining operation located in the Agriculture Residential District for Wisconsin Industrial Sand Co, agent on property owned by Edmund & Dawn Daleiden, Jeffrey Von Holtum and Lost Creek Farms, on property located in Sections 10, 11, 13 & 14, T24N, R16W, Town of Maiden Rock, Pierce County, WI.	Roy
5	Discuss take action on review and potential modification of a Conditional Use Permit for Nonmetallic Mining for Wisconsin Industrial Sand - Maiden Rock Facility on properties in the Agriculture Residential District, owned by Wisconsin Industrial Sand Co, Edmund & Dawn Daleiden, Dean & Mary Holden, David & Rayna Kassa and William & JoAnn Steele, all in Sections 13 & 14, T24N, R16W, Town of Maiden Rock, Pierce County, WI.	Roy
6	Discuss take action on a request for renewal of a conditional use permit for Nonmetallic Mining 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
7	Discuss take action on a request for renewal of a conditional use permit for nonmetallic mining for Rickey Diesing, owner of a parcel located in the SW ¼ of the SE ¼, in Section 5, T24N, R17W, Town of Isabelle, Pierce County, WI.	Roy
8	Discuss take action on Travel/Training Requests	Pichotta
9	Future agenda items and departmental update.	Pichotta
10	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.

(12/03/10)

*** Revised December 8, 2010 at 2:07pm.**

MINUTES - Pierce County Land Management Committee Meeting, November 17, 2010

Present: Paul Barkla, Jeff Holst, Don Rohl, Eric Sanden and Joe Fetzer

Others: Andy Pichotta, Jim Kleinhans, Brad Roy and Shari Hartung

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

Next meeting dates: December 1st & 15th, all in 2010.

Approve Minutes: **Fetzer moved to approve the November 3, 2010 LMC minutes/Rohl seconded. All in favor. Passed.**

Public hearing to consider a request for a conditional use permit for Filling and Grading in the Shoreland/Wetland District for a snowmobile crossing for Dale & Suzanne Gilles, owners by Alan Clare, agent on property located in the NE ¼ of the NW ¼ of Section 15, T25N, R15W, Town of Union, Pierce County, WI. Chairperson Barkla invited Mr. Clare forward: Mr. Clare explained that the Plum City Ridge Runners would like to request the conditional use permit to cross a dry run located along side the road that goes past the Herbison Farm. They would like to fill in part of the ditch and make a crossing from County Road CC to Plum City.

Staff Report – Jim Kleinhans: The Plum City Snowmobile Club is requesting a conditional use permit for filling and grading in the Shoreland/Floodplain District. The design was put together by Rod Webb from the Land Conservation Office. The project crosses a drainage that drains approximately 1600 acres so at times it sees a lot of surface water flow. The club originally had a bridge that crossed this channel and recent floods washed it out. They're looking for a better option to make that connection to Mr. Gilles' field. The Dept of Natural Resources was notified on this request and their response was if it's considered a navigable stream, a general or individual permit would be required for a fjord crossing. Because of the time of year, the design shows use of dormant seeding. They propose using bromegrass, creeping red fescue and rye. Kleinhans suggested that geotextile fabric be used to stabilize the side slopes that are graded in order to get the slope into the channel. The crossing is of a 16 ft wide channel. Some of the slopes are near vertical so it needs a little cutting and filling in order to accommodate machines going in and out of the ditch. The Shoreland section of the zoning code requires a conditional use permit for filling and grading on slopes of a certain degree. So any filling and grading within 300 ft of navigable water would require a permit. The Town of Union approved this proposal on their October 20, 2010 meeting without any concerns and without any reference to a land use plan. The Pierce County Land Use Plan promotes the use of non-automotive modes of transportation while protecting the natural resources before, during and after the development of land use.

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

1. Contractor shall secure all necessary state and local permits and approvals prior to commencing operations.
2. The Land Management Dept shall be notified at the project initiation.
3. Dormant seeding and mulch secured with erosion control fabric shall be installed immediately upon final grades that are not covered or protected with rock.
4. The dormant seeding shall be fenced this season to keep machines off until the vegetation is established.
5. The conditional use permit shall extend for 12 months to allow for final site restoration.

Chairperson Barkla opened the hearing to the public. No public input. Public hearing closed.

Sanden asked Jim if this will change the capacity of this tributary to carry water. Kleinhans stated no, it was designed as a fjord so any excavation they take out for the rock they will just refill back to the original grade. With the cuts and fills to make a more gentle slope, there's no net loss in the capacity of the channel. Holst stated Rod thought it would actually increase the carrying capacity of the channel. Rohl asked if it doesn't have to have a culvert. Kleinhans stated the whole idea was to keep the channel open. **Holst moved to approve the conditional use permit for Filling and Grading in the Shoreland/Wetland District for a snowmobile crossing for Dale & Suzanne Gilles, owners by Alan Clare, agent, due to the fact this request is not contrary to the public interest or detrimental or injurious to the public health, public safety or the character of the surrounding area, with conditions #1 - #5/Rohl seconded. All in favor. Passed.**

Discuss take action on a request for renewal of a conditional use permit for a Farm & Home Based Business in the General Rural Flexible 8 District by Rudy & Cathy Jungwirth for Valley Vineyard, owners on lots 6, 7 & 8, located in the SW ¼ of the NW ¼ of Section 23, T26N, R19W, Town of Oak Grove, Pierce County, WI. Mr. Jungwirth stated he has a winery and a tasting room in his residence. He received a conditional use permit a year ago and business has been more than they expected this year.

Staff Report – Brad Roy: The applicants received a conditional use permit on November 18, 2009. They grow grapes and produce wine and also offer wine tastings, tours and sales of cheese, maple syrup, cookbooks and art work. The operations take place in an accessory structure. There is one part-time employee. Hours of operation are 10am to 6pm, Wednesday through Sunday. A sanitary permit was issued on September 15, 2010 for the building sewer connection from the business to the onsite sewer system. Staff has received complaints about this operation, which include increased traffic, not enough parking, and concerns about signage. At the time the CUP was issued an unpermitted advertisement sign was located on County Road E and 521st Street. That sign has been removed and the applicant now has permitted Tourist Oriented Directional Signs from the DOT and the Pierce County Highway Department located along Hwy 10, Hwy 35 and County Road E. Staff has been to the site and there is adequate space for 12 vehicles to park. The Town of Oak Grove was contacted for comments or concerns regarding the renewal of this conditional use permit. No concerns were conveyed. The existing conditions #1 - #9 are listed 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 any impacts on the public health, safety, the public interest and character of the area and renew this conditional use permit with the following conditions:

1. No more than 8 persons not residing on the site shall be employed in the business.
2. The entire business area shall not exceed 5,000 square feet in an accessory structure.
3. The applicant shall delineate 12 parking spaces that will be available for customer parking and there shall be no on-street parking.
4. Any proposed advertising signs shall comply with the zoning code standards and any necessary permits secured.
5. If the liquor license is not renewed annually, sales of wine need to cease.
6. The CUP shall expire in 2 years or if compliance issues arise. Renewal may be completed administratively if no compliance issues arise.
7. Applicant understands that expansion or intensification of this use will require modification to this conditional use permit.

The two conditions that were omitted were the old #4 regarding the advertisement sign and #6 regarding the sanitary permit. Staff is recommending a change of condition #6 to state "The CUP shall expire in 2 years or if compliance issues arise. Renewal may be completed administratively if no compliance issues arise." Chairperson Barkla asked how many complaints there have been. Roy stated that he has received about 3 to 5 complaints. The last one was approximately three months ago. Sanden

asked about the complaint regarding signage. Roy stated that there may have been confusion regarding this issue. There was a condition stating that an unpermitted sign located out on County Road E needed to be removed. The applicant did go out and received permitted signs from the DOT and the Highway Dept in the same location. Sanden asked Brad to explain the complaint about the parking. Roy stated there wasn't a complaint about parking but some people felt there wasn't adequate parking on site. Jerry Nelson, a neighbor, stated when Mr. Jungwirth first started this thing it was going to be selling wine over the internet. There are now tour buses and extra traffic. He wasn't aware that he had gone this far with the permits to do the other things. Ben Huppert, a neighbor, stated this development was originally residential and was changed to agricultural for a woman that wanted to have horses. This opened up the floodgates for the vineyard dream. When they went to the Town Board with concerns, they were told it was going to be internet sales and open on the weekends. Now it's a five day event. His big concern is traffic; there are buses coming in and out. They are parking up the side of his driveway and walking behind his house and he feels he has lost his privacy. Mike LaCasse stated he spoke with Mr. Roy this summer and the unpermitted sign was up all summer long until the County put up the other sign. Mr. Jungwirth said he was going to have one tour bus by appointment or maybe two buses a week. He added a day and expanded his hours everyday. Traffic is his biggest concern. There are 30 to 40 cars on the weekend and it's a dead end street. The cars are parked on the grass all the time. Mr. Jungwirth stated he has had three buses there all summer. Holst asked where Mr. LaCasse lives in relation to Mr. Jungwirth's property. Mr. LaCasse stated he lives on the other side of Ben Huppert. Holst stated we have been asking applicants to build fences lately. Some sort of screening between Huppert's property and Jungwirth's property would be advantages to all parties. Parking also seems to be an issue; perhaps 12 parking spaces are not enough. Maybe you need to carve out enough spaces to get the traffic off the street. The development used to be farmland and now it's residential. But Mr. Jungwirth's use of his property is compatible with that zoning district. Anything this committee can do to help alleviate the problems, we should attempt to do. Chairperson Barkla asked Mr. Huppert, Mr. Nelson and Mr. LaCasse to keep track of the traffic and the days it's the busiest and contact Brad, Andy and himself so they can get a firsthand view of the complaints. Sanden asked Brad if this represents an intensification of use - the additional hours. Even though the hours of operation were never codified in the original conditions. Roy stated he doesn't think it would have since nothing was ever established to set a limit. Pichotta stated intensification does not typically have anything to do with an increase in hours but with an expansion or intensification of activities, for example, if you were selling gasoline to begin with and now you are selling food too. Sanden stated that it was claimed that originally it was going to be internet sales. Roy stated there were two permits issued; first an over-the-counter home business permit was issued. However, at the time it became a conditional use permit the idea of tours and sales was presented to the committee. Sanden asked Rudy how often have there been cars parked on the road? Mr. Jungwirth stated that there never has been, they've never gone more than halfway up his driveway and that is still 300 – 400 ft. There is parking along the grass if it gets to be a busy day. My normal traffic is 4 – 5 cars. Last week we probably had 25 – 30 cars. Sanden asked if the 25 – 30 cars is a maximum since you opened? Mr. Jungwirth stated he has looked at putting in a 25 car parking spot along with the parking for two buses, on the lower part of his property so you wouldn't even be able to see it from the road. **Holst moved to approve renewal of the conditional use permit for a Farm & Home Based Business for Rudy & Cathy Jungwirth for Valley Vineyard due to the fact the established conditions are adequate to protect the public interest, public health and safety and the character of the area with conditions #1 - #7 and adding #8 Plans to screen the commercial activities shall be presented to the Land Management Committee and #9 All parking shall be on site and adequate parking shall be delineated./Sanden seconded. All in favor. Passed.** Holst stated that this should be brought back before the committee for review in six months.

Discuss take action on a status report for a Nonmetallic Mining conditional use permit for CMC-Spring Valley LLC, owner on property located in the SE ¼ of the SE ¼ of Section 9, T27N,

R15W, Town of Spring Lake, Pierce County, WI. Chairperson Barkla invited Jim Small

forward: Mr. Small stated he met with the Town because of some complaints he had received. They were operating in that wind after the dry weather. They are going to drop the conveyors down. The material was dropping a good 20 ft from the air which was creating dust. They adjusted the one already and will lower the other before spring. He had a complaint about the stockpile which could be seen over the berm. He noted that he had planted a dozen more trees on top. Most of the complaints he has received are about the traffic. The majority of the material is for their plants in Roberts and Eau Claire however they have byproducts they would like to be able to sell instead of having them pile up; sand which is used for asphalt, the lime for the farmers and some clay. There are trucks that are not County Material's trucks and they are the ones that aren't tarped. Those trucks also are the ones jake braking. Also, the trucks hauling ag lime sometimes don't have tarps. The dust problem they are fixing. The visual aspect; as soon as they could they moved the primary crusher down. As soon as there is enough room for the dry end, the ag lime end of things, the screener will be down in the hole also. They will fix up, re-grade and seed the berms on the north end. The stormwater is working well even with the big rains. There weren't any big washouts in the quarry. Everything runs into the quarry. Jim stated he is always willing to respond if he hears from people. He sampled the wells last week but doesn't have the results yet. We'll get an updated map to you. Faye Jones, Town of Spring Lake, thanked the committee and stated Jim Small has been a communicative and responsive person. She requested that County Materials support the Township with gravel, when roads are washed out and also help support the walking and bike paths. She emphasized that things have changed in the Township with the noise and dust. You can see the mine. Limited hours are appreciated so people can make plans. Mike Jacobson, Town of Spring Lake Supervisor, 3 ½ yrs ago - the Town recommended denial to this board for the same reasons they are here tonight. It's an eyesore from the air and ground. The piles above the berms are unacceptable. The elevator is at a fixed height. The noise is getting better because they are going deeper. He hears sentiment from the neighbors about the hours. There was one incident when they exceeded the hours but there was a power outage and they shut down as soon as they could. The CMC trucks are coming out without tarps also. The frequency, we were told would be every 15 minutes but they are running hard. Evelyn Jensen, the closest neighbor, stated that the dust issue has been going on for a long time. When the winds get to be 20, 30 or 40mph, she is in the house all locked up. She gets about an eighth inch of silt on the window sills. A year ago, the blasting had gotten so horrendous; it knocked down 2x4's and 2x6's off the wall in the shed. She worries about the integrity of her basement. The start and stop times are worse. The piles of sand right next to the berm and the height causes a lot of the dust. Greg Wells along with his wife Sherry, live just north of the pit, the number of trucks running a day has exceeded the number they were told. They just counted 80 trucks in one day, they are running back to back. When they come over the hill by his house and hit the jake brakes the boxes hit the frames and it sounds like they are dragging chains. For the blasting measurement, they use an instrument at the end of the driveway, while he is at his computer his chair pitches and the electrical wire outside is doing loops. County Materials is probably running 12 trucks and 4 semi's, the other 65 trucks are not abiding by the instructions about jake braking, the speed and tarps. Chairperson Barkla stated that every six months it's a pleasure to see you Jim but maybe Mr. Sonnentag should come to this committee and justify what he has done or hasn't done. Maybe you and Mr. Sonnentag should come back in three months.

Staff Report - Brad Roy: You are familiar with the operation. Land Management staff doesn't receive a lot of complaints since they are filtered through the Town. You're aware of the issues presented by the Town. Holst stated that perhaps if you had a committee of some of the neighbors that Mr. Sonnentag met with on a weekly basis and the concerns were forwarded to the Land Management Committee on a weekly basis, we could address the issues considerably more rapidly. With Evelyn's concern about her house, perhaps you could do a structural survey on the house, Mr. Wells' house also. If the errant blasts are doing structural damage, they can develop a base line today on the homes. If it is damaged during this blasting then CMC will have to fix what they've done wrong. They will bring in an independent structural engineer to protect both CMC and the neighbors. Holst stated maybe you

should plant some more trees and get your own trucks tarped. It's one of the conditions in the permit that you agreed to so let's abide by it. Mr. Small stated he discussed the jake brakes with the Town, maybe we can get it posted and the drivers can get a ticket. Bill Klanderman stated that when Jim Small is around things get done so maybe the committee should consider having County Concrete have a person on site full-time that would report to this committee. Sanden stated Jeff Holst addressed the blasting and the noise but what about the dust? How long before those ag lime piles are below the berm? Mr. Small stated that the one conveyor has been lowered and the other will be before they are operating in the spring. They took a lot of rock out this year which is double what they did in 2009. In two or three years they will be able to move that down. Sanden asked if there is any industry standard of when you shut down an operation because of wind. Mr. Small stated lowering those conveyors will make a big difference. We prefer to have it at our judgment. It has to do with moisture also. It would be a difficult condition to pin down. Chairperson Barkla suggested that Mr. Small get someone down there for the day to day operations that can make those judgments. Pichotta stated that we are going to step up our monitoring of activities to ensure compliance with conditions and suggested the County Materials make sure you are tarping your loads. **Chairperson Barkla directs staff to have CMC come back before the committee in three months and to possibly look at additional conditions.**

Discuss take action on review and potential modification of a conditional use permit for Nonmetallic Mining for Wisconsin Industrial Sand – Maiden Rock Facility on properties in the Agriculture Residential District, owned by Wisconsin Industrial Sand Co, Edmund & Dawn Daleiden, Dean & Mary Holden, David & Rayna Kassa and William & JoAnn Steele, all in Sections 13 & 14, T24N, R16W, Town of Maiden Rock, Pierce County, WI. Staff Report – Brad Roy: The committee renewed the conditional use permit for nonmetallic mining on September 15, 2010. In 2008 during the renewal the condition regarding blasting was modified allowing Industrial Sand to blast without restriction, however, the condition stated if complaints were received, the previous restrictions would go back in place. At the last renewal on September 15th staff had not received any complaints. However, since then we have received complaints so that issue is back to the committee to see if blasting restrictions need to be imposed. The condition we're talking about states "Blasting shall occur up to seven days a week with no time limit constraint unless complaints are received. If complaints are received, previous time restrictions shall be reinstated. (Blasting shall occur no earlier than 5am up to four times a week, including Saturday.) The other conditions are listed #2 - #11 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 and make any additions or modifications to the established conditions deemed necessary. In terms of the other conditions they are in compliance and have submitted all the reports as required. Fetzer asked if all the complaints have been on blasting. Roy stated there have been numerous complaints because of proposed expansion but as to the established conditions what we're here tonight to talk primarily about the blasting. At the expansion meeting, we will hear more. Rich Budinger, Regional Manager for WI Industrial Sand, they have had discussion on blasting and other nonmetallic mining concerns. Within the last two to three weeks they have been working with the Village and the Township on a different matter concerning their conditional use permit. They've been attending a quite a few public hearings. Several issues have been brought up at the meetings. One of the things they've heard is evident to them that they have been guilty of being unapproachable. They are listening and have proposed a community advisory committee to improve their communication and public relationships. Chairperson Barkla stated we'll talk about the blasting issues and get to the other issues in another month. Mr. Budinger noted that with him are Al Nelson, Plant Manager of the Maiden Rock Facility, Michele Maxson, Environmental Health and Safety Coordinator, Sarah Leonard, Office Administrator at the Maiden Rock Facility, Mark Waters, Plant Manager at Bay City and Hager City, Blasting Specialist from Olson Explosives, Kurt Oakes and Eric McCloud, from Michael Best Associates who is their legal counsel. When talking to Mr. Roy, he asked him the names

and nature of the complaints but Brad stated that everything was logged anonymously. One of the things we've requested is to get feedback from our neighbors. If they call the office Sarah is there, otherwise Al's phone is open and Mr. Budinger has a phone at the facility as well. They asked for feedback and got general feedback with blasting complaints. They gathered data from the past three months to show the committee typical vibrations, included a calendar of what days they have shot over the last three months, how many headings, property map showing locations, our neighbors, addresses. The last page is the active mine workings and the proximity to our neighbors, essentially how we manage our program. We're available to answer any questions. Roy stated the complaints were the frequency and the vibrations caused by the blasting, nothing about a specific time of day. Chairperson Barkla asked Mr. Budinger if they have had any complaints on blasting. Mr. Budinger stated not on blasting and not on other issues either. They are working on putting together this citizen advisory committee with the help of Judy Daleiden, Village President of Maiden Rock and Jerry Duden, Town Chairperson. Kurt Oakes, General Manager with Olson Explosives, explained blasting practices, acceptable limits and criteria, z-curve, peak particle velocity and procedures. Sanden stated the average isn't really as important as the maximums or minimums because it only takes one to cause damage. Is there any effect on distance from the blast for velocity or frequency? Mr. Oakes stated distance from the blast will reduce the peak particle velocity and reduce the frequency. Sanden asked Brad if the complaints are structural damage, the aesthetics or the noise. Roy stated it's hard to characterize all the complaints; typically it was the number of blasts, the noise and the vibrations it caused. Holst stated looking at the blasting calendar; you are only blasting four days a week so you are well within the parameters of the previous condition. Mr. Budinger stated the last time we were before the committee was in September where we did request unlimited blasting. It takes some development, several months to change the mine planning, developing more headings to spread that out. Our intention is still to spread the blasting out over several days. Fred Harding, Village of Maiden Rock, inquired about the effects on residential structures by frequencies that are in the frequency range of the blasts that are occurring. We're talking about solid structures and what's happening here is the frequencies being hit are rattling things in the house. Can we address that? Mr. Oakes stated that for every action there is an equal and opposite reaction. Whenever you move something, it's going to push back. Whenever we shoot, there's going to be a vibration. But it's the frequency and the particle velocity in the blasts that dictates the potential for damage to occur. If there are dishes rattling, you will feel it and hear it because it's sitting above the earth. It has a chance to move. It's referred to in the industry as an oil-can effect. If there's structural damage, it's exceeding the limits as depicted on the z-curve graph. A woman from the Village of Maiden Rock explained that when they moved to the Village approximately 6 years ago on County Road S, they were woken up at 5:00am with a blast that shook every window in the house and the echoing afterward was horrifying. Mr. Oakes stated when he analyzed the data, generally speaking they are shooting between 4:00pm and 6:00pm. They try to shoot around 5:00pm because everybody is up. Rebecca Enberg asked what would be the cause of a sinkhole. There was a deep sinkhole across from their house. Mr. Budinger explained that several years ago there was some exploratory drilling done on that property. As a result there was a void left when they pulled the casing. To his knowledge there have been three holes that have had to be filled in. This drilling was done approximately 11 years ago before WI Industrial Sand purchased the property. He thinks the drilling was done for due diligence on the acquisition. When they pulled the casing out, typically what they do is backfill with bentonite and then seal the hole. When they pull the casing the dirt falls in around the hole, there was a void in there and over time the rain may be caused the area to fall in. A gentleman asked what are headings? Mr. Budinger explained they are the active faces in the underground workings, the ends of the tunnels. They go in and drill horizontally 12 – 14 ft into that heading and that's where the next shot (blast) is. Every blast is essentially 12 – 14 ft of sand being shot out of the heading which is at the end of the tunnel. The same gentleman asked, what does 11 headings mean? Mr. Budinger stated 11 headings means that on that event - 11 headings were shot on that sequence, there is a timing sequence more like a domino affect. Not all the headings are done at once but in a two second total duration. They time it in milliseconds. Chairperson Barkla suggested that in

advance of you being on the LMC agenda, it would serve you well to have a community meeting where this kind of information can be made available in the Village of Maiden Rock and the Town of Maiden Rock. It may move your request on more quickly. The policy issues, where the greater use could be the focus of this committee rather than these individual questions. Holst questioned Mr. Oakes, you stated earlier you aren't a proponent of early morning shots. What would be the ideal time to conduct a shot? Mr. Oakes stated for an underground unit, you want to do it during normal business hours. Holst stated we could just move this 5:00am back to 8:00am which the earlier conditional use permit stated. Mr. Budinger stated one of the goals of the community advisory committee is to develop a timeframe. Holst asked anyone that lives next to the railroad tracks to explain how the blast compares to a loaded train going by. A gentleman stated that he doesn't hear blasting in his location. Karen Laughlin stated she hears blasting and has lived a block from the railroad tracks. The blasting has more vibration and its much louder. The windows are rattling and she is concerned about her foundation. She would like to retrieve a copy of the video that was done of her property for two hours in 2009. Holst asked Mr. Nelson if he was going to take care of that. He stated yes along with Mr. Budinger. Another resident compared the difference between the railroad and the sand mine. At approximately the same time she was awoken by the blast, she was keeping track of the blasting. She lives at the highest level in Maiden Rock and she cannot tell by the maps where the tunnels are in relation to her property. When she would feel the blast she would go see if the trains were running. After she talked to Tim Stauffer, the mine changed their blasting time to 3:00am – 5:00am. At that time she believed they were blasting at the top of County Road S. She stated the vibration must be coming through the tunnel. The complaints that were raised in Maiden Rock were raised a long time ago. She knows that it creates jobs for good people. She is concerned about these complaints being after the fact and we're going to get more of them because the mine wants to expand. It does not look like anything proactive is happening. Mike Michaud, Maiden Rock Township stated he lives a mile east of where they are mining. He is speaking for a friend who is affected by the mine. He congratulated the mine crew for operating at a safe range and if they aren't we should be shutting them down. He read information from Comm 7.42 and Comm 7.44 regarding blasting. He also compared the blasting to shadow flicker from a wind tower. He stated he liked the idea he heard tonight about developing more tunnels so that will diversify their blasting. Condition #3 with the 100 ft buffer, he questioned what analysis led to the 100 ft buffer. He believes they are observing even more than 100 ft and people are still feeling it. He would ask that you observe a larger buffer. Corrine Young, Maiden Rock Township, questioned how the blasting affects the aquifers. If the well does go dry, can it ever be fixed? Mr. Oakes address the affect on aquifers, noting that there have been documented cases where there has been damage to wells. However, the US Bureau of Mines was involved with an in depth study and documenting occurrences throughout the Eastern US, where they were causing damage to wells and in only one occurrence in one shot did they manage to actually shut off the well. When they monitored the vibration on that one they were in excess of 12 inches per second. Based upon the numbers, the likelihood is very slim. To address the aquifers, he isn't a hydrologist but in his career they have never cut off the water to a residential well. Granted there are more sand-point wells in the upper Midwest than anywhere he has lived. Chairperson Barkla asked when this group is coming in before the LMC again. Pichotta stated it is his understanding that they had submitted a conditional use permit application for their proposed expansion today. That would put them on the Dec. 15th LMC meeting for a public hearing. Chairperson Barkla suggested those issues that have been raised tonight be considered as the staff drafts the staff report and suggests additional conditions. We have received a great deal of interesting information. He stated that the folks from Fairmont owe the citizens answers to their questions. Mr. Budinger stated the community advisory committee is a great way to begin communicating. But if someone has an issue with a well, they will address it. They have structural engineers that can do pre-blast or post-blast surveys. We're not turning away from any issue, we want to address them appropriately. **No action taken.**

Departmental Update and Future Agenda Items

Working today for a better tomorrow

Renewal of a CUP for Nonmetallic Mining for Rumpca Excavating in Clifton
Public hearing for expansion of Wisconsin Industrial Sand in Village of Maiden Rock

Motion to adjourn at 9:14pm by Holst/Rohl seconded. All in favor. Motion carried.
Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING REVISED AGENDA
Wednesday, November 17, 2010 – 7:00 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: December 1 st & 15 th if necessary, all in 2010.	Chair
3	Approve minutes of the November 3, 2010 Land Management Committee meeting.	Chair
4	Public hearing to consider a request for a conditional use permit for Filling & Grading in the Shoreland/Wetland District for a snowmobile crossing for Dale & Suzanne Gilles, owners by Alan Clare, agent, on property located in the NE ¼ of the NW ¼ of Section 15, T25N, R15W, Town of Union, Pierce County, WI.	Kleinhans
5	Discuss take action on a request for renewal of a conditional use permit for a Farm & Home Based Business in the General Rural Flexible 8 District by Rudy & Cathy Jungwirth for Valley Vineyard, owners on lots 6, 7 & 8, located in the SW ¼ of the NW ¼ of Section 23, T26N, R19W, Town of Oak Grove, Pierce County, WI.	Roy
6	Discuss take action on a status report for a Nonmetallic Mining conditional use permit for CMC-Spring Valley LLC, owner on property located in the SE ¼ of the SE ¼ of Section 9, T27N, R15W, Town of Spring Lake, Pierce County, WI.	Roy
7	Discuss take action on review and potential modification of a Conditional Use Permit for Nonmetallic Mining for Wisconsin Industrial Sand - Maiden Rock Facility on properties in the Agriculture Residential District, owned by Wisconsin Industrial Sand Co, Edmund & Dawn Daleiden, Dean & Mary Holden, David & Rayna Kassa and William & JoAnn Steele, all in Sections 13 & 14, T24N, R16W, Town of Maiden Rock, Pierce County, WI.	Roy
8	Future agenda items and departmental update.	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.

(11/5/10)

*** Revised 11-15-10 at 9:46am.**

MINUTES - Pierce County Land Management Committee Meeting, November 3, 2010

Present: Paul Barkla, Jeff Holst, Don Rohl, Eric Sanden and Joe Fetzer

Others: Brad Roy and Shari Hartung

Absent: Andy Pichotta

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

Next meeting dates: November 17th, December 1st & 15th, all in 2010.

Approve Minutes: **Sanden moved to approve the October 20, 2010 LMC minutes/Rohl seconded. All in favor. Passed.**

Discuss take action on a request for renewal of a conditional use permit for Nonmetallic Mining for the Gilles Quarry by American Materials, agent on property owned by Marvin & Mina Gilles, 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 – Brad Roy: This nonmetallic mining operation was originally permitted in 1998. All permits have been kept current since then. The mining site has approximately 5 unreclaimed acres. Access to the mine is off of US Hwy 10. Hours of operation are 6:00am to 9:00pm Monday through Friday and 6:00am to 12:00pm on Saturday. There are renewal fees with this mine. No complaints have been received about this operation. All appropriate information has been submitted. The existing conditions #1 - #10 are listed 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 additions or modifications are deemed necessary, staff recommends this CUP be renewed with the following conditions:

1. Applicant shall follow all recommendations and receive all necessary permits from other agencies.
2. A 100 foot 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. Applicant agrees that any unforeseen erosion issues shall be addressed to the satisfaction of the county.
9. Applicant shall pay renewal fees.
10. This CUP shall be renewed every two years.

Holst stated this has been before us many times; they had a little dirt to begin with but they have cleaned it up good. **Holst moved to approve the renewal of the conditional use permit for Nonmetallic Mining for the Gilles Quarry by American Materials due to the fact the established conditions are adequate to protect the public interest, public health and safety and the character of the area, with conditions #1 - #10/Fetzer seconded. All in favor. Passed.**

Discuss take action on a request for renewal of a conditional use permit for Nonmetallic Mining for Pierce County Highway Department, agent for Greg Bisel, owner on property located in the W ½ of the NW ¼ of Section 5, T25N, R16W, Town of Salem, Pierce County, WI. Staff Report –

Brad Roy: Again this is a renewal. The last renewal was in 2008. In 2008, there was a blast which took out the south wall along Hwy 10. In February 2010, the LMC allowed the Highway Department to mine within the Hwy 10 setback to remove a portion of the highwall that had become unstable. The wall has been stabilized and the situation is better than it was. The mining site is approximately 17 acres in size. Access to the mine is off of Hwy 10. Approximately 5 acres have been mined. The active mining area is approximately 6.5 acres. The existing highwalls are approximately 100 feet. The original plan states that the highwalls will be benched to limit the heights to 35 to 50 feet. The plan states the mine will be restored to slopes of 3:1. A dry run is on the property. The mining area has not disturbed the dry run at this point, but future expansion may become an issue. There are no wells on the property; therefore no washing takes place onsite. The operation typically removes 30,000 to 40,000 tons of material each year. Blasting takes place dependant upon when material is needed. Hours of operation are 7:30am to 3:30pm Monday through Friday, except in June, July and August; hours of operation shall be 6:00am to 6:00pm. The existing conditions #1 - #16 are listed 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 additions or modifications are deemed necessary, staff recommends this CUP be renewed with the following conditions:

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. A groundwater response plan detailing resources used to protect the quality of groundwater beneath and adjacent to the extraction operation and proposed response to encountering groundwater shall be submitted to the Zoning Office. The Zoning Office shall be notified if groundwater is encountered and further operations shall cease until the response plan is implemented.
4. A reclamation plan that is consistent with the requirements of Chapter 241 shall be approved by the Zoning Office. A plan review fee shall be submitted with the plan.
5. 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.
6. Fencing shall be installed around the northern edge of the mine.
7. 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.
8. Applicant shall comply with NR 135 Annual Reclamation Permits.
9. All blasting shall be done by a certified state licensed blaster.
10. Residential property owners located within 1000 feet of mining operations shall be given a two day notice of any planned blasting.
11. 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.
12. An erosion control plan for the side of the south wall facing Hwy 10 shall be implemented in a timely manner. The plan shall be approved by the Zoning Office.
13. Any unforeseen erosion issues shall be addressed to the satisfaction of the Zoning Office or the Land Conservation Department.
14. Applicant shall receive all necessary permits from other agencies.
15. 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.
16. A renewal fee of \$200.00 plus \$20 per acre shall be paid.
17. The Reclamation Plan shall be modified to reflect the changes of the mine.

Sanden asked if there have been any complaints. Roy stated there have been no complaints since the last renewal. Chairperson Barkla asked if the committee could be promised no more errant blasts. Mr. Johnson stated they use a certified blasting professional. Holst asked if they are going to have enough room for the 3:1 slope. Mr. Johnson stated if they are up 100 ft they have to come out 300 ft so yes, they will. He stated he has a question on the fencing, what type of fencing are you looking for; chain link? Roy stated what you feel would be appropriate. The northern edge had expanded across property lines many years ago, so there is a condition #6 that fencing be installed as a safety measure. The last we heard, the plan is to try to acquire that land to the north. Mr. Johnson stated that is a lease. Holst asked why we don't enforce the fencing on the County like we do on private citizens on other issues. Mr. Johnson stated the fence won't be a problem. Holst stated the fence wasn't a problem two years ago and it isn't up. Chairperson Barkla stated Mr. Holst is asking when we can expect to see the fence up. Mr. Johnson stated by the end of the calendar year. **Holst moved to approve renewal of the conditional use permit for Nonmetallic Mining for Pierce County Highway Department, agent on property owned by Greg Bisel with conditions #1 - #17 due to the fact the established conditions are adequate to protect the public interest, public health and safety and the character of the area/Sanden seconded. All in favor. Passed.**

Departmental Update and Future Agenda Items

CUP for a snowmobile bridge in the Town of Union

Renewal of a vineyard in Town of Oak Grove

Status report of County Materials in Town of Spring Lake

Motion to adjourn at 7:10pm by Holst/Rohl seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING REVISED AGENDA
Wednesday, November 3, 2010 – 7:00 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: November 17 th , December 1 st & 15 th , all in 2010.	Chair
3	Approve minutes of the October 20, 2010 Land Management Committee meeting.	Chair
4	Discuss take action on a request for renewal of a conditional use permit for Nonmetallic Mining for the Gilles Quarry by American Materials, agent on property owned by Marvin and Mina Gilles, 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.	Roy
5	Discuss take action on a request for renewal of a conditional use permit for Nonmetallic Mining for Greg Bisel on property located in the W ½ of the NW ¼ in Section 5, T25N, R16W, Town of Salem, Pierce County, WI.	
6	Future agenda items and departmental update.	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.

(10/22/10)

***Revised October 26, 2010 at 4:49pm.**

MINUTES - Pierce County Land Management Committee Meeting, October 20, 2010

Present: Paul Barkla, Jeff Holst, Don Rohl, Eric Sanden and Joe Fetzer

Others: Jim Kleinhans, Brad Roy and Shari Hartung

Absent: Andy Pichotta

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

Next meeting dates: November 3rd & 17th, December 1st & 15th, all in 2010.

Approve Minutes: **Sanden moved to approve the September 15, 2010 LMC minutes/Rohl seconded. All in favor with Fetzer abstaining due to his absence from the last meeting. Passed.**

Holst moved to hear agenda item #9 first and then proceed with the original agenda due to the fact this applicant may call in/Rohl seconded. All in favor. Passed.

Discuss take action on renewal of a conditional use permit for a Retreat Center in the Agriculture Residential District for Deborah Hansen, owner on property located in the SE ¼ of the NW ¼ of Section 19, T24N, R15W, Town of Maiden Rock, Pierce County, WI.

Staff Report – Brad Roy: The Retreat Center has been operating for one year and Ms Hansen has hosted various groups and weddings. The Retreat Center is closed for the season and will begin again next year. She is currently out-of-state and cannot attend this meeting. However, she is available if we need to call her. One of the conditions is that a Stop sign shall be installed. The applicant had problems obtaining a Stop sign for the driveway this year. The sign is now ready and will be installed before opening next year. Staff has not received any complaints. The Town of Maiden Rock was contacted regarding this renewal request; staff has not received any issues or concerns about the renewal from the Town. The existing conditions #1 - #8 are listed 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 additions or modifications are deemed necessary, staff recommends this CUP be renewed with the following conditions:

1. Applicant shall secure all necessary permits and licenses from other applicable state and local agencies (Public Health, etc).
2. Activities conducted on site shall be limited to those uses identified in the applicant's narrative.
3. A traffic control sign (stop sign) shall be placed at the driveway entrance to 244th Street. Sign placement shall be coordinated with the Town of Maiden Rock.
4. Any advertising signage shall comply with County Zoning Code standards.
5. The CUP shall expire in 2 years or if compliance issues arise. Permit may be renewed administratively if no compliance issues arise.
6. The applicant understands that expansion or intensification of this use will require modification to this CUP.
7. Hours of operation are limited from 9:00am to 10:00pm.

Sanden asked Brad to remind him why the renewal was for one year rather than two? Roy stated he wasn't present at the meeting but there were some neighbors concerned about noise and lighting issues.

Holst moved to approve the renewal of the conditional use permit for a Retreat Center for Deborah Hansen, owner, due to the fact the established conditions are adequate to protect the public interest, public health and safety and the character of the area, with conditions #1 - #7/Rohl seconded. All in favor. Passed.

Public hearing to consider a request for a conditional use permit for expansion of a nonconforming structure in the General Rural Flexible District for Myron Hoitomt, owner on property located in the NE ¼ of the SE ¼ of Section 26, T25N, R18W, Town of Trenton, Pierce

County, WI. Chairperson Barkla invited Mr. Hoitomt forward: Mr. Hoitomt explained that he started putting up a lean-to and did not realize he needed a permit because the shed has been there. He was stopped before he got too far. It was brought to his attention that he did not have a permit and he was building within the setbacks. He was 120 ft away from the center of the highway but had no idea there was the other requirement. He planned to use it for a storage area not a repair shop or any business. It would add value to the property and to him if he were allowed to continue. Sanden stated one of the things the committee has to consider when encroaching on the right-of-way is the safety to you if any cars careen off the road. The fact that you have all these trees making a nice block, are you intending to remove any trees? Mr. Hoitomt stated no and there is also an incline, like a berm before the building.

Staff Report – Jim Kleinhans: Mr. Hoitomt did obtain a permit in 1975 when he developed his house. He is working on a 24' by 42' lean-to on the west side of his house that is approximately 12 ft from the road right-of-way. The road right-of-way is fairly wide in this area of State Hwy 63 because there is a passing lane traveling north. That makes it tough to meet the 77 ft setback from the road right-of-way. So he is applying for a conditional use permit to allow for the addition. Under the zoning code, additions or extensions of nonconforming structures can be approved by this committee with a conditional use permit. The Town of Trenton Supervisors supported this request.

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

1. The applicant shall obtain an after-the-fact building permit from the Town of Trenton to comply with uniform dwelling code requirements.

Chairperson Barkla opened the hearing to the public. No public input. Public hearing closed.

Rohl moved to approve the conditional use permit for Myron Hoitomt for expansion of a nonconforming structure due to the fact it is determined to be not contrary to the public interest, nor detrimental or injurious to public health, public safety or the character of the surrounding area, with condition #1/Sanden seconded. All in favor. Passed.

Discuss status of a conditional use permit issued for a Utility Facility >1000 square feet in the Agriculture Residential District by LS Marine, Inc, agent for Joseph and Marilyn Mangin, owners on property located in Government Lot 1 of Section 24, T25N, R19W, Town of Diamond Bluff, Pierce County, WI. Chairperson Barkla noted that Mr. Pichotta had intended to be here for this item but a family emergency occurred which prevented his attendance.

Staff Report – Jim Kleinhans: Andy generated this report based on an approval from this committee back in May for a Utility Facility >1000 square feet in the Agriculture Residential District in the Town of Diamond Bluff. The Corp of Engineers awarded LS Marine a contract for unloading Corp Island in the Mississippi River. This operation commenced on about September 14th. Trucks were hauling sand through the Village of Diamond Bluff and on about September 17th staff was contacted and notified there were some compliance issues. There were some letters sent to our office, they are attached to the staff report. There was a response from Andy sent back to the complainants' attorney. The specific concerns raised were:

- Failure to notify Pierce County of the start of work;
- Failure to post a copy of CUP at the site;
- Failure to tarp loads as required by Conditions #8;
- Use of more than eight (8) trucks at any one time as limited by Condition #5;
- Failure to engage additional axles on trucks when loaded;
- Failure to come to a complete stop at stop signs;
- Excessive speed;
- Excessive noise;

- Excessive dust.

For the record, after staff was notified of the issues, out of the 16 ½ days they have been hauling, we have been on-site 10 of those days. Compliance issues were addressed on the 17th and on site conditions have gotten better.

Staff Recommendation: Staff recommends the Land Management Committee consider concerns raised by Patrick Hynes on behalf of the Citizens for Diamond Bluff, as well as any concerns raised at the meeting, to determine whether any action (change in conditions or revocation) is warranted. If determined to be appropriate staff will place this issue on an upcoming LMC agenda for such action. Chairperson Barkla stated that a document was passed out to the committee about the days staff was present on site and noted that there were extras for people interested. He asked if Jim was aware of any other activities taking place down there to make sure the conditions are being met. Kleinhans stated there was a misunderstanding at the onset of the project. The site supervisor was handed a copy of the conditional use permit and understood why there were complaints. Taylor Luke has been in correspondence with our office and involved in discussions on how to make things better. There was a period when the river was too high and they couldn't operate so there was a lull in activity. Based on our observations, the operation has been compliant with what we were looking for with the conditional use permit. Chairperson Barkla stated after receiving Mr. Hynes letter on the 23rd, as Chair of the Land Management Committee, he made a special point to talk to Law Enforcement Department and was assured by the Sheriff that there would be more frequent drive-bys to make sure traffic laws are being followed. He also did a ride along and saw that the officer made his presence very visible. The committee does take these concerns very seriously. Bill Nafe, a Diamond Bluff resident, stated some concerns they had at that time now appear to have been taken care of. Ken Wood was at a meeting with Taylor Luke present, he observed trucks that weren't tarped or putting their axles down and Taylor took down numbers. We haven't been monitoring lately. We appreciate what you are doing. Diane Johnston, lives right across from the haul site. She has e-mailed Taylor Luke because there were things sticking out of the rubber mat. She feels it's a safety hazard. She would like to see it taken off the road when they are not hauling so no one gets hurt. She is also concerned about the excessive cost to tax payers with extra trips; Law Enforcement, Land Management, County Board. Chairperson Barkla stated that it is not extra trips; they are just changing their route on their regular patrol duty. Kleinhans stated the reason staff has been on-site is because there were complaints and they are just looking into them. The issue with the mat in the road, it is probably spiked into the pavement. Ms Johnston stated no, it's just lying on the road. Taylor Luke stated at that time they had just went with the factory clips for it. Ms Johnston did make him aware of it on a Saturday evening at 5:00pm. He did respond back to her that he wouldn't be able to get down there immediately. He tried to contact the supervisor because he lives in that area. Taylor did respond at 8:00am Sunday morning to take care of it. Since that time, they have gone away from those clips. They were prone to breaking. It is now spiked to the road to keep it from moving. If it's an issue they can look at sliding it out. Pulling it out of the road, one issue is the road is pretty broken up under it. They will be fixing that when they're done. When cars drive over it, the potential for the issue of the smaller pieces that are broken are going to be popping up. We can fill it back in temporarily. Ms Johnston stated people are trying to avoid the mat so they are driving on their front lawn. Chris Johnston, presented a photo on his laptop and stated he has two questions; he noticed this barge floating loose out in the river. He watched for awhile and evidently what happens is LS Marine has two barges going, Taylor Luke corrected him and stated that they utilize three, as they empty the one on the shore they push it out and let it float on the river. The tug delivers the full barge and goes out to get the loose one. Mr. Johnston asked what if the tug blows a rod and can't move? It's sometimes a very strong current and there was a pleasure craft in close proximity. Is this a legitimate concern? Taylor Luke addressed this by stating it is a common practice and while they are unloading the barge it's not tied up either. As far as safety, they are on the L & M Local Notice of Mariners. All mariners can check that website. It's updated weekly. It gives their position and what they are doing. They are on there and it states we are working in this area. When it comes to right-of-way on the river, the hierarchy is first the towboats, then any working vessels and

then the pleasure crafts. They do monitor channel 16 and channel 14. They have a third channel that just scans all the boats. This is common practice on any job and on other jobs that they have contracted with the Army Corp of Engineers. On the mechanical dredging contract, they will operate three barges. The only time a barge is secure is when it's tied to the tugboat. Yes, they do float freely. Mr. Johnston asked what happens if a tugboat becomes inoperative when it's out there? Taylor Luke explained all vessels have vessel checks to ensure they are up to code and follow all the rules. There is redundancy on the boat. The tugs have two engines and they also have contact with the people at the locks in the event that would happen. Mr. Johnston asked if the tugboats have an operator and a deckhand. Mr. Luke stated yes and noted that the deckhand can operate the tugboat. Mr. Johnston's concern is the noise and the diesel fumes. He noted that they had met with Andy Pichotta about the dust situation. Andy suggested maybe there was a way to use spray or something on it. Anything that could be done would be appreciated. Paul Kosterman, Army Corps of Engineers (ACOE), commented that safety is the top priority with the Corps. There is a construction representative here with many years of training ensuring that all contractors comply with all applicable safety standards. We have people out there all the time, if anything unsafe was occurring, the Corps would put a stop to it. Sanden commented to Mr. Luke that when this was brought up, Mr. Holst made a point that this is a critical operation that has to be done and you saw the concern of the citizens and knew that they had hired an attorney; I have to comment that untarped loads seems a bit sloppy with that kind of scrutiny. You knew you would be watched. I am a bit concerned that you would let untarped loads slip through. Can you give the committee any assurance that we won't be back here? Mr. Luke stated that he certainly could. To back up; the issue was brought up constantly at the Diamond Bluff meetings and here. He always said they would follow all state rules. Wisconsin Motor Carrier rules and regulations, He took it as that condition to be tied into condition #9. The National Motor Vehicle laws, Wisconsin Dept of Commerce and the Wisconsin DOT all said that what we are doing, there is no regulation that loads need to be tarped. Sanden stated when you have a conditional use permit there are conditions put on by this body; that goes above and beyond any other regulations. Mr. Luke stated that he knows that now. Sanden asked Jim about the other complaints, the number of trucks and tarping of loads were more than covered; but what about failure to notify Pierce County at the start of operation, posting of the conditional use permit on site and engage additional axles. Kleinhans stated it wasn't a permitted condition that they had to notify us but we were notified by a local newspaper - which was odd. We went down immediately and found out they were operating for several days. Kleinhans noted that the first day he was down there, the 17th, he noticed a municipal type street sweeper that went all the way down to County Road K. According to the photos by Mr. Johnston there is a lot of dust created and there could be a chemical put down, that is not an uncommon condition for this committee. Jim noticed the trucks through town and the speed of those trucks. The trucks from this operation don't have a lot of time to gain speed before they go up the hill but the trucks from the Parks Construction project were probably pushing the speed limit. They appeared to be moving along quite well. As far as stop signs, Jim didn't stay up on Hwy 35 near the railroad tracks. When we started contacting these folks they started looking at their conditions more closely. Kleinhans noted that he did photograph some of the near shore areas and forward them to Dave Pericak with the Wisconsin Dept of Natural Resources and he didn't feel anything was out of the ordinary at the unloading facility down by the river. Chairperson Barkla asked Mr. Luke if we need another meeting to take care of dust or if he can take care of it. Mr. Luke stated that he can take care of it without another meeting being held.

Discuss take action on the Groundwater Response Plan for Monarch Paving's Nonmetallic Mining Facility located in part of the east half of the SW ¼ of Section 28, T25N, R18W, Town of Trenton, Pierce County, WI. Staff Report – Jim Kleinhans: Earlier this year, we found out that the Monarch facility in the Town of Trenton was going to receive the dredge spoil materials from Corp Island. At the May 19th meeting the LMC approved placement of the material with some concerns. The groundwater response plan was approved and materials could then be brought in. At that meeting it was discussed whether this was interim reclamation or permanent reclamation. We understood this was

to be permanent reclamation with about 50 feet of sand fill and then capped with topsoil and seeded. On September 2nd, staff received a letter from Michael Byrnes from Monarch Paving indicating that the company intends to use the dredge materials as a viable product for their operations further down on Hwy 35. So we decided to bring this back before the committee, rather than wait for their renewal in March knowing that there is some controversy, to see if there was a need to amend the groundwater response plan. Candy Anderson and Mike Byrnes are here from Monarch Paving. We had a discussion yesterday and their response is in the committee's folder. They emphasize that the sand is so fine that they can not use it solely as a sand source for their operation so they still have to mix it and it will take a longer time to take the material out of the pit. If the pit is going to be open and the rainwater is going to run in, that could potentially cause a problem. We may want to adjust the duration of Phase 3 and have testing for more than 12 months. Candy Anderson, Monarch Paving, stated at the May 19th meeting Monarch didn't appear and we should have. It was always our intent to use the sand as a mix and it's in our reclamation plan. When we take the sand out, we can only use a little bit of it. As far as taking off the top soil, when we do use the product we're only going to take the top soil off that we have too. Our hope is to use the sand and at some point when the Army Corp needs a site in 10 years that they can use the site again. The other issue was that the sand is contaminated. In one of the bullets I state that Monarch would have never accepted the sand had it been contaminated. The sand is clean. We don't see it being a problem to use the sand in our products. The topsoil is going to stay except for what they strip off for the sand they are going to take. The reason they wanted the topsoil is to consider this interim and reduce their bond amount and fees for NR135 by having less open area. The monitoring wells around the pit were put in because they were planning on hydraulically dredging the sand, since the sand is being mechanically dredged, does the contamination issue go away? Does the observation and additional monitoring have to be done afterward? Our reclamation plan in 2001 and 2003 did state that we would be utilizing the sand; that has been our intent all along. Holst asked whether it was mentioned in subsequent years that they intended to use the sand. Ms Anderson stated that the reclamation plan was approved in 2003 and doesn't need to be updated unless there is a change. Holst asked if you received conditional use permits in subsequent years and it was never mentioned? Ms Anderson stated yes. Holst stated that the residents of Trenton Township were told or it was implied that one thing was going to happen and now something else is happening. They feel they have been misled. I understand that it is a COE approved site and it's done. Monarch needs to be more open with the Town of Trenton because the Town Chair feels he has been misled and this committee feels they have been misled by the mere fact that you weren't at the meeting. Ms Anderson stated she agrees they should have been at the May 19th meeting. Holst stated Monarch has been historically good at attending meetings and here the one you should have been at you weren't. Mike Byrnes, Monarch Paving addressed the issue, we have many leases with pits and it was discussed amongst ourselves and it was discussed that the Corps needs to do this every ten years. We understood that the Corps would act as our agents and we would let them handle it. If the Town doesn't have a copy of our reclamation plan, we can get them one. It is on file with the County. Kleinhans stated he would read the section from reclamation: Removal of sand and gravel and reclamation of the Trenton Pit will provide a large, safe and environmentally friendly site for dredging materials. COE expect that the site will be needed in 10 – 15 years. This was submitted on January 5, 2001. Sand from the channel dredging will be made available at no cost to individuals, contractors and municipalities making the site a perpetual location for maintenance of the invaluable Mississippi channel. Holst asked about the "no cost". Mr. Byrnes stated that initially with the shear volume and the fact that they could only use a fraction of it, Diamond Bluff is getting a portion for sand/salt control and it would be made available. It's not a free-for-all but the municipalities can get some at no cost. Paul Kosterman, COE, stated he was party to the confusion that took place back in May. As he understood it, Monarch's original conditional use permit was amended some years ago and after the last time they unloaded Corp Island into the Diamond Bluff pit and groundwater disturbances became an issue and a concern of the residents; the committee amended their conditional use permit saying if you ever put sand in here, we want groundwater monitoring. He didn't become aware of the committees need to approve the

groundwater response plan until after the contract had been let. Mike told us after the lease and we do it as a normal activity, primarily to protect the citizens and for ourselves. Mike handed it off to me because it was our area of expertise. I gave it to Jim so Monarch didn't show up for the meeting neither did I. I just became aware that the public was going to have access to this material. The material is not contaminated or we couldn't be putting it where it is. We do the dredge material disposal - which is a huge program. This is a very small operation and infrequent up here. Regarding the placement of volumes of material into pits that could affect the aquifer - the monitoring of the groundwater was superfluous once we found out it was going to be done mechanically. If it were being done hydraulically, there would be so much water going into the site that it would have the potential to agitate groundwater and people's wells could have gotten turbid. The chance of wells getting disturbed is remote. We can't wash our hands of the material when it goes into the Monarch Pit. We would share in the liability if it was found to contaminate wells. The one agency that we are directly accountable to is the WI DNR. Richard Bunce, Trenton Town Chairperson, asked if CUP's ever expire? The 2001 and 2003 CUP's have expired and had to be renewed. So the 2001 and 2003 CUP's have no basis except for the fact that they laid the ground rules for you to approve a new one. Kleinhans stated that typically they do not expire - they are renewed. Mr. Bunce stated the CUP you renewed was at the meeting I was at and they stated that they were going to cover it and reclamation was going to be done and they asked me if I was happy. I stated as the Trenton Chairperson it's the best we can hope for. As a businessman, if I ran a business as big as Monarch, and they have been a good neighbor, it would behoove me to be at that meeting instead of coming back at this late date and trying to change the rules. Mike Byrnes stated that the May meeting that was a requirement of the conditional use permit and the conditional use permit is still in place. That was strictly a requirement of the CUP to supply an analysis of the groundwater. Kleinhans stated that the two year permit is typically renewed in March. On May 19th, we had official approval of the groundwater response plan for the Nonmetallic Mining Facility. It was for something from 2005, one of the requests to modify the conditional use permit was that the groundwater response plan will not be a requirement until such time as the COE request that the Monarch Paving utilize the site as dredge disposal. Mr. Byrnes stated that Mr. Bunce is right and they should have been there. The topsoil and grass was to internally reclaim and so we wouldn't have erosion and a dust issue and also the bonding issue. Through the DNR and the NR135 permit, we are charged with every acre that is disturbed. That's why we wanted the Corps to put the topsoil cover on it so it was reclaimed and we wouldn't have to pay that money each year to have the pit open. Basically that's why we weren't here because we thought it was to go over and approve the Corps groundwater response plan. Fetzer asked how the capping and everything being left in the pit got thrown in. At the time he didn't understand why someone wouldn't want to use the sand. Paul Kosterman stated that he wasn't there but one of the big issues was the potential contamination of the materials they were pumping in. There were assertions that the COE was going to be stopped from doing this or that additional economic and feasible alternative requirements were going to be imposed upon us to do this because of the threat we posed to the public for contamination of groundwater. One of the topics was going to be the requirement that we line the pit with clay like a sanitary landfill. He conjectured that that evening when they were talking about a groundwater plan, this was perhaps offered up to get the support needed. The COE and Monarch weren't there. Nobody expected that to be the topic of the evening. Chairperson Barkla suggested the next time issues are considered you make sure you show up. You put everyone in a lousy circumstance and some of the apologies become a little hollow. Holst stated the groundwater monitoring plan was added in 2003 or 2005 at his request because they had gone through this in the Town of Diamond Bluff with hydraulic dredging and he didn't want to see Town of Trenton go through the same thing. So if we had that in place, we knew yours was a fallback site. The mechanical dredging came about and it fell on our lap. Mr. Kosterman and Holst had met about going over the road route a couple years prior. At that time we had anticipated it would be a hydraulic site and the water and sand would go to Trenton. Mr. Kosterman stated it was anticipated that it would be done hydraulically until the day before the bids were opened. The question was raised and nothing prohibited it from being done mechanically. Holst stated he believes the

groundwater monitoring was put in as a preemptive strike to give the people of Trenton some protection. As was when it was hydraulically dredged and put into Diamond Bluff, you had the plan and you monitored the wells. Mr. Kosterman stated when it was put into Diamond Bluff, the contract was awarded for the material to be put in the Trenton pit but it was value engineered and subsequently went to the Diamond Bluff pit. Holst stated some of it will probably end up back in Diamond Bluff. This is to appease the people of Trenton, to satisfy their concerns. Holst agreed that there are no contaminants in the sand. Mr. Kosterman stated from our prospective once safety is assured its economics. Holst suggested that it just shows you that the hydraulic guy was boogering you - because he should have been able to do it a lot cheaper than Taylor can do it with a truck. **Sanden moved to defer the decision of the groundwater response plan until the March conditional use permit renewal date/Fetzer seconded. All in favor. Passed.**

Discuss take action on proposed amendments to section 17.038 (Towers) and section 17.085(6) (lot and building specification in the Light Industrial District) of the Town of River Falls Zoning Code. Staff Report – Jim Kleinhans: We have Diana Smith, Chairperson and Jerome Rodewald in attendance. The Town is proposing to amend their Tower ordinance; any zoning ordinance that the Town of River Falls adopts or changes, the County Board needs to approve it. They have looked at new language for exclusions and some of the security information around the facility. Maybe the Town has been criticized about fencing in the past. This cleans up some issues and makes their ordinance more in line with the requirements that the state endorses. The second item they are looking at changing some items in the Light Industrial District. They are proposing to go from a 2 acre minimum lot size to a 1 acre minimum lot size, which is consistent with what the County has now. In 1997 the County had a 2 acre minimum and the Town of River Falls was just following suit with that. Since then, we have gone to a 1 acre minimum lot size. At this point their proposed ordinance will be more consistent with the County's zoning standards. **Staff Recommendation:** Staff recommends that the LMC approve the proposed amendments and forward a recommendation to the Pierce County Board of Supervisors that the proposed amendments be approved as written. **Holst moved to approve the proposed amendments to the Town of River Falls Zoning Code and forward a recommendation to the Pierce County Board of Supervisors/Fetzer seconded. All in favor. Passed.**

Discuss take action on renewal of a conditional use permit for a duplex in the Primary Agriculture District for Paul & Judith Nielsen, owners on property located in the SW ¼ of the SE ¼ of Section 17, T26N, R16W, Town of El Paso, Pierce County, WI. Staff Report – Brad Roy: Last year Mr. and Mrs. Nielsen obtained a conditional use permit for a duplex on their 8.8 acre parcel. Currently the Nielsen's and a family member occupy both dwelling units of the duplex. Staff has not received any complaints. The Town of El Paso Chairman stated that the Town has not received any complaints or concerns about this use; however, the Town remains opposed to this CUP and its renewal. The existing conditions are listed #1 - #7 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 additions or modifications are deemed necessary, staff recommends this CUP be renewed with the following conditions:

1. Landowner must occupy one of the residences on the property.
2. Any deviation from the approved conditions requires the applicant apply for a new CUP.
3. This CUP shall expire in 5 years or if compliance issues arise. The permit may be renewed administratively if no compliance issues arise.
4. If a party other than a family member wishes to reside in the duplex, a management plan must be approved by the Land Management Committee.
5. A second uniform address number is needed for this building per PCC 15-3C.
6. The secondary driveway connection from this parcel to Hwy 72 shall be removed within 8 months of approval.

7. This CUP shall not run with the land and shall be automatically invalidated by the sale or other transfer of title to this parcel of land.

Condition #3 is modified instead of a one year renewal in front of the committee; staff is proposing that this CUP will expire in 5 years or if compliance issues arise. The permit may be renewed administratively if no compliance issues arise. Typically duplexes are more of an established use. We have some that don't have any renewal at all. Chairperson Barkla asked why that is. Roy stated the purpose is to establish the use and being that a duplex isn't much different than a single family resident, you don't typically renew those permits. Holst asked why the landowner has to occupy one of the residences on the property. He stated that we have granted several of these lately and that has not been a stipulation. Chairperson Barkla stated refresh my memory about the CUP recently issued for a duplex in the Town of Oak Grove. Kleinhans stated that everything is looked at site specifically. We also look at what the Town's recommendation is. Sanden asked if the fact that the conditional use permit doesn't run with the land have anything to do with the 5 year renewal? If that caveat wasn't in there would that requirement perhaps not be there? Roy stated a one year renewal in front of the committee fit initially, 5 years is a number suggested by staff that would still require monitoring, however, it wouldn't keep it on the forefront for staff and the committee. Holst stated there are a couple of conditions on this CUP that aren't typical; one is the landowner must occupy one of the residences and the other is the CUP doesn't run with the land. Sanden stated he thinks that was addressing the Town of El Paso's concern. Holst stated he finds this different than something that came out of the Town of El Paso not so long ago. I understand that one is in the Primary Agriculture Zone and the other is in some other zone more flexible. Dan Fischer stated that he can address that; he believes Mr. Holst is referring to the Ray Dohm case. The difference is that Ray Dohm has enough acreage that he can have more than one dwelling on his property. Holst asked if he knows what that threshold is? Mr. Fischer stated in the Town of El Paso, Primary Agriculture is two dwellings per 40 and General Rural is 4 dwellings per 40. We only have Primary Agriculture, General Rural and Commercial. **Sanden stated due to the fact these conditions are adequate to protect the public interest, public health and safety and the character of the area, move to approve the renewal of the conditional use permit with conditions #1 - #7/Holst seconded.** Ron Foley stated that he wants to make a comment from Chairperson Kannel that had just received a copy of the staff report. Mr. Kannel says that the comment that the Chair stated that the Town had not received any complaints; he said that he did not make that comment. I just wanted to make that known. Holst asked if it said the Town has not received any complaints or the Land Management Department has not received any complaints. Ron Foley noted that in the staff report it states the Town of El Paso Chairperson stated... Roy indicated that he called Mr. Kannel and asked if they had any complaints or any issues and Mr. Kannel stated his only statement would be that they are still opposed. Chairperson Barkla stated that if people are going to attack the integrity of people who work in this department, let them come forth and say so themselves. I appreciate, Ron, your bringing this to us but I regard this as really unfortunate. Mr. Foley stated Ron Kannel would have been here tonight but he had another meeting. Chairperson Barkla stated that this is a serious allegation to make against a member of this staff. I understand Ron wasn't able to make it here because he didn't receive it until today. Holst suggested that as a Town Chair he received an agenda for this meeting in the mail 10 days ago. Mr. Foley stated Ron was aware of the meeting. Chairperson Barkla stated that he finds someone making this kind of remark at a public meeting really distressing. Chairperson Barkla stated there is a motion on the floor. **All in favor. Passed.**

Departmental Update and Future Agenda Items

CUP renewal for Gilles Quarry by American Materials in the Town of Union.

Motion to adjourn at 8:30pm by Holst/Sanden seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, October 20, 2010 – 7:00 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: November 3 rd & 17 th , December 1 st & 15 th , all in 2010.	Chair
3	Approve minutes of the September 15, 2010 Land Management Committee meeting.	Chair
4	Public hearing to consider a request for a conditional use permit for expansion of a nonconforming structure in the General Rural Flexible District for Myron Hoitomt, owner on property located in the NE ¼ of the SE ¼ of Section 26, T25N, R18W, Town of Trenton, Pierce County, WI.	Kleinhans
5	Discuss status of a conditional use permit issued for a Utility Facility >1000 square feet in the Agriculture Residential District by LS Marine, Inc, agent for Joseph and Marilyn Mangin, owners on property located in Government Lot 1 of Section 24, T25N, R19W, Town of Diamond Bluff, Pierce County, WI.	Pichotta
6	Discuss take action on the Groundwater Response Plan for Monarch Paving's Nonmetallic Mining Facility located in part of the east half of the SW ¼ of Section 28, T25N, R18W, Town of Trenton, Pierce County, WI.	Kleinhans
7	Discuss take action on proposed amendments to section 17.038 (Towers) and section 17.085(6) (lot and building specifications in the Light Industrial district) of the Town of River Falls Zoning Code.	Pichotta
8	Discuss take action on renewal of a conditional use permit for a duplex in the Primary Agriculture District for Paul & Judith Nielsen, owners on property located in the SW ¼ of the SE ¼ of Section 17, T26N, R16W, Town of El Paso, Pierce County, WI.	Roy
9	Discuss take action on renewal of a conditional use permit for a Retreat Center in the Agriculture Residential District for Deborah Hansen, owner on property located in the SE ¼ of the NW ¼ of Section 19, T24N, R15W, Town of Maiden Rock, Pierce County, WI.	Roy
10	Future agenda items and departmental update.	Pichotta
11	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.

(10/8/10)

MINUTES - Pierce County Land Management Committee Meeting, September 15, 2010

Present: Jeff Holst, Don Rohl, Eric Sanden. Paul Barkla by polycom.

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

Absent: Joe Fetzer

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

Next meeting dates: October 6th & 20th, November 3rd & 17th, all in 2010.

Approve Minutes: **Sanden moved to approve the September 1, 2010 LMC minutes/Rohl seconded. All in favor. Passed.**

Public hearing to consider a request for a conditional use permit for expansion of a nonconforming structure in the Rural Residential 20 District for Robert J. Pritchard II, owner on property located in the NE ¼ of the SE ¼ of Section 28, T25N, R17W, Town of Hartland, Pierce County, WI. Chairperson Holst invited Mr. Pritchard forward: Mr. Pritchard explained that he would like to add a deck on the front of his property. It will be all steps except a couple railings, 12 feet out from the house and 22 feet wide. Sanden asked how high the highest platform would be. Mr. Pritchard stated 23 inches would be the maximum as that is the height of the bottom of his door.

Staff Report – Emily Lund: Mr. Pritchard is requesting a conditional use permit to expand a nonconforming structure. The owner removed broken cement steps on the front of his house and would like to build a platform deck as the new entry. The property is in Section 28, Town of Hartland in the Village of Esdaile and is zoned Rural Residential 20. The parcel is less than 1 acre. The existing house is encroaching on the 230th Avenue setback by 27 feet. Mr. Pritchard has proposed to replace the existing cement steps with a platform deck. He plans to encroach toward 230th Avenue by an additional 12 feet with the deck running 22 feet along the house. The highest point of flooring off the ground would be 23 inches at the door entrance. The attached drawings, photos and maps describe the proposed expansion. The existing sanitary system serving this dwelling is located west of the house. A two car garage that was permitted in 1987 is located north of the house. The existing well is located north of the garage. Mature trees border the south property line parallel with the bridge and waterway. The waterway was found not navigable and not part of the floodplain or shoreland overlay districts. A deck is a permitted use on a residential parcel. Many of the houses in Esdaile were constructed prior to the enactment of current zoning regulations and setbacks. The road is in a speed reduction zone posted 25 mph (traveling south is a bridge and then stop sign and traveling north is a curve). So far 12 neighbors living within 300 feet have submitted petitions and are in support of the addition.

Staff Recommendation: Staff recommends the Land Management Committee determine whether or not this request is contrary to the public interest and whether it would be detrimental or injurious to public health, public safety or the character of the surrounding area. If found to be not contrary to the above, staff recommends the LMC approve a conditional use permit to allow the proposed deck expansion. It should be noted that the deck would not be subject to the issuance of a Land Use Permit, but the applicant will need to contact the Town Building Inspector to ensure compliance with the Uniform Dwelling Code (UDC).

Chairperson Holst opened the hearing to the public. David Esterby, Town Chairperson, stated that all the homes in Esdaile are too close to the road. The Town approved the request and his neighbors are in support of it. Mr. Pritchard stated his neighbor's garage is less than 10 feet off the road, it's been there for a long time and it hasn't caused a problem. Lund noted that staff was unable to use that garage in setback averaging calculations. **Public hearing closed. Sanden moved to approve the conditional use permit for Robert J. Pritchard II for expansion of a nonconforming structure due to the fact it is determined to be not contrary to the public interest, nor detrimental or injurious to public health, public safety or the character of the surrounding area/Rohl seconded. All in favor. Passed.**

Public hearing to consider proposed amendments to Chapter 237 of the Pierce County Code (Subdivision of Land). Staff Report – Emily Lund: Governor Doyle recently signed legislation that modified Chapter 236 of Wisconsin Statutes (Platting Lands and Recording and Vacating Plats). Local units of government have been directed to update their ordinances to reflect these revisions. A couple meetings ago the committee reviewed the proposed amendments to Chapter 237 and directed staff to schedule the public hearing to consider for adoption. Required changes:

1. Change to submittal time limit for final plat following preliminary plat approval. Final plats must be submitted within 36 months following preliminary plat approval.
2. Local units of government had to determine if final plat was substantially conforming to the preliminary plat.
3. We have to specify that plats need to comply with local ordinances as it exists when the plat was submitted.
4. Specify that a surety bond or other security required for improvements is limited to the phase being constructed.
5. Establish a time limit for recording subdivision plats. Plats must be recorded within 12 months after the last approval and 36 months from the first approval.
6. Specify that local ordinances may not be more restrictive than state statutes.

Staff Recommendation: Staff recommends the Land Management Committee consider public comments relating to the proposed amendments to Chapter 237 and determine whether modifications or additions to the code are necessary. If no substantive changes are determined to be necessary, staff recommends that the LMC approve the attached ordinance amendment and forward it to the Finance and Personnel Committee for review and approval. Sanden asked about #1 stating final plats must be submitted within 36 months of preliminary plat approval and #5 states that plats must be recorded within 12 months after last approval and within 36 months of first approval. What happens if the approval goes right up to the 35 months and 30 days. Lund stated we have the ability to extend the approval date. Sanden asked if the recording date can be extended. Pichotta noted that there does seem to be some contradiction with time frames and suggested that clarification would be sought. Sanden asked about “substantially conforms” to the plat – and that needs to be reported to the LMC. Isn’t that what we already do? Pichotta stated that now the final plat is supposed to “conform” versus “substantially conform”. Noting that “substantially” could mean different things to different folks. Staff will need to make a recommendation as part of the record to the Land Management Committee as to whether it’s staff’s opinion whether the plat does conform. **Chairperson Holst opened the hearing to the public.** No public comment. **Public hearing closed. Rohl moved to approve the proposed amendments to Chapter 237 of the Pierce County Code (Subdivision of Land) and forward to Finance and Personnel/Sanden seconded. All in favor. Passed.**

Discuss take action on renewal of a conditional use permit for Wisconsin Industrial Sand – Maiden Rock Facility for Nonmetallic Mining on properties in the Agriculture Residential District, owned by Wisconsin Industrial Sand Co, Edmund & Dawn Daleiden, Dean & Mary Holden, David & Rayna Kassa and William & JoAnn Steele, all in Sections 13 & 14, T24N, R16W, Town of Maiden Rock, Pierce County, WI. Chairperson Holst invited Rich Budinger forward. Mr. Budinger, Regional Manager, read a statement of community activities the employees have been involved in. **Staff Report – Brad Roy:** The mine expanded in 2004 into the unincorporated areas which required a conditional use permit. We’re looking at the third renewal. Current conditions are listed #1 - #11 in the staff report. The Zoning Office has not received any complaints about the operation. At the previous renewal, November 5, 2008, WISC indicated that they were in the process of obtaining leases to new lands which have not been included on the conditional use permit. Staff has not received any indication that they intend to pursue that plan. **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 additions or

modifications are deemed necessary, staff recommends this CUP be renewed with the following conditions:

1. Blasting shall occur up to four times a week with no time limit constraints unless complaints are received. If complaints are received, previous time restrictions shall be reinstated. (Blasting shall occur no earlier than 5am up to three times per week, including Saturday.)
2. Comprehensive water testing will be conducted annually for residential wells located within the boundaries of the mined area. Testing of the wells on properties on which mineral rights are not leased and fall within 500' of mining activity shall be comprehensively tested, including for suspended solids and chlorides, two times each year. Test results and the base line data tests shall be provided to the Department of Land Management.
3. A 100-foot buffer shall be maintained from the active mining to the boundaries of non-leased properties and where already closer than 100-feet, there shall be no further encroachment. Mining under a leased property shall be a minimum of 100' from any well.
4. Reclamation of disturbed areas shall be done consistent with NR 135 and the submitted plan.
5. Evidence of compliance with applicable state and/or federal regulatory agencies shall be submitted to the Land Management Department.
6. Any intensification of use or change in approved plans will require the issuance of an amended conditional use permit.
7. A map of mining activity and areas of future expansion shall be provided to the Town of Maiden Rock.
8. Applicant agrees that any erosion issues that arise shall be addressed to the satisfaction of the county.
9. A map of facility and underground tunnels shall be updated annually and submitted to the Land Management Department.
10. This permit shall expire in two years.
11. An annual report demonstrating adherence to approved conditions submitted to the Land Management Department on or before December 31st of each year.

Mr. Budinger requested changing condition #1 to “blasting shall occur up to 7 days” instead of four times a week. Roy noted that at the Bay City Mine renewal the committee granted 6 days of blasting with no time constraints. Chairperson Holst asked if there have been any complaints. Roy stated no. Sanden asked if they are still pursuing expansion in the future. Mr. Budinger stated yes, they are going through economic and business evaluation right now. We have obtained additional leases that are not listed, we are not actively mining on them and we are in the process of obtaining additional leases. We will then be in for expansion consideration. Sanden stated he appreciates everything they are doing for the community. Sanden asked Roy his opinion on the seven days a week. Roy stated the only issues he remembers are the initial blasts, but once they were underground, he doesn't remember receiving a concern about blasting. Al Nelson stated he talked to the affected neighbors in the last few days. Mr. Budinger stated the current operations are 24/7. Rohl stated if there are no complaints it's reasonable to grant the seven days. Chairperson Holst stated if they don't come back in three months, we live with this. They have been good neighbors. They have corrected their problems. Seven days a week seems a lot from what this committee has deviated from in the past. If they are running 24/7, you have to shoot when you can. Mr. Budinger stated one of the issues is the number of shots, the number of headings the amount of explosives and the ground conditions, it makes more sense to spread it out over more days with more frequency and less headings per event. We would have more of an average activity of blasting over the week. Sanden asked if the new leases would all be underground. Mr. Budinger stated yes, the leases would have a contingency where surface rights will be available for ventilation shafts. The shafts would be similar to the one on County Rd S; steel housing with a fan on top, with a cage and a fence around it. Mr. Nelson stated he has all their seismograph reports for staff. **Sanden moved to approve the conditional use permit renewal for nonmetallic mining for Wisconsin Industrial Sand – Maiden Rock Facility with conditions #1 - #11, amending condition #1 to read “Blasting shall occur up to seven days a week with no time limit constraint unless complaints are received.**

If complaints are received, previous time restrictions shall be reinstated. (Blasting shall occur no earlier than 5am up to four times a week, including Saturday.)”/Rohl seconded. All in favor. Passed.

Discuss take action on proposed revisions to Chapter 240 relating to rural business/agritourism.

Staff Report – Brad Roy: Pierce County’s Comprehensive Plan “Action Plan” identifies the following tasks to be completed by Department staff (among others):

- Investigate potential for creation of new mechanism to permit entrepreneurial activities that are site dependent. (Completion date of 2011)
- Identify and pursue strategies to implement goals, objectives and policies identified in the Comprehensive Plan (Ongoing)

Many of the goal, objective and policy statements relate to creating conditions in the County that are conducive to the establishment of entrepreneurial ventures and agritourism.

Staff presented the concept for potential code amendments relating to rural businesses/agritourism on June 16, 2010 to the LMC. Staff was directed to proceed with developing Zoning Code provisions which would be permissive in regard to the establishment of rural businesses and agritourism. Such activities would be permitted through the issuance of a conditional use permit, with the understanding that the scope of allowable activities would be tempered by a given towns comprehensive plan. You may recall that the County plan states that Pierce County will consider adherence to the goals, objectives and policies of an adopted or amended comprehensive plan to be consistent with the “public interest” for decisions relating to that governmental unit or municipality.

- The existing Zoning Code designates all business-related uses as Commercial Uses. This creates an assumption that the most acceptable location for all such uses is within the Commercial or Industrial districts. The Zoning Code currently lists specific “Commercial” uses in § 240-36 and in the Table of Uses such as Antique Shops, Kennels and Mini-storage.
- Property owners wishing to start a business which is not specifically listed in § 240-36 or the Table of Uses are left with three options: Home Occupation, Home Business and Farm and Home Based Business. Listed in the staff report are the regulations for Home Occupation and Home Business. Essentially, they are Land Use Permit businesses and are strict only allowing two outside employees and limited space.
- § 240-36E regulates Farm and Home Based Businesses which the committee is aware of. This allows for retail sales, the space and employees limitations are increased but it still restricts a businesses ability to grow. This type of permit could be considered an “incubator” permit which will allow for some growth but will ultimately require a move to a Commercial or Industrial district if the business is to expand beyond the size thresholds established in the regulations.
- Not all types of businesses are ideally suited for the Commercial and Industrial districts. The proposed code changes are intended to allow for expanded business opportunities that are site specific and compatible with active agriculture.

We’ve listed the definition of General Agriculture and types of agricultural practices. § 240-35 addressed agricultural uses, listed on page 3 of report and is very short, basically stating that agriculture is allowed in the ag districts.

- Staff is proposing to create a new subsection, § 240-35B for Agricultural Enterprises to provide additional opportunities that are site specific to property owners who are involved in active agriculture.
- Proposed new uses to be included in the Agricultural Enterprises subsection include: Agritourism, Nursery, Orchard and Winery. All of these uses will require activities which conform with the definition of “General Agriculture”.

- Staff is also proposing to move § 240-36D. Farmers Market and § 240-36L Roadside Stand out of § 240-36 Commercial uses and put into the new subsection. (Staff is also proposing to modify the existing regulations.)
- Proposed definitions associated with the “Agricultural Enterprises” classification and permitting requirements to be included in the Table of Uses are:
 - ♦ Agritourism – Activities conducted at a working agricultural operation and offered to the public or to invited groups for the purpose of recreation, education, or active involvement in the operation.

This is a conditionally permitted group in all the agricultural districts.

EA	PA	GR	GRF	AR	RR-8	RR-12	RR-20	C	LI	I
C	C	C	C	C						

- ♦ ~~Roadside Stand~~ Direct Market Agriculture – A use or structure involving only the display and sale of agricultural products which are produced exclusively on the premises on-site and sold directly to consumers including uses such as roadside stands, pick-your-own fruits and vegetables and Christmas tree farms.

The permitting would stay the same as what is existing. This allows for more options than the old definition.

EA	PA	GR	GRF	AR	RR-8	RR-12	RR-20	C	LI	I
C	P	P	P	P						

- ♦ ~~Farmers Market – A use or structure(s) which principally involves the retail sale of farm and garden products from local area farmers, regardless of whether such products were produced on the premises~~

We changed the definition because the way it was written before you could have run a nursery under a land use permit by shipping in all the products and selling them. By putting from local area farmers, addresses that issue.

EA	PA	GR	GRF	AR	RR-8	RR-12	RR-20	C	LI	I
C	P	P	P	P				P		

- ♦ Nursery - A facility or facilities used primarily to raise trees, shrubs, flowers, produce and other plants for sale of which at least 50% are grown onsite. Landscaping and horticultural services may be offered along with the sale of garden products such as rakes, shovels, and pots. The sales of garden products shall not occupy more than 25% of the sales area.

Everything within this classification is site specific. We picked 50% stating that the reason your business is placed here is because you are growing half of your products. If you are bringing more in, it could be placed in a Commercial district. The 25% was picked under the same rationale.

EA	PA	GR	GRF	AR	RR-8	RR-12	RR-20	C	LI	I
C	C	C	C	C						

- ♦ Orchard – An establishment located on a lot devoted to the cultivation of fruit trees that includes the sale of goods containing produce primarily grown on-site and items to attract customers and promote the sale of agricultural products such as baked goods, ice cream, crafts and other retail items.

The key to this definition is the retail sales. If you are just growing fruit and selling it; that's a Direct Market practice, when you bring in the other activities, then you need a conditional use permit.

EA	PA	GR	GRF	AR	RR-8	RR-12	RR-20	C	LI	I
<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>						

- ◆ Winery - An establishment located on land with a producing vineyard or similar growing area for the production of wine, as defined by the State of Wisconsin, that includes a room for the tasting of wine, nonalcoholic fruit juices or incidental food items or the retail sales of winery products, products by the bottle for off-premise consumption or other retail items.

EA	PA	GR	GRF	AR	RR-8	RR-12	RR-20	C	LI	I
<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>						

Here is the way the language would look in the code.

- Staff is proposing the following additions to §240-35. Agricultural Uses.
 - B. Agricultural Enterprises

(1) Agritourism

(2) Direct Market Agriculture (formerly § 240-36 L. Roadside Stand)

- a. ~~Such use shall only involve the sale of farm products produced on the premises.~~
- b. Except for temporary structures not exceeding 160 square feet of floor area, all structures associated with ~~roadside stands~~ Direct Market Agriculture shall meet all setbacks and other provisions of this chapter. Temporary ~~roadside stands~~ Direct Market structures which do not exceed 160 square feet of floor area ~~are exempt from § 240-27 but shall not be placed in public rights-of-way~~ shall be considered a minor structure such as those listed in § 240-32A(1).

c. Only one ~~roadside stand~~ Direct Market structure shall be permitted on a lot.

What the existing code allows is, any roadside stand is exempt from setbacks. We are proposing to consider them minor structures that would exempt them from all permitting as well. This is for roadside stands under 160 sq ft. They would be considered the same as a school bus shelter or fish house or anything else like that.

(3) Farmers Market (formerly § 240-36 D.)

- a. Such use shall principally involve the sale of farm and garden products, but other types of merchandise may be sold, provided such merchandise occupies not more than 25% of the indoor and outdoor display area of the farm market.
- b. At least one off-street parking space shall be provided for each 200 square feet of indoor and outdoor display area.
- c. Combined indoor and outdoor display areas shall not exceed 2,000 square feet.

d. ~~Minimum lot size for the parcel on which the farm market is located shall be 10 acres.~~

e. The farm market shall obtain site plan approval and a land use permit.

Staff is proposing to just eliminate the 10 acre requirement. None of the other uses had an acreage requirement so this is to keep it consistent.

(4) Nursery

(5) Orchard

(6) Winery

- Use specific regulations are limited to Farmers Markets and Direct Market Agriculture (formerly Roadside Stands). These are the only uses which are permitted by Land Use Permit. The other uses will require a Conditional Use Permit. The Land Management Committee will have the ability to impose any condition to limit the scale and intensity of the use to the level it believes is appropriate. It should also be noted that the Conditional Use Permit process will require an applicant to present the request to the Town and will allow for the Town’s Comprehensive Plan to be applied.
- Staff also believes that there is a need for an additional site specific uses which are unrelated to agriculture. Uses which are dependant on the natural surrounding area and the environment would also have the same challenges previously discussed under a Home Occupation, Home Business or Farm and Home Based Business permit. The Commercial and Industrial districts are not a suitable option.
- Staff is proposing to create the uses Resorts and Nature-Based Operations. The definitions and the designated permitting requirements to be included in the Table of Uses are proposed as:
 - ◆ Resorts - A facility for transient guests where the primary attraction is generally on-site recreational features or activities.

EA	PA	GR	GRF	AR	RR-8	RR-12	RR-20	C	LI	I
<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>						

- ◆ Nature-Based Operations - A site-specific operation reliant on the property’s natural environment and characteristics.

EA	PA	GR	GRF	AR	RR-8	RR-12	RR-20	C	LI	I
<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>						

- Nature-Based Operations would serve as a “catch-all” for proposals, but would require the LMC to make a determination of whether the proposed use is reliant on the natural environment and characteristics as well as impose conditions to limit the scale and intensity of the use to an appropriate level.
- § 240-36A. addresses Bed and Breakfasts and § 240-36J. addresses Lodging facilities; these are the only mechanisms for transient lodging. The definitions of these uses are:

- ◆ Bed and Breakfast establishment – Any place of lodging that provides eight or fewer rooms for rent to transient guests, is the owner's personal residence, is occupied by the owner at the time of rental and in which the only meal served to guests is breakfast.
 - ◆ Lodging - A use which provides commercial transient lodging in individual rooms, suites of rooms or units. Examples of such uses include motels, hotels, inns, cottages, cabins and resorts.
- Bed and Breakfasts are limited to a personal residence and Lodging facilities are only permitted in the Commercial District. The addition of Resorts will allow for outdoor recreational facilities to provide lodging to its guests. (Resorts will be removed from the Lodging definition if the LMC directs staff to proceed with the use.)
 - Because Resorts and Nature-Based Operations do not have a connection to agriculture. Staff is proposing to add these uses to § 240-39. Outdoor Recreational Uses.
 - Currently § 240-39. Outdoor Recreational Uses addresses:
 - A. Campgrounds and trailer camps.
 - B. Institutional recreation camps.
 - C. Riding stables, commercial and private.
 - Staff is also proposing the following additions to §240-39. Outdoor Recreational Uses.
 - D. Nature-Based Operations.
 - E. Resorts.
 - (1) Housing may be in lodges, cabins and other residential structures.
 - (2) Each housing structure may have one cooking facility.
 - (3) There shall be one off-street parking space provided for each sleeping room provided.
 - (4) Retail activities shall be limited to those specifically identified in the Conditional Use Permit.

That language is consistent with the Retreat Centers language that was passed recently.

- The uses will require a Conditional Use Permit. The Land Management Committee will have the ability to impose conditions necessary to limit the scale and intensity of the use to the level it believes is appropriate. And again, the Conditional Use Permit process will require an applicant to present the request to the Town and will allow for the Town's Comprehensive Plan to be applied.

Staff Recommendation: Staff recommends the LMC determine whether the concept identified and the amendments proposed are consistent with prior committee direction or are there any changes needed. Pichotta stated that we are, in some cases, proposing to do away with some minimum lot sizes. If a Town wants to impose a certain minimum lot size they could support the establishment of a specific use only on lots that are greater than a certain size. That gives the Towns the ability to pick and choose for a menu of the types of uses they would support the establishment of. Rohl stated the first step would be to coordinate with the Town. Pichotta stated that we're looking for the committee to tell us if we are headed in the right direction, does this approach make sense? Sanden commended staff on doing an excellent job. It does make the code more complex. Chairperson Holst questioned the language regarding Farmers Market; regardless of whether such products were produced on the premises, which is being removed. If you have an active Farmers Market, what if a hail storm comes through wipes out the local products. The market goes away, you have to reestablish the use and perhaps you never would. Pichotta suggested that the word local is somewhat subjective. Roy stated we can look at the definition again. We started looking at the definition of a nursery and the way it was worded before you could have shipped all your products in and called it a Farmers Market. Sanden asked about the Farmers Market being expanded into the Rural Residential 8 District. Pichotta stated the whole purpose of the rural residential districts is to separate the large lot developments from potential nuisance uses. It may be that that use is not be consistent with the rural residential districts. Roy stated we're looking at site specific. We did add them as a permitted use in the commercial district

which they weren't listed there before. Sanden stated this makes it a little more complex but in the long run a little easier. Chairperson Holst asked if any action needs to be taken. The committees consensus is that staff is headed in the right direction with the code.

Departmental Update and Future Agenda Items

There is nothing on the October 6th agenda so Pichotta proposed to cancel that meeting.

For the committee's information, the Sylla's called regarding an errant blast that left fly rock on their property, this is the Schoeder Mine that just came before the committee recently.

Motion to adjourn at 7:53pm by Sanden/Rohl seconded. All in favor. Motion carried. Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, September 15, 2010 – 7:00 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: October 6 th & 20 th , November 3 rd & 17 th , all in 2010.	Chair
3	Approve minutes of the September 1, 2010 Land Management Committee meeting.	Chair
4	Public hearing to consider a request for a conditional use permit for expansion of a nonconforming structure in the Rural Residential 20 District for Robert J. Pritchard II, owner on property located in the NE ¼ of the SE ¼ of Section 28, T25N, R17W, Town of Hartland, Pierce County, WI.	Lund
5	Public hearing to consider proposed amendments to Chapter 237 of the Pierce County Code (Subdivision of Land).	Lund
6	Discuss take action on renewal of a conditional use permit for Wisconsin Industrial Sand – Maiden Rock Facility for Nonmetallic Mining on properties in the Agriculture Residential District, owned by Wisconsin Industrial Sand Co, Edmund & Dawn Daleiden, Dean & Mary Holden, David & Rayna Kassa and William & JoAnn Steele, all in Sections 13 & 14, T24N, R16W, Town of Maiden Rock, Pierce County, WI.	Roy
7	Discuss take action on proposed revisions to Chapter 240 relating to rural business/agritourism.	Roy
8	Future agenda items and departmental update.	Pichotta
9	Adjourn	Members

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

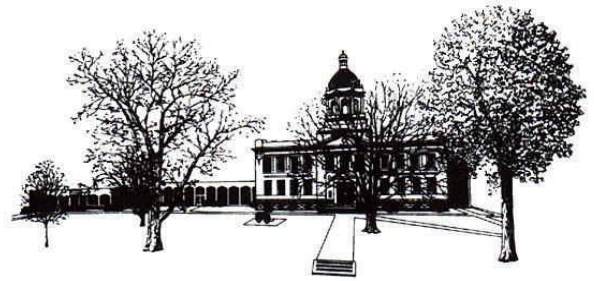
Upon reasonable notice, efforts will be made to accommodate the needs of individuals with disabilities requiring special accommodations for attendance at the meeting. For additional information or to make a request, contact the Administrative Coordinator at 715-273-6851.

A quorum of County Board supervisors may be present.

(9/2/10)

PIERCE COUNTY WISCONSIN
DEPARTMENT OF LAND MANAGEMENT & RECORDS

Pierce County Courthouse
414 W. Main Street P.O. BOX 647
Ellsworth, Wisconsin 54011
ZONING OFFICE 715-273-6747
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Fax: 715-273-6864



MINUTES - Pierce County Land Management Committee Meeting, September 1, 2010

Present: Paul Barkla, Jeff Holst, Don Rohl, Eric Sanden and Joe Fetzer

Others: Andy Pichotta, Brad Roy and Shari Hartung

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

Next meeting dates: September 15th, October 6th & 20th, all in 2010.

Approve Minutes: **Rohl moved to approve the August 18, 2010 LMC minutes/Holst seconded. All in favor. Passed. Sanden and Fetzer abstained from voting because of absence at the last meeting.**

Public hearing to consider a request for a conditional use permit for an accessory residence in the Primary Agriculture District for Raymond Dohm, owner on property located in the SE ¼ of the NW ¼ of Section 4, T26N, R16W, Town of El Paso, Pierce County, WI. Chairperson Barkla invited Mr. Dohm forward:

Mr. Dohm explained that he would like to turn the granary into an accessory residence. This was the building he received a conditional use permit on for a tack shop that was opened for a year and then closed. It was insulated and windows were put in. He plans to remodel his home and would like to live in the granary while remodeling. Once he remodels the house, he would like to rent the accessory residence out. Holst asked if he is going to live in the house afterwards. Mr. Dohm stated yes. Sanden asked if there is plumbing in the granary right now. Mr. Dohm stated no, that is his next step - to apply for a sanitary permit.

Staff Report – Brad Roy: Mr. Dohm did a good job of explaining his request. The proposal does meet the definition of our code. The building would be subordinate to the principal structure. The existing residence is a two-story house. The accessory residence will be in a single story structure which is attached to a machine shed. A Land Use Permit is not required for the establishment of a use permitted as a Conditional Use. The Town of El Paso recommended approval of this request on August 9, 2010 without specific conditions. The Town did not reference its Comprehensive Plan, so it is assumed that the plan is silent on this request.

Staff Recommendation: Staff recommends that the Land Management Committee consider the above and if determined to be not contrary to the public interest, nor injurious to public health, safety or character of the area, grant this conditional use permit with the following conditions:

1. A Sanitary permit shall be obtained for the septic system.
2. The Accessory Residence shall be inspected by the Town of El Paso Building Inspector.
3. A Uniform Address Sign shall be obtained for the Accessory Residence.

Chairperson Barkla opened the hearing to the public. Dan Fischer, Town of El Paso, when the proposal was brought before the Town; they did not find anything in the Comprehensive Plan that would reference it. The Town Planning Commission and the Town Board did approve this. **Public hearing closed. Holst moved to approve the conditional use permit for Raymond Dohm for an accessory residence with conditions #1 - #3, due to the fact it is determined not to be contrary to**

the public interest, nor injurious to public health, safety or character of the area/Rohl seconded. All in favor. Passed.

Public hearing to consider a request for a conditional use permit for expansion of a nonconforming structure in the Primary Agriculture District for Raymond Dohm, owner on property located in the SE ¼ of the NW ¼ of Section 4, T26N, R16W, Town of El Paso, Pierce County, WI. Chairperson Barkla invited Mr. Dohm forward: Mr. Dohm stated when he went to the Land Management Department to get the conditional use permit application for the accessory residence; he discovered he could not add on to his home without a conditional use permit because it was only 90 ft from the center of County Road G. One option would be to build at the 100 ft setback but that wouldn't make the floor space very usable. The plan is to take the porch off and add a 12 x 24 addition to square the house up. He is asking to build at the same plane as the house is now. There are several trees between the road and the house and there is an uphill incline to the house. There is also a 10 ft deck that will be added but that doesn't get any closer to the road.

Staff Report – Brad Roy: The applicant is proposing to construct 90 ft from the center of County Road G, the setback is 100 ft. The addition and the deck will align with the front of the existing house and be at 90 ft. The addition is to create additional living space. There are other additions that will be put on the structure however, those will meet the setbacks and don't require LMC approval. The Town of El Paso did approve this request on August 12, 2010 without specific conditions. The Town did not reference their Comp Plan so it is assumed the plan is silent on this request.

Staff Recommendation: Staff recommends the Land Management Committee consider the above and if determined to be not contrary to the public interest, nor injurious to public health, safety or character of the area, grant this conditional use permit.

Chairperson Barkla opened the hearing to the public. Dan Fischer stated the Town did look at this and felt the plan didn't have much to do with this. Since this is on a County Road, the Town felt it would be up to the County to accept or deny the setbacks along the County Road. **Public hearing closed. Fetzer moved to approve the expansion of the nonconforming structure for Ray Dohm due to the fact this request 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/Rohl seconded. All in favor. Passed.**

Discuss take action on proposed 2011 Land Management Department budget. Chairperson Barkla asked Joe Fetzer to Chair the meeting. Paul Barkla talked about the exercise of going through the Land Management Department budget and the effort Andy has expended to try and come up with the 3.4% decrease. He noted that LMC members that have served on this committee for the last few budget cycles know that Andy has complied with every directive from the County Board in dealing with budget matters. When the County Board requested the 15% cut, this department came through. Another year this department also came in with a significant cut. There was a crisis in another department and Andy stepped up - and while working on the budget for Land Conservation - he showed the same kind of devotion to following directives. Now the County Board has said the departments need to cut another 3.4%. Mr. Barkla stated that he has strong feelings on this issue when other departments have been unwilling to consider cuts. He further stated that he would resist any recommendation to cut department personnel.

Acting Chairperson Fetzer asked for the Staff Report – Andy Pichotta: The County Board directed all departments to reduce their budget by 3.4% this budget cycle. We did reduce our budget a few years ago by a substantial amount which leaves us with a very lean budget now. In the 2010 budget personnel costs make up approximately 94.6% of the total Land Management Department budget, with operating costs making up the remaining 5.4%. To comply with the 3.4% directive, the \$42,105 budgeted for operating costs would need to be reduced by \$26,511. Operating costs include such expenses as: gas, supplies, telephones, sign parts and supplies, public hearing and agenda publishing, training and conferences and professional services as well as per diems. The proposed 2011

budget is, as a whole, 0.1% under the 2010 budget. This has been achieved by reducing or eliminating the following in one or more division budgets: professional services, telephone, gas and road repair services. Further cuts would likely result in year-end overages. Pichotta stated there are two ways the department could achieve a 3.4% reduction. There is a list of the different expenses that are a part of operating costs followed by their percentage of the total operating budget. We would have to choose 33 % of the total expenses listed and cut everything else. Pichotta noted that the basic functions of the department are also those things that generate revenue. So if we limit our ability to buy gas and go on inspections, we limit our ability to generate revenue. The second option is to eliminate a staff position. Pichotta reminded the committee that a number of implementation tasks were identified in the Comprehensive Plan - so just because we're not issuing a large number of permits for new homes doesn't mean we're not busy. Pichotta went over the 2010 budget levels, proposed 2011 budget levels and percentage of change. Under the County Planner budget; we had budgeted \$5,000 for any wrap up that was necessary for the Comprehensive Plan. That item is being eliminated. Pichotta noted that we are required to do an update to the County's Farmland Preservation Plan in 2010. It might be prudent to roll that over. He noted that the Land Conservation Department will likely be getting a grant to assist in the development of the plan. Under the Zoning budget, I'm proposing to cut Other Professional Services by 50% and the Gasoline & Diesel Fuel by 20%, on the County Surveyor budget we are proposing to reduce the Road Repair Services and Other Travel, on the GIS budget, everything is proposed to remain the same. We hit this hard a few years ago and shifted a lot to Land Records Modernization. Under Park Development; we are not proposing to do anything but Parks may be proposing to utilize some of those funds. The Land Information Grant is a new budget which was created some time ago. We anticipate next years grant to be around \$10,000. I'm optimistic that it may actually be a couple of grand more. That money is ear marked for the aerial flight that was done this summer. Land Records Modernization: we are proposing another 500 hour temporary position to help out with our scanning and indexing of property files. As you are aware, there are going to be changes to the Land Records Modernization Program; a Land Information Council will be created later this year. The purpose of that Council is to provide guidance to this body in regard to updates to the Land Records Modernization Plan as well as Land Records Modernization expenditures. Pichotta noted that we have to submit a draft of the Land Records Modernization Plan by the first week of October of this year. Given the time frame, the council won't be put together by that point but the language is pretty specific that a draft must be submitted. So we are going to provide the draft the staff develops, then we will bring it to the council and then to LMC. Then it will be submitted as a final. As you are aware, our revenues have declined steadily over the last half a decade. In prior budgets I may have been too optimistic - so this year I will be more pessimistic. Monumentation Fees revenue will remain the same at \$8,000. Under Planning, State Aid-GIS - \$11,000, Fines - \$250, GIS Revenue - \$1400, Under Zoning, Zoning Permits, the six month current is at \$17,000 so I think \$30,000 is reasonable, Sanitary Fees & Revenues - \$20,000, Land Records Fees - \$2000 and the WI Fund - \$15,000. Capital Improvements: We haven't replaced vehicles in a good number of years. I have been pushing out the replacement of the jeep for several years. Had we been replacing vehicles all along the budget would look better and we could largely meet the County Board budget directive by simply not replacing a vehicle. There is going to be a substantial increase in our budget when we do replace them. So I've bumped back replacing the 1998 Jeep to 2012, the 2001 Chevy 1500 to 2013 and the 2002 Ford F150 to 2014. One thing to think about also is the fact that the Chevy is starting to get to the point where it is beginning to nickel and dime us. We have put \$1500 in it in the last several months. Under new equipment is the survey equipment. We bought the equipment in 2000. It's starting to get antiquated. Possibly we may lease instead of buying. We're probably going to be asked to make do with less again next year. Whether it be vehicles or survey equipment, we may have to make a request and move forward with it independent from the budget cycle. The last page is a 3-Year Budget & Staffing Summary. Basically I'm proposing that nothing will change. In 2012, looking at a vehicle, 2013 is the vehicle plus the survey equipment and 2014 is a vehicle again. Chairperson Barkla asked Andy if he has talked to the Sheriff's Department about getting equipment from Waunakee. Pichotta stated he

thinks that equipment must be retained by the Sheriffs Department. Holst stated that he was a strong promoter of the 15% reduction, several of the departments met the 15% reduction and those departments were promised at that time they would be looked upon favorably when it came to future budgets. We'll send it to F & P and see what happens. At some point and time we will have to reprioritize where the money is spent in the County. I'm favorable to the budget as presented. Sanden stated losing staff is a short-sided way of meeting these numbers. It's not just a dollars and cents type of thing, you lose experience and you can't replace that very easily. I would also encourage this budget to go through as it is and throughout the year to think creatively. Rohl stated he agrees with Eric about the staff and Jeff about the department meeting past reductions. Fetzer stated he agrees you need to cut back on budgets but there comes a time when you can't cut back any further. Holst stated Andy has met the directive of the Finance & Personnel Committee and presented a budget with different scenarios that would meet the -3.4%. Other departments have not presented the different scenarios. Therein lies the difference. If they would present their budgets and prove they can not meet the -3.4% then we would address that at F & P. **Rohl moved to adopt the 2011 Land Management Department Budget as presented and forward a recommendation to the Finance & Personnel Committee that it be approved/Fetzer seconded. All in favor. Passed.**

Departmental Update and Future Agenda Items

Public hearing to consider the expansion of a nonconforming structure in the Town of Hartland.

Public hearing on amendments to Chapter 237 (Subdivision of Land).

Discuss take action on renewal of a conditional use permit for WI Industrial Sand-Maiden Rock Facility

Discuss take action on proposed revisions to Chapter 240 relating to rural business/agritourism.

Pichotta noted that as many as a third of the County's in the State are enacting a fee for properties that have septic system maintenance requirements. Usually the fee is around \$5 per year. This could potentially generate additional revenue for the department.

Pichotta noted that the Comp Plan implementation section identified the need to review the fee schedule – but suggested that not be done until substantive changes to the zoning ordinance have been made.

Motion to adjourn at 7:55pm by Holst/Rohl seconded. All in favor. Motion carried. Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, September 1, 2010 – 7:00 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: September 15 th , October 6 th & 20 th , all in 2010.	Chair
3	Approve minutes of the August 18, 2010 Land Management Committee meeting.	Chair
4	Public hearing to consider a request for a conditional use permit for an accessory residence in the Primary Agriculture District for Raymond Dohm, owner on property located in the SE ¼ of the NW ¼ of Section 4, T26N, R16W, Town of El Paso, Pierce County, WI.	Roy
5	Public hearing to consider a request for a conditional use permit for expansion of a nonconforming structure in the Primary Agriculture District for Raymond Dohm, owner on property located in the SE ¼ of the NW ¼ of Section 4, T26N, R16W, Town of El Paso, Pierce County, WI.	Roy
6	Discuss take action on proposed 2011 Land Management Department budget.	Pichotta
7	Future agenda items and departmental update.	Pichotta
8	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.

(8/20/10)

MINUTES - Pierce County Land Management Committee Meeting, August 18, 2010

Present: Paul Barkla, Jeff Holst and Don Rohl

Absent: Eric Sanden and Joe Fetzer

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

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

Next meeting dates: September 1st & 15th, October 6th & 20th, all in 2010.

Approve Minutes: **Rohl moved to approve the August 4, 2010 LMC minutes/Holst seconded. All in favor. Passed.**

Public hearing to consider a request for a rezone from General Rural Flexible 8 to Rural Residential 12 District by Steve Bensed and Leslie McGinnis-Bensed, owners on property being Lot 1 of CSM V2 P161, Outlot B, part of Outlot A and part of Lot 1 CSM V6 P52, all located in the NE ¼ of the NE ¼ of Section 34 and the NW ¼ of the NW ¼ of Section 35, all in T26N, R19W, Town of Oak Grove, Pierce County, WI. Chairperson Barkla invited Mrs.

Bensed and Larry Murphy forward: Mr. Murphy explained this is a small piece of property that is a little light to split again in the General Rural Flexible 8 District. It's an area that is developing. Rohl asked what the difference would be between General Rural Flexible 8 and Rural Residential 12.

Pichotta stated the rezone will allow one more lot to be created where as under the current zoning it's not possible. Holst stated some of us were on the committee when this development was started. The Town road ran through there and was dedicated back to you. Mr. Murphy stated the street was never vacated. There was a triangle piece of property and the Bensed's only got half of that. **Staff Report – Emily Lund:** Mr. & Mrs. Bensed are requesting a rezone from General Rural Flexible 8 to Rural Residential 12. The property is located in Section 34 & 35, Town of Oak Grove and is approximately 7.992 acres in size. The applicants indicated in their application they wish to create one new lot for a new home. They also indicated that the reason for the rezone is this land is already a smaller parcel that was subdivided out in 1987. There is an existing residential development to the south and west of this property. The new zoning will allow for another lot to be created. Adjacent land uses include agriculture, residential and some woods. Adjacent zoning districts include General Rural Flexible 8 and Rural Residential 12. § 240-15 Purpose and Intent of Zoning Districts are listed in the staff report. The Town of Oak Grove Board of Supervisors recommended approval of this rezone request at their July 19, 2010 meeting. The Town referenced the following provisions contained in the Oak Grove Comprehensive Plan to justify their approval.

Chapter 3: Housing, pages 3-7, under Goal #1. Support subdivision practices that maintain the Town's agricultural and natural resources;

Policies, Programs & Actions #1. Encourage the infill of existing undeveloped subdivision.

Chapter 9, Land Use, page 9-9 under Goal #2. Promote and encourage growth and development in appropriate areas within the Town of Oak Grove.

Policies, Programs & Actions #4. Guide development away from prime agricultural lands and environmentally sensitive areas.

Pierce County's recently 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.

A small portion of the property to the west is included in Planned Residential Development (PRD). PCC § 240-47-52 describes PRD; and in short, it is an overlay district intended to give landowners greater flexibility in developing tracts of land on a project basis by relaxing the various lot area, lot

width, setback, yard and other regulations. In order to take advantage of the flexible development, a minimum of 40 acres of land is needed. She had 7.992 acres so this overlay is irrelevant. The land is not in the Farmland Preservation Program.

Staff Recommendation: Given that the Town of Oak Grove Board of Supervisors has determined this request to be consistent with their comprehensive plan, staff recommends the LMC approve this rezone request and forward a recommendation to the County Board of Supervisors. **Chairperson Barkla opened the hearing to the public.** Mike Regnier, neighbor to the East asked to see the map of the proposed rezone. **Public hearing closed.** Holst stated it looks straight forward and is consistent with the Town's comprehensive plan. **Holst moved to approve the rezone request from General Rural Flexible 8 to Rural Residential 12 for Steve Bensed and Leslie McGinnis-Bensed and forward to the Pierce County Board of Supervisors/Rohl seconded. All in favor. Passed.**

Public hearing to consider a request for a conditional use permit for an accessory residence in the General Rural Flexible 8 District by Randy Beadles, agent for Martha Beadles, owner on Lot 1, CSM V6 P41, located in the NW ¼ of the NW ¼ of Section 22, T27N, R19W, Town of Clifton, Pierce County, WI. Chairperson Barkla invited Randy Beadles forward: Mr. Beadles stated the accessory residence was built in the pole shed without a permit with the intension that some day he would live in the main residence and his elderly mother would live in the accessory residence. They rent out the main house and his mother has since moved to California. They will abide by the limitations on the septic system.

Staff Report – Emily Lund: Since 2006, our office has been working with Martha Beadles to bring her property in compliance on a variety of violations. An apartment was created in the pole shed without obtaining a Pierce County CUP for the accessory residence. The apartment needed a Town Building permit, an inspection for Uniform Dwelling Code compliance and the approval for a connection to the principal home's septic system. All outstanding issues will have been addressed upon approval of this CUP. The property is in Section 22, Town of Clifton and is zoned General Rural Flexible 8. The house address is N7640 1090th St, River Falls, WI 54022. The Town has not yet adopted a comprehensive plan, so their recommendation should be considered non-binding and advisory in nature. The Town of Clifton Board of Supervisors recommended approval of this CUP on 8-4-2009. The Town Board minutes state, "Building was meant for storage but somewhere along the way, a residence was established. Motion to approve was made by Greg Eggers, seconded by John Rohl, contingent on fulfilling the requirements of Land Management. The Town Board issued a building permit on 8-4-2009 which expires on 9-4-2010. The Town Building Inspector, Todd Dolan, will inspect the premises and issue an occupancy permit if appropriate. LeRoy Peterson, Town Chairperson, signed the CUP Town Recommendation/Approval form on 1-5-2010, noting, "This is to complete the pending situation." The applicant owns 10.890 acres with a house with an attached garage and a pole shed. She would like to convert the east 1/3 of the pole shed to an accessory residence to rent out. The house is currently being rented out to a family. They tied into the existing septic system and we determined they would only be able to have 6 people between the two residences. Pierce County Code (PCC) § 240-40(A) allows accessory residences, which are accessory to single family homes in the General Rural Flexible 8 District with the issuance of a conditional use permit. PCC § 240-88 defines Accessory Residence as listed in the staff report.

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

1. The total number of people living in both the house and the accessory residence shall be less than or equal to 6 people. If more than 6 people are found to be living in both the house and accessory residence and/or the septic system fails, then the septic system will need to be expanded and/or replaced with the issuance of proper permits.

2. The Town Building Inspector, Todd Dolan, shall inspect the premises to ensure that it meets the Uniform Dwelling Code on or before September 9, 2010.
3. The Town Building Inspector, Todd Dolan, shall issue an occupancy permit prior to the applicants renting of the accessory residence.
4. A Uniform Address Number shall be assigned for the accessory residence and located at the driveway entrance off of 1090th St.
5. The CUP shall be renewed every 2 years. Renewal may be completed administratively if no complaints or compliance issues arise.
6. Applicant shall submit a rental management plan to the Department within 45 days. Plan must identify a local contact and address logistics associated with absentee landowner management.

Chairperson Barkla opened the hearing to the public. Rodney Filkins, neighbor stated he was fine with this except he just doesn't want any complaints about noise if he should have a band on his property. **Public hearing closed.** Holst asked if we have ever had a similar situation in the County - where the main structure was rented out and they also want to rent out the accessory structure. Lund stated that she asked Jim Kleinhans that question and he had said there was - but she cannot recall who the property owner was. **Holst moved to approve the accessory residence for Randy Beadles, agent for Martha Beadles, due to the fact this request 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/Rohl seconded. All in favor. Passed.**

Discuss take action on a conditional use permit renewal request for a Private Outdoor Recreational Use/rodeo in the General Rural Flexible 8 District by Mark Anderson, owner on property located in the SE ¼ of the NE ¼ of Section 9, T26N, R19W, Town of Oak Grove, Pierce County, WI. Chairperson Barkla invited Mark Anderson forward: Staff Report – Brad Roy: Mr. Anderson received a CUP to operate commercial rodeo events last year. There have been two events to date. The property is located along Hwy 10 but access to the events is off of 1090th St. Tents for shelter and satellite toilets for sanitary facilities have been used for the events and it has been determined that this will continue for any future events. No commercial structures will be constructed for the events. Parking is along 1090th Street. There have been no parking issues at the hosted events. Events are during daylight hours. A public address system is utilized and directed to the north. Staff has not received any complaints. The Town of Oak Grove was contacted regarding this renewal request; staff has not received any issues or concerns about the renewal from the Town. The existing conditions #1 - #8 are listed in the staff report. Staff recommends eliminating the old condition #1 because the use has been established and staff is recommending going to a 2 year renewal because there have been no complaints. **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 additions or modifications are deemed necessary, staff recommends this CUP be renewed with the following conditions:**

1. This permit shall be valid for two years or if compliance issues arise.
2. A land use permit shall be required for any buildings located or constructed on the site.
3. Any on-premise signs shall be permitted by Pierce County.
4. Solid waste dumpsters or waste containers be located on site and maintained.
5. Hours of operation shall be from 12:00pm until dark.
6. Adequate liability insurance shall be maintained.
7. Property and containment fences around the facility shall be maintained.

Rohl moved to approve renewal of the conditional use permit for a Private Outdoor Recreational Use/Rodeo for Mark Anderson with conditions #1 - #7/Holst seconded. All in favor. Passed.

Discuss take action on a conditional use permit renewal request for Nonmetallic Mining by BS Construction Inc & Steve Schoeder Properties on property located in the SE ¼ of Section 15 and the NE ¼ of Section 22, T26N, R15W, Town of Rock Elm, Pierce County, WI. Chairperson

Barkla invited Jeff Schoeder forward: Mr. Schoeder stated he is here for the renewal request. **Staff Report – Brad Roy:** Mr. Schoeder owns a mine which was expanded in 2006. County Materials is the current operator of the site. Activity in the mine has been significantly less since the opening of the County Materials Spring Lake Quarry. There is a small amount of blasting that takes place in the mine. The mining site has approximately 10 unreclaimed acres. Access to the mine is off of County Road S. County Materials intends to remove approximately 30,000 tons of material every year for the next five years. Processing of the material will be done at the County Materials Spring Lake Quarry. A map detailing the final extent of County Materials’ activity was distributed. Dust has been controlled on-site by improving roadways with gravel and applying water on an as-needed basis. Operations occur during daylight hours during the peak construction season, from Monday through Friday with occasional operations on Saturday. A pond was installed on the site. Measures have been incorporated to drain all industrial stormwater internally. Staff has not received any complaints since the 2008 renewal. BS Construction intends to mine an additional two acres, towards Cty Rd S and then close and reclaim the mine. The existing conditions are listed #1 - #12 in the staff report. The applicant wishes to have the peak particle velocity limit for blasting increased which would require modification to condition #6. **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 additions or modifications are deemed necessary, staff recommends this CUP be renewed with the following conditions:

1. Hours of operation remain consistent daylight hours 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 operations hours.
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 (48 hours) of any planned blasting. Peak particle velocity shall not exceed 0.35 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. Rock blown onto adjoining property will be removed by the operator at the request of the property owner.

Jim Small stated he would like to make a clarification to the staff report which states they will remove approximately 30,000 tons of material, processing of the material will be done at the County Materials Spring Lake Quarry. Mr. Small stated they will drill & blast and have a contract crusher brought in to crush the rock before it leaves the site. Then it’s washed and processed at the Spring Lake Quarry. By his calculations - that amount of material would put the nearest corner of the quarry about 550 feet from the Sylla’s property, five years from now. Brian LaRue, the blaster at the quarry since 2006, stated that blasting is designed based on proximity to the nearest dwelling - which is the Sylla’s. The State of Wisconsin has adopted the Z curve which Mr. LaRue described the methodology of. He stated they could do a better job if the PPV was increased. He stated that, based on his seismograph readings, they have never exceeded the Z curve. Bill Sylla, Jr, stated they really believe the original setbacks

need to be maintained. The big question today is the Peak Particle Velocity. When they originally came in, they asked for a .2. The regulations for the State are a maximum and County's can adopt less than the .35, some County's are at .30. Mom & Dad have documented the blasts and what effect it has had on the property. County Materials has done a good job of staying within the limits and the Sylla's appreciate it. They want to maintain status quo. Mr. LaRue explained the history of the quarry until 2008, indicating that they used to do a couple blasts a year. He stated the blasts are going to shake a house 900 ft away but not enough to cause damage. He can do it in one shot. The less blasting is better than more blasting and explained why. Bill Sylla, Jr stated there have been some blasters that have gone way out there and they don't have documentation for those. The .35 is working and they don't mind more blasts. **Holst moved to approve the conditional use permit renewal for nonmetallic mining for BS Construction and Steve Schoeder Properties with conditions #1 - #12/Rohl seconded. All in favor. Passed.**

Discuss take action on a request for site plan review for building expansion in the Industrial District for FL Industries DBA Thomas & Betts, owner on land located in parts of the S ½ of the NW ¼, NE ¼ of the NW ¼, SW ¼ of the NE ¼ and the NW ¼ of the SE ¼, all in Section 2, T24N, R18W, Town of Trenton, Pierce County, WI. Staff Report – Brad Roy: Thomas & Betts last received Site Plan approval for an expansion in 2008. Current plans are to expand an existing structure, construct a new building for shipping/receiving/loading, and to relocate the plate storage area. The construction and modifications, along with new machinery, will improve efficiency and allow the company to remain competitive. Site Plan Review is required for all Commercial and Industrial developments. The purpose of the review is to assure site designs which promote compatibility between land uses, create safe and attractive site layouts and structures, provide proper access to streets and transportation, protect property values and contribute to efficient land use in Pierce County. Most of the site work was completed during the 2008 expansion. There will be no significant additional areas of impervious surfaces. The building additions are to be approximately 63' by 280' on each side of the existing building. Lighting on this building will be limited to exit lighting, motion detectors and landscape lighting for the sidewalk along the west side. The new shipping/receiving/loading building will be constructed on an existing gravel area towards the southern end of the property. This building will be 90' by 180'. The plate storage area will be relocated away from the rail spur to the west side of the facility. Gravel currently covers this area. Lighting will be installed and directed down over this area. The new equipment will reduce the amount of noise generated by the operation. The company may hire up to 30-40 additional employees. There are 233 parking spaces on-site; this appears to be adequate for existing and potential expanded staffing. The new construction will not impact the existing septic system. A new septic system may be installed for the shipping/receiving/loading building. If not, the building will be connected to the existing system. Either septic scenario would trigger Department review. A berm was constructed to lessen the effects of the facility on the residential properties located on the Southern border. A drainage pond was installed in the south-east corner of the property. The new construction may create the need for limited grading. The Corporate Offices have not yet approved the expansion. Thomas & Betts wishes to start construction once they receive corporate approval and wish to complete all concrete work before winter.

Staff Recommendation: Staff recommends the Land Management Committee review the proposed site plan and determine whether any changes or modifications to the plan are necessary. Mr. Bartels, representing Thomas & Betts, stated they were here before the committee less than 3 years ago and did comply with all the conditions. They are proud of the grass growing on their berm and haven't heard of any complaints. They met with the Planning Commission and the Town Board to let them know what their intentions are and didn't hear any complaints. We would like to get the site plan approval so the minute they get approval they can start. Ron Bartels introduced Jared Matzek as the new Manufacturing Engineer. Holst stated that the plans look good and noted that there aren't as many locals present as was the case when the project was started. **Holst moved to approve site plan review**

for building expansion for FL Industries DBA Thomas & Betts/Rohl seconded. All in favor. Passed.

Discuss take action on proposed amendments to Chapter 237 of the Pierce County Code

(Subdivision of Land). Staff Report – Emily Lund: Recently new legislation modified Chapter 236 of Wisconsin Statutes so we now have to amend our code. Local units of government have been directed to update their ordinances to reflect these revisions. There are seven changes to the code proposed to comply with State Statutes. They are:

1. Changed time frame for submittal of final plat. Must be within 36 months of preliminary approval.
2. Establishes process for determining if a final plat conforms substantially to the preliminary plat
3. Specify that plats need to comply with the local ordinance as it existed at the time the plat was submitted.
4. Surety bond or other security required for improvements is limited to the phase being constructed
5. Changes the time limit for recording subdivision plats
6. Specifies that local ordinances MAY NOT be more restrictive than state statutes
7. Clarify when local review of plat or CSM can be based upon the lands proposed use.

Lund stated that the State is not making the Chapter more difficult but more flexible. Holst stated they are making the rules more attractive to developers. **Staff Recommendation:** Staff recommends the LMC approve the proposed amendments to Chapter 237 – Subdivision of Land and direct staff to schedule a public hearing to consider their adoption. **Holst moved to approve the proposed amendments to Chapter 237 – Subdivision of Land and direct staff to schedule a public hearing to consider their adoption/Rohl seconded. All in favor. Passed.**

Departmental Update and Future Agenda Items

Two public hearings for Ray Dohm in the Town of El Paso, one is an accessory residence and expansion of a nonconforming structure.

Proposed 2011 Land Management Dept Budget

Motion to adjourn at 7:55pm by Holst/Rohl seconded. All in favor. Motion carried. Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, August 18, 2010 – 7:00 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: September 1 st & 15 th , October 6 th & 20 th , all in 2010.	Chair
3	Approve minutes of the August 4, 2010 Land Management Committee meeting.	Chair
4	Public hearing to consider a request to rezone from General Rural Flexible 8 to Rural Residential 12 District by Steve Bensed & Leslie McGinnis-Bensed, owners of Lot 1 of CSM V2 P161, Outlot B, part of Outlot A and part of Lot 1 CSM V6 P52, all located in the NE ¼ of the NE ¼ of Section 34 and the NW ¼ of the NW ¼ of Section 35, all in T26N, R19W, Town of Oak Grove, Pierce County, WI.	Lund
5	Public hearing to consider a request for a conditional use permit for an accessory residence in the General Rural Flexible 8 District by Randy Beadles, agent for Martha Beadles, owner on Lot 1, CSM V6 P41, located in the NW ¼ of the NW ¼ of Section 22, T27N, R19W, Town of Clifton, Pierce County, WI.	Lund
6	Discuss take action on renewal of a conditional use permit for a Private Outdoor Recreational Use/Rodeo in the General Rural Flexible 8 District by Mark Anderson, owner on property located in the SE ¼ of the NE ¼ of Section 9, T26N, R19W, Town of Oak Grove, Pierce County, WI.	Roy
7	Discuss take action on a conditional use permit renewal request for Nonmetallic Mining by BS Construction Inc & Steve Schoeder Properties on property location in the SE ¼ of Section 15 and the NE ¼ of Section 22, T26N, R15W, Town of Rock Elm, Pierce County, WI.	Roy
8	Discuss take action on a request for site plan review for building expansion in the Industrial District for FL Industries DBA Thomas & Betts, owner of land located in parts of the S ½ of the NW ¼, NE ¼ of the NW ¼, SW ¼ of the NE ¼ and the NW ¼ of the SE ¼, all in Section 2, T24N, R18W, Town of Trenton, Pierce County, WI.	Roy
9	Discuss take action on proposed amendments to Chapter 237 of the Pierce County Code (Subdivision of Land).	Lund
10	Future agenda items and departmental update.	Pichotta
11	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.

(8/6/10)

MINUTES - Pierce County Land Management Committee Meeting, August 4, 2010

Present: Paul Barkla, Don Rohl and Joe Fetzer

Absent: Jeff Holst and Eric Sanden

Others: Andy Pichotta, Jim Kleinhans, Emily Lund, Brad Roy and Shari Hartung

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

Next meeting dates: August 18th, September 1st & 15th, all in 2010.

Approve Minutes: **Rohl moved to approve the July 21, 2010 LMC minutes/Fetzer seconded. All in favor. Passed.**

Public hearing to consider a request for a conditional use permit for a Private Outdoor Recreational Use (commercial paintball playing field) in the Primary Agriculture District for Aaron Tholey, agent for Timothy & Carolyn Jennings, owners on property located in the NW ¼ of the SW ¼ of Section 5, T27N, R19W, Town of Clifton, Pierce County, WI. Chairperson Barkla noted that the applicants were not yet in attendance and indicated that he would entertain a motion to table this agenda item until later in the meeting. **Fetzer moved to table agenda item #4 regarding the commercial paintball playing field/Rohl seconded. All in favor. Passed.**

Public hearing to consider a request for a conditional use permit for Filling & Grading in the Floodplain/Shoreland Area by Hoffman Construction Co, agent for Pierce County, owner on property located in the NW ¼ of the SW ¼ of Section 3, T24N, R18W, Town of Trenton, Pierce County, WI. Chairperson Barkla invited Ron Overlien forward: Mr. Overlien stated that they intend to level the site to create a pad area for the loading and unloading of barges. There will be temporary stock piles. Once the trucks are loaded they will go to the Stogdill property to unload. The site will be covered with breaker rock and they will line the outside (north end) with jersey barrier to keep the silt from migrating off the site. When they're done for the winter, all the stockpiles will be removed. The jersey barriers can be removed off the site or redirected on site. When they are completely done they will restore with seed and mulch. He stated that he had talked with Dick Bunce, Town Chairperson, if the committee would like some trees put back that would be an option. Their estimated start date this year will be Sept 1st – 15th and completion date Nov. 15th - Dec. 1st. Next year it will be June 1st and completion date will be Dec. 1st. They are going to try not to go into the year 2012. **Staff Report – Jim Kleinhans:** Ron works for Hoffman Construction Co who is the subcontractor for Edward Kraemer and Sons who was awarded the contract from the ACOE to do the lower embankment project for Lock & Dam #3. This request is for filling and grading and modifying an area on Trenton Island that the County owns. Trees will be cleared, soils and the terrain will be adjusted. There will be stockpiles during the summer months. The property is zoned Rural Residential 20 and presently managed as floodplain woodlands. The Town of Trenton supervisors approved this proposal during their June 8, 2010 town meeting without specific concerns or recommendations. Dept of Natural Resources is working cooperatively with the COE and they expect a Chapter 30 permit will be approved prior to the end of August. The project site is not mapped as wetland however, adjacent land to the east of 831st Street is mapped as forested a floodplain complex that is subject to more frequent flooding. This site is a little higher. Portions of the haul road (831st Street) will be widened and trees cleared so trucks can pass each other without tearing up the road. Temporary ground cover, shredded trees and stone pads will be used to prevent vehicle tracking onto town roads. A temporary barge access dock and work platform will be established to support equipment for barge and truck loading/unloading. The proposed landing along the shore will include steel piles supporting wooden timbers with a fabric lined rock filled barrier surrounded by a turbidity barrier placed in the river. This component will be authorized under the Chapter 30 permit. The project perimeter is staked along with a temporary elevation benchmark. The transfer site and stockpiles will be less than one acre of

disturbance. The on shore transfer site is staked 60 feet north of Bargrain's recreational property. Jim explained the photos provided in the staff report. Ron went over the time lines of when they expect to do the work. Shoreland provisions in the zoning code regulate filling and grading. Floodplain fill is regulated under Chapter 238 in the County Code. If additional fill is left on the site, there would have to be an analysis to see what the impact of the fill would be. I believe they are going to bring it back to the original grade so we don't have any potential impacts from fill left in the floodplain. Equipment should be removed when not operating on the site, in the event of a spring flood, there wouldn't be equipment. **Staff Recommendation:** Staff recommends the Land Management Committee consider whether the proposed use would be 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 LMC consider approval of this request with the following recommendations.

1. Contractor shall secure all necessary state and local permits and approvals prior to commencing operations.
2. Project shall not commence until a lease agreement with Pierce County has been executed. The Land Management Dept shall be notified at project initiation.
3. Fill and equipment placed on transfer site property shall be removed at the project termination.
4. Material stockpiles in areas subject to seasonal flooding shall be removed at the end of the working season.
5. Vegetation management and restoration shall be consistent with Section 240-46 with final seeding and plantings established to stabilize the site. LMC should consider requiring the submittal of a final restoration plan.
6. Erosion control best management practices shall be implemented and maintained until the project site restoration is complete.
7. This conditional use permit shall remain valid until the spring of 2012 to allow for final site restoration.
8. Additional road fill placed along 831st Avenue for truck turnouts shall be removed at the termination of the project.
9. The LMC should consider requiring a bond for final site restoration.
10. Remaining rock found suitable for use as rip rap shall be incorporated along the shoreline of the north tip of Trenton Island if allowable under the approved Chapter 30 permit.
11. Hoffman Construction Co shall repair damages to local town roads.
12. Re-orientate the jersey barriers if left on site between seasons so they are parallel with the flood water flow.

Chairperson Barkla opened the hearing to the public. Delbert Johnson, neighboring property, asked about the repair of the road. We understood there was going to be an overlay over the whole road. Mr. Overlien stated that is correct. Pichotta asked Mr. Overlien if they have an agreement with the Town regarding use of Town Roads. Mr. Overlien stated yes. **Public hearing closed.** Fetzer asked who does the assessment of the road. Pichotta stated that the issue was addressed by Hoffman's agreement with the Town. Fetzer asked what the jersey barrier is. Mr. Overlien stated it's like a lane separator for erosion control, a barrier. Fetzer stated it won't be a problem moving them. Mr. Overlien stated no.

Rohl moved to approve the conditional use permit for filling and grading in the shoreland/floodplain district for Hoffman Construction Co 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 – #12. Fetzer asked if this was stating a bond will be necessary for this. Kleinhans stated for nonmetallic mining we typically ask for \$1000 an acre. We're not going to be disturbing more than an acre. Fetzer stated that's not a consideration then. **Fetzer seconded. All in favor. Passed.**

Public hearing to consider a request for a conditional use permit for a Utility Facility >1000 square feet in the Rural Residential 20 District by Hoffman Construction Co, agent for Pierce

County, owner on property located in the NW ¼ of the SW ¼, Section 3, T24N, R18W, Town of Trenton, Pierce County, WI. Chairperson Barkla invited Ron Overlien forward: Staff Report – Pichotta: basically it's the same project we just heard about. Essentially the first CUP was to allow for the filling and grading to prep the site to use as a barge loading and unloading area and the second CUP is to enable the use of the site for actual loading and unloading. This is for a Utility Facility >1000 square feet because it's the provision in our code that was the most similar to the proposed use and is being processed consistent with that use. A future amendment will be brought to the committee. The proposed site is located in Section 3, Town of Trenton. Materials are proposed to be brought in from various quarries and pits to the transfer site with dump trucks and then loaded on barges and transported upstream to the work site. Barges would in turn, bring back excess soils from the construction site which would also be loaded into dump trucks and hauled off site to a designated area. A small area for short term stock piling of materials is proposed for use if truck traffic doesn't correspond with the loading/unloading of the barges. Tracking pads of stone or shredded trees will be used to prevent sediment tracking from the site. Hoffman is proposing to use this site for loading and unloading of barges from the COE project only. Equipment listed for this project include: barges, loaders, backhoes, dump trucks and a street sweeper. Extra fuel will not be stored on site. The dredge materials will likely be disposed of in Pierce County's Stogdill nonmetallic mining pit. The proposed haul route to the site is from US Hwy 35 to US Hwy 63 to 825th St to 831st St to the site. Applicant has proposed to operate 10 to 12 hours per day, 5 days per week, unless delays warrant changes. There are 6 residential sites located along 831st Street. These residences are primarily seasonal. Pierce County's Comprehensive Land Use Plan supports floodplain protection and supports the utilization of rivers for multimodal transportation system and movement of goods and people. **Staff Recommendation:** Staff recommends the Land Management Committee determine 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 approve this conditional use permit with the following conditions:

1. Applicant shall secure all necessary federal, state and local permits and approvals prior to commencing operations.
2. Applicant shall conduct all activities as described in their CUP application and narrative, unless otherwise stipulated by the LMC.
3. All activities shall be completed on or before December 31, 2012, unless an extension is granted by the LMC.
4. Transfer site work hours shall be from 7AM to 7PM.
5. Materials stockpiles and any equipment, waste containers, restrooms, etc. located in areas subject to seasonal flooding shall be removed at the end of the working season.
6. Proof of adequate liability insurance shall be provided.
7. Applicant shall be responsible for and to repair any damage to the haul route and private property abutting the haul route caused by its activities.
8. Project shall not commence until a lease agreement with Pierce County has been executed. The Land Management Dept shall be notified at project initiation.

Chairperson Barkla opened the hearing to the public. No public comment. Public hearing closed. Kleinhans asked Mr. Overlien if they are running the trucks taking material from the river to the Stogdill facility are they going to deadhead or bring back material. Mr. Overlien stated they will either bring back sand or rock materials if possible. **Fetzer moved to approve the conditional use permit for a Utility Facility >1000 square feet for Hoffman Construction Co 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 – #8/Rohl seconded. All in favor. Passed.**

Fetzer moved to take agenda item #4 off the table and hear it/Rohl seconded. All in favor. Passed.

Public hearing to consider a request for a conditional use permit for a Private Outdoor Recreational Use (commercial paintball playing field) in the Primary Agriculture District for Aaron Tholey, agent for Timothy & Carolyn Jennings, owners on property located in the NW ¼ of the SW ¼ of Section 5, T27N, R19W, Town of Clifton, Pierce County, WI. Chairperson Barkla invited Aaron Tholey and Timothy Jennings Forward: Mr. Tholey stated they are looking for a conditional use permit for a paintball facility. Mr. Jennings stated he and friends had used the old beef pasture for paintball activities. Aaron approached him this spring and asked if it would be a possibility to lease the land and he figured both would benefit financially. I'm concerned about the property and checked with Land Conservation to make sure there wasn't going to be drainage issues. Everything will be established in grass. They stated there weren't any problems with erosion control. When I approached the Town Board, I didn't realize we had to come to this committee. I have 40 acres and the closest house is a quarter mile, plenty of parking area. It's hidden by the corn fields. When soybeans are planted you will be able to see it from County Rd M. We will have portable restrooms. Nothing permanent except poles in the ground to protect spectators, in case Aaron changes his mind in two years. **Staff Report – Emily Lund:** This is a conditional use permit request for a Private Outdoor Recreational Use for a commercial paintball playing field. Mr. & Mrs. Jennings own 520.04 acres. This parcel is 40 acres and currently two acres is being used for the paintball playing field. They hope to expand the playing field within the parcel if the business does well. The CUP is necessary because Mr. Tholey wants to start charging admission for the use of the paintball course. The property is located in Section 5, Town of Clifton and is zoned Primary Agriculture. Clifton Town Board recommended approval of this request on 7-6-2010. The Town's approval stated, "Be sure the parties follow the Pierce County guidelines." Pierce County Code § 240-88 defines 'outdoor recreation, private' as "land uses which offer recreation activities primarily outdoors, including such uses as private parks, sportsmen's clubs, campgrounds, golf courses and ski hills and which are operated for members or on a commercial basis for members of the public." Surrounding land uses include agriculture, woodland and residential. The commercial paintball playing field is to be located approximately 300 ft north of the Jennings' driveway; between 400-700 ft west of 1160th Street. The 2007 orthophoto map (attached to staff report) shows where the course has been set up in the past. The owner indicated that the location of the paintball playing field is on land that is not the best for farming. The name of the company is "Vintage Paintball Park LLC." Proposed hours of operation are daily 9AM to 9PM. The entrance will be gated and locked. The paintball course will typically operate on the weekends and an occasional weekday. The applicant anticipates a staff of 10 employees or less. Currently there are no employees and people assist on a volunteer basis. The paintball course will have inflatable bunkers, recycled electrical spools and collapsible/movable buildings. Safety netting will be put up for games and taken down at the end of the day. Equipment will be put away before winter and is proposed to be stored in two 8ft x 8ft x 40ft storage containers. With the CUP approval, a lean-to shelter and 3 on-premise advertising signs will be permitted. Pierce County Code § 240-61F(2)(a) allows a total of 3 signs per business. The owner indicated that no permanent structures will be built on the playing field. Portable satellite waste containers will be provided (1 to 50 people) and maintained for patrons. Insurance and waivers of liability were secured and reviewed by the owner's attorney. A copy of the liability insurance was submitted to the Department. When the business gets operating, Mr. Tholey indicated he will purchase sport insurance for paintball. A copy of the changes or additional liability insurance will be submitted to the Land Management Department. For public safety and to find the park, a Uniform Address Number should be assigned and located at the driveway entrance off of 1160th St. Mr. Tholey wants to start charging an admission fee for the use of the paintball course. He also wants to sell supplies, like equipment, paintballs, snacks and sport drinks. Alcohol will not be sold, served or allowed on premises. Off-street parking per Pierce County Zoning Code § 240-54(A) requires 1 space per 4 patrons. The area proposed for parking allows for 58 parking spots or 232 people. **Staff Recommendation:** Staff recommends that the Land Management Committee (LMC) determine whether or not approval of this request is contrary to the public interest and whether it

would be detrimental or injurious to public health, public safety or the character of the surrounding area. If determined to be not contrary to the above, staff recommends the LMC approve this request with the following conditions:

1. A Uniform Address Number shall be assigned and located at the driveway entrance off of 1160th St.
2. Applicants shall be limited to two (2) – 8 ft x 8 ft x 40 ft proposed shipping containers on the property.
3. Adequate portable satellite waste stations (1 to 50 people) shall be provided.
4. Solid waste dumpsters or waste containers shall be located on-site and maintained.
5. Hours of operation shall be daily 9AM to 9PM, or as otherwise established by LMC.
6. The applicant shall be limited to 10 employees.
7. A copy of any changes or additional liability insurance shall be submitted to the Land Management Department.
8. The CUP shall be renewed every 2 years. Renewal may be completed administratively if no complaints or compliance issues arise.
9. Applicant understands that expansion or intensification of this use may require modification to this conditional use permit, or potentially, the issuance of a new conditional use permit.

Chairperson Barkla opened the hearing to the public. No public comment. Public hearing closed.

Rohl asked if the storage containers are semi trailers or commercial containers. Mr. Tholey stated they are big shipping containers that he stores his tools in right now. Fetzer asked when they plan to get going. Mr. Tholey stated he has things to do yet and planned on opening in the spring. Pichotta stated that in looking over this he realized the retail sales component wasn't addressed. He suggested adding condition #10 Retail sales shall be limited to those items identified in the permit application. **Fetzer moved to approve the conditional use permit for a Private Outdoor Recreational Use (commercial paintball playing field) by Aaron Tholey, agent for Timothy & Carolyn Jennings, owners 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 – #10 with #10 stating: Retail sales shall be limited to those items identified in the application/Rohl seconded.** Mr. Tholey asked about the 2 year conditional use permit. He asked if he will be notified by mail or if he has to come back before the committee for that. Roy stated we attempt to notify but it ultimately is your responsibility to renew it. **All in favor. Passed.**

Public hearing to consider adoption of the Pierce County Outdoor Recreation Plan 2010 – 2014.

Staff Report – Brad Roy: The Mississippi River Regional Planning Commission completed the update of the recreation plan. No changes have been made to the plan since you last saw it. The County prioritized projects listed on pages 42 & 43. **Staff Recommendation:** Staff recommends the Land Management Committee review the enclosed plan and consider any public comments received to determine if changes or additions are needed.

If determined to be appropriate, staff recommends the LMC approve the plan and direct staff to forward the attached resolution adopting the Pierce County Outdoor Recreation Plan 2010 – 2014 to the Finance and Personnel Committee for approval.

Chairperson Barkla opened the hearing to the public. No public comment. Public hearing closed. Rohl moved to approve the Pierce County Outdoor Recreation Plan 2010 – 2014 and forward the resolution for adoption to the Finance and Personnel Committee/Fetzer seconded. All in favor. Passed.

Departmental Update and Future Agenda Items

Rezone request from General Rural Flexible 8 to Rural Residential 12 in Town of Oak Grove

Conditional use permit for an Accessory Residence in the Town of Clifton

Conditional use permit renewal request for Mark Anderson for a rodeo in the Town of Oak Grove

Conditional use permit renewal request for Nonmetallic Mining for BS Construction in the Town of Rock Elm

Site plan review for a building expansion in the Industrial District for Thomas & Betts

Proposed amendments to the Subdivision Code, Chapter 237.

Chairperson Barkla asked Pichotta when the budget would be brought to the LMC for review. Pichotta stated that he typically brings the budget to the committee at the first meeting in September.

Motion to adjourn at 7:55pm by Fetzer/Rohl seconded. All in favor. Motion carried. Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, August 4, 2010 – 7:00 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 18 th , September 1 st & 15 th , all in 2010.	Chair
3	Approve minutes of the July 21, 2010 Land Management Committee meeting.	Chair
4	Public hearing to consider a request for a conditional use permit for a Private Outdoor Recreational Use (commercial paintball playing field) in the Primary Agriculture District for Aaron Tholey, agent for Timothy & Carolyn Jennings, owners on property located in the NW ¼ of the SW ¼ of Section 5, T27N, R19W, Town of Clifton, Pierce County, WI.	Lund
5	Public hearing to consider a request for a conditional use permit for Filling and Grading in the Floodplain/Shoreland Area by Hoffman Construction Co, agent for Pierce County, owner on property located in the NW ¼ of the SW ¼ of Section 3, T24N, R18W, Town of Trenton, Pierce County, WI.	Kleinhans
6	Public hearing to consider a request for a conditional use permit for a Utility Facility >1000 square feet in the Rural Residential-20 District by Hoffman Construction Co, agent for Pierce County, owner on property located in the NW ¼ of the SW ¼ of Section 3, T24N, R18W, Town of Trenton, Pierce County, WI.	Pichotta
7	Public hearing to consider adoption of the Pierce County Outdoor Recreation Plan 2010 – 2014.	Roy
8	Future agenda items and departmental update.	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.

(7/23/10)

MINUTES - Pierce County Land Management Committee Meeting, July 21, 2010

Present: Paul Barkla, Jeff Holst, Don Rohl, Joe Fetzer and Eric Sanden

Others: Jim Kleinhans and Shari Hartung

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

Next meeting dates: August 4th & 18th, September 1st & 15th, all in 2010.

Approve Minutes: **Fetzer moved to approve the July 7, 2010 LMC minutes/Rohl seconded. All in favor. Passed.**

Discuss take action on status report and potential modification of a conditional use permit for a private heliport in the General Rural Flexible 8 District for Christopher Brekken, owner on property located in the SW ¼ of the NE ¼ of Section 27, T26N, R19W, Town of Oak Grove, Pierce County, WI. Chairperson Barkla invited Christopher Brekken forward: Staff Report –

Jim Kleinhans: Mr. Brekken obtained a conditional use permit for a private heliport on his property on January 6, 2010. One of the conditions required that he provide a status report to the Land Management Committee within 6 months. Staff contacted Chris and asked him to describe the use of his property as a heliport. Kleinhans noted that neighbors had filed a lawsuit which was dismissed by the court and that there has been one complaint. The conditions associated with the CUP are listed in the staff report. **Staff Recommendation:** Staff recommends the Land Management Committee determine whether modifications or additions to the conditions associated with this permit are necessary to mitigate off site impacts. Mr. Brekken explained he is asking to have a few night hours for flying. His pilot's license involves night flights. For some destinations, he is not able to turn right around and fly back because of flight rules or if storms move in, he has no choice but to wait out a storm. He would like a provision for that. Sanden asked about the occasional night flights, how feasible would it be to drop your car off at the Red Wing Airport and drive back. Mr. Brekken stated it's the unknown and getting to the airport would be challenging because he would still have to get back in time. During the summer it's easy not to fly at night. Holst asked how many hours of night flight he needs to retain his license. Mr. Brekken stated one flight every 90 days. Holst asked if ten hours a year would cover it. Chairperson Barkla asked if it were conceivable to state: an hour after sundown. Mr. Brekken stated technically by definition, according to FAA, night time flying means the time between the end of evening civil twilight and the beginning of morning civil twilight. Chairperson Barkla asked if he is coming in later than midnight if he could call the Land Management Office. Mr. Brekken stated it would be easy to report back or send an e-mail. Sanden asked for a little detail on the reasons the Pierce County case was dismissed. Kleinhans stated that he doesn't have that information. He also explained that when they permitted Riviera Airport they limited them to 80 flights a month, and stipulated that no flights shall occur between 10:00pm and 7:00am except for in an emergency. They have multiple pilots and they provide flight logs to our department. Fetzer asked how he has been keeping up his night flying. Mr. Brekken stated that he has let it expire. **Holst moved to amend condition #3 to add "and up to 10 night flights per calendar year" for the conditional use permit for a private heliport in the General Rural Flexible 8 District for Christopher Brekken/Rohl seconded. All in favor. Passed.**

Discuss take action on recommendation regarding creation of County Land Information

Council. Staff Report – Jim Kleinhans: A Land Information Council must be created by each county participating in the Wisconsin Land Information Program (WLIP) to remain eligible to retain fees for land records modernization activities or to apply for program grants. The Land Information Council is to consist of not less than 8 members and is to include the Register of Deeds, the County Treasurer, the Real Property Lister (or their designee), and members appointed by the County Board that are listed in the staff report. **Staff Recommendation:** Staff recommends that the Land Management Committee

recommend to the Finance and Personnel Committee that a resolution creating a Land Information Council be approved and forwarded to the County Board of Supervisors for adoption.

Sanden moved to forward a recommendation to Finance and Personnel, to create by resolution a Land Information Council/Fetzer seconded. All in favor. Passed.

Departmental Update and Future Agenda Items

Conditional use permit for a commercial paintball field in Town of Clifton

Conditional use permit for Filling & Grading in the Floodplain/Shoreland and a Utility Facility in the Town of Trenton

Adoption of the Pierce County Outdoor Recreation Plan

Motion to adjourn at 7:20pm by Holst/Rohl seconded. All in favor. Motion carried. Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING REVISED AGENDA
Wednesday, July 21, 2010 – 7:00 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 4 th & 18 th , September 1 st & 15 th , all in 2010.	Chair
3	Approve minutes of the July 7, 2010 Land Management Committee meeting.	Chair
4	Discuss take action on status report and potential modification of a conditional use permit for a private heliport in the General Rural Flexible 8 District for Christopher Brekken, owner on property located in the SW ¼ of the NE ¼ of Section 27, T26N, R19W, Town of Oak Grove, Pierce County, WI.	Kleinhans
5	Discuss take action on recommendation regarding creation of County Land Information Council	Pichotta
6	Future agenda items and departmental update.	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.

(7/9/10)

*** Revised 7-14-10 at 10:35am.**

MINUTES - Pierce County Land Management Committee Meeting, July 7, 2010

Present: Paul Barkla, Jeff Holst, Don Rohl, Joe Fetzer and Eric Sanden

Others: Andy Pichotta, Jim Kleinhans, Emily Lund, Brad Roy and Shari Hartung

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

Next meeting dates: July 21st, August 4th & 18th, all in 2010.

Approve Minutes: **Fetzer moved to approve the June 16, 2010 LMC minutes/Rohl seconded. All in favor. Passed.**

Public hearing to consider a request for a conditional use permit for expansion of a nonconforming structure in the Rural Residential 20 District for Robert & Sharon Kelly, owners on property located in the SW ¼ of the SW ¼ of Section 13, T25N, R19W, Town of Diamond Bluff, Pierce County, WI. Chairperson Barkla invited Mr. & Mrs. Kelly forward:

Mr. Kelly explained that his wife's family has lived on the property for almost 60 years and they have had three different structures on the property. The structure they have now was built in 1988 and they didn't realize the house and the deck were built within 65 feet. This year they want to add a sunroom and a deck. Staff visited the site and said the structure was nonconforming. They received the permit for the sunroom but not the deck. They would like to get the deck permit with no foundation, which would be 55 feet from the center of the road. Most of the neighbors are closer than the 75 feet from the road. They don't have anyone within 200 feet for averaging. **Staff Report – Jim Kleinhans:** Mr. Kelly has a home along 290th Ave in the Village of Diamond Bluff. He had a deck on the front which was removed and we permitted a screen porch which has a second story that he would like to attach a deck to. He had one building within 200 feet from which averaging could be done from but it wasn't enough relief. The property is located on a dead end road with a 25mph speed limit. Several homes along this road are already located within that setback. We're trying to address public interest and public safety issues. Town of Diamond Bluff Supervisors recommended approval of this request and the Town building inspector was contacted to permit the screen porch conversion. **Staff Recommendation:** Staff recommends the Land Management Committee consider whether this request is contrary to the public interest or 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 expansion of a nonconforming structure. **Chairperson Barkla opened the hearing to the public.** Fred Ottem, property owner northwest of the Kelly's, stated most of the properties in Diamond Bluff are nonconforming. His property is even closer to the road. The Kelly's live on a dead end road and he feels this would work out well for the neighborhood. **Public hearing closed.** Holst stated Diamond Bluff was platted in 1854 and most of the houses sit right on the street. The Kelly's home is elevated so this shouldn't cause a problem if there would be an accident. Sanden noted the Town of Diamond Bluff Supervisors did approve this. **Sanden moved to approve the conditional use permit for expansion of a nonconforming structure for Robert & Sharon Kelly due to the fact it is found to be not contrary to public interest nor detrimental or injurious to public health, public safety or the character of the surrounding area/Holst seconded. All in favor. Passed.**

Public hearing to consider a request for a conditional use permit for a duplex in the General Rural Flexible 8 District by Darrell Schuster, owner on property located in the NE ¼ of the NE ¼, Section 11, T26N, R19W, Town of Oak Grove, Pierce County, WI. Chairperson Barkla recused himself from discussion and voting due to possible conflict of interest. Acting Chairperson Fetzer invited Darrell Schuster forward: Mr. Schuster explained that when he

purchased the property at the end of 2006 or beginning of 2007, it was already structurally a duplex. It has two kitchens, separate bathrooms and one half cannot be accessed without leaving the building. When he purchased the property, he thought it was OK to use as a duplex. He rented out both the upstairs and downstairs to tenants. He had issues with the tenants regarding dogs. He resolved the issues with the Town of Oak Grove. He is requesting this permit to use the structure as a duplex or half the house will be a waste. Sanden asked how the dog issue was resolved and if there have been any more issues. The Town of Oak Grove had called him and stated that one of his neighbors was having an issue with the dogs. Mr. Schuster stated that he allowed two dogs in the downstairs and one dog in the upstairs. He found out the downstairs tenants had five dogs that weren't licensed with the Town of Oak Grove. The dogs were licensed in River Falls, and since the tenants were moving in a couple months they allowed that. The upstairs tenants were evicted. He no longer allows pets or livestock.

Staff Report – Brad Roy: Mr. Schuster did a very good job of explaining the request. It has two three-bedroom units. Each unit will have a maximum capacity of 6 people. The owner believes the ideal occupancy for the entire structure is 8 people and will make efforts not to exceed that. The applicant has indicated the following will be included in the terms of any future lease agreements: Tenants will be allowed one working, licensed vehicle per adult living at the residence with additional vehicle approved on a case-by-case basis. Garage doors will be required to be closed when not in use. Tenants will be required to maintain the lawn; the owner will provide and maintain equipment. Snow removal will be contracted. Tenants will be required to contract their own sanitation and recycling. Trash burning will be prohibited in the lease. Animals will be prohibited on all leases. If animals become permitted in the future, proof of licensing and control measures will be required. Livestock and horses are prohibited.

The current septic system is designed for six residents. The applicant has been working with a plumber and the current system will be modified to accommodate 12 occupants pending approval of this request. § 240-54 Off-street parking requires that a minimum two off-street parking spaces be provided per dwelling unit. The property has been inspected by Todd Dolan, the Oak Grove Building Inspector. Several discrepancies were identified and will need to be brought up to code prior to use as a duplex. The property owner's and property manager's contact information will be provided to all neighbors within 300 feet of the property, the Oak Grove Town Board and any others who request the information for the purposes of maintaining good order on the property. The Town of Oak Grove recommended approval of this request on May 17, 2010. The Town's comprehensive plan was not referenced in the approval and is therefore assumed to be silent on this issue. The *Context Document of Pierce County Comprehensive Plan* states in cases where a Town's comprehensive plan does not provide guidance regarding a proposed use, the recommendation shall be advisory and non-binding.

Staff Recommendation: Staff recommends the Land Management Committee determine whether this request is contrary to the public interest or detrimental or injurious to the public health, public safety or character of the surrounding area. If found not to be contrary to the above, staff recommends the Land Management Committee approve this conditional use permit with the following condition:

1. All building code issues shall be resolved to the satisfaction of the Town of Oak Grove Building Inspector.
2. A minimum of two parking spaces shall be provided for each dwelling unit.
3. The septic system shall be upgraded to accommodate 12 occupants prior to using the structure as a duplex.
4. This conditional use permit shall expire in 2 years. Permit may be renewed administratively if there are no compliance issues.

Acting Chairperson Fetzer opened the hearing to the public. Greg Kerr, N6053 Cty Rd E directly north of the property, stated he feels this is a single family residence and wondered how a duplex would affect property values. He is concerned about vehicles, the fact that dogs could be allowed there in the future since that has been the problem in the past and the kids in his backyard. He stated he wouldn't mind someone that lives there and rents out one unit. **Public hearing closed.** Mr. Schuster stated he is not asking to make it a duplex rather to use it as it was built. Regarding the vehicles and

traffic, he stated there has never been an accident or vehicle incident. He stated the property manager has made several attempts to contact the neighbors. Mr. Kerr stated he has never been contacted by the property manager. Holst suggested that the best way to control your neighbors property is to own it. I understand concerns about an absentee owner and about a young owner that may need to do a few things to it and learn to be a good neighbor. He can't control bad tenants. There are other duplexes in the area. Sanden added he is satisfied with the lease agreement and this conditional use permit will be reviewed in 2 years. Holst stated the nice part about a conditional use permit is that if the applicant doesn't live up to the conditions, the committee can add more conditions or pull it. **Holst moved to approve the conditional use permit for a duplex for Darrell Schuster finding that the request is not contrary to the public interest, nor detrimental or injurious to public health, safety or character of the surrounding area, with conditions #1 - #4/Sanden seconded. Passed with Chairperson Barkla not voting.**

Public hearing to consider a request for a conditional use permit for filling and grading in Shoreland/Wetland District for Park Construction Co, agent for Thomas & Pauline Jurgensen Trust, owners on property located in the SW ¼ of the NW ¼ of Section 19, T25N, R18W, Town of Diamond Bluff, Pierce County, WI. Chairperson Barkla invited Gerrod McDaniel and Marc Allen forward: Mr. McDaniel explained that Coastal Environmental and Parks Construction hold a contract for nine embankment projects for Lock & Dam #3. 95% of the project footprint is located below the high water mark (OHWM) and the beginning 350 feet nearest 290th St is located above the ordinary high water mark. The 350 feet includes a trail and a cultural resource area that has to be protected. It will have textile fabric and sand to protect the artifacts, which will be removed after the project is complete. Looking at the six conditions in the staff report and hitting on them. They have talked to The Town of Diamond Bluff and notified them that they hope to start Monday (12th) and be done by December. Erosion control plans are in place along the slope and trail going out. Marc Allen stated they are asking permission to do this for the upper embankment project. It's a necessary part of Lock & Dam #3. They have had problems in the past in the roller gates of the dam. The river came up, flooded and caused damage. COE decided this is necessary to survival of Lock & Dam #3. Holst stated it's important to keep this pool high because it provides the water for cooling the NSP Plant. **Staff Report – Jim Kleinhans:** There are a number of projects the COE is leasing in this region. The original footprint of the plan was larger and had more fill. This group modified that to reduce the fill but it is still based on the slope and proximity to wetlands in the floodplain. The property is zoned Agriculture Residential and is used primarily for recreation. The Town of Diamond Bluff supervisors approved the request during their June 10, 2010 meeting without any specific concerns. Staff met with the contractors, Park Construction Co and Coastal Environmental Group, DNR and ACOE personnel on May 18, 2010 to assess the project. It was determined the county shoreland code controls work elements to create access to the site. There are two miles of work to be done. Trucks and equipment will be utilizing the proposed trail to bring material into the site and removing excess material to the Mathy pit. This will potentially be used as a cap for the sand that will be transported there from Corp Island. There is also an archeological feature at the base of the hill that requires some protection that they discussed earlier. The wetlands are at the base of the slope which is regulated by DNR Chapter 30 permits. The filling and grading provisions are listed in the staff report. Floodplain is at elevation 687 and the majority of the filling we are doing is above that elevation. Tree and vegetation removal is proposed to be at a minimum and we will be monitoring that. If there is any excessive tree trimming or grubbing we will have an issue with that. **Staff Recommendation:** Staff recommends the Land Management Committee consider whether this land use request is contrary to the public interest, or detrimental or injurious to the public health, public safety or the character of the surrounding area. If found not to be contrary to the above, staff recommends the LMC consider approval of this request with the following conditions:

1. Contractor shall secure all necessary state and local permits and approvals prior to commencing operations.

2. The Land Management Department shall be notified at the project initiation.
3. Fill placed on the Jurgensen property shall be removed at the project termination and properly disposed of outside the floodplain.
4. Vegetation management and restoration shall be consistent with Section 240-46 with final seeding and plantings established to stabilize the near shore areas.
5. Erosion control best management practices shall be implemented and maintained until the project site restoration is complete.
6. The project be completed within 12 months of approval.

Chairperson Barkla opened the hearing to the public. No public comment. Public hearing closed. Sanden asked when it stated the majority of the project is being approved by DNR. Is that because the area above the wetlands or the floodplain isn't pertinent to the DNR? Kleinhans stated they have jurisdiction over the area below the ordinary high water mark and they are overseeing approximately two miles of project. Holst stated we have 350 feet under our purview. The trail they are going down is an existing trail. **Sanden moved to approve the conditional use permit for filling and grading in the Shoreland/Wetland District by Park Construction Co, agent for Thomas & Pauline Jurgensen with conditions #1 - #6, due to the fact this is not found to be contrary to public interest nor detrimental or injurious to public health, public safety or the character of the surrounding area/Rohl seconded. All in favor. Passed.**

Discuss take action on a request for a rule exception to the requirement that an erosion control plan be completed for a 1-Lot major Certified Survey Map for William & Judith Emery, owners on property located in the SE ¼ of the SE ¼, Section 26, T25N, R18W, Town of Trenton, Pierce County, WI. Staff Report – Emily Lund: We have a request for a rule exception to the requirement that an erosion control plan be completed for a 1-Lot Major CSM. Mr. & Mrs. Emery are proposing to create their fourth parcel within a five year period, which is considered a Major CSM. Pierce County Code requires erosion control plans for the creation of Major CSM sites and rule exceptions per PCC § 237-30 states:

- A. Where the Land Management Committee finds that undue difficulties will result from strict compliance with the regulations of this chapter or better design will result, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such rule exception will not have the effect of nullifying the intent and purpose of this chapter.
- B. A majority vote of the entire membership of the Land Management Committee shall be required to grant any rule exception to these regulations and any rule exception thus granted shall be entered into the minutes of the Committee setting forth the reasons which, in the judgment of the Committee, justified the rule exception.

The property is located in Section 26, Town of Trenton. The following conditions must be present for a proposed land division to qualify for this type of rule exception (LMC policy):

1. No roads are being constructed as part of the land division.
2. No erosion problems are present on the property.
3. There are no problems with stormwater or surface water flow on the subject property or that originate on the subject property.

Staff Recommendation: Staff recommends the Land Management Committee consider whether or not this situation warrants a rule exception.

Holst moved to grant the rule exception to the requirement that an erosion control plan be completed for a 1-Lot Major CSM for William & Judith Emery due to the fact it meets conditions #1 - #3 of the LMC policy/Fetzer seconded. All in favor. Passed.

Discuss take action on a request for approval of a 1-Lot major Certified Survey Map for William & Judith Emery, owners on property located in the SE ¼ of the SE ¼, Section 26, T25N, R18W, Town of Trenton, Pierce County, WI. Staff Report – Emily Lund: The same property; the same 1-Lot Major CSM. Again they are creating their 4th parcel within a five-year period, which is considered

a Major Certified Survey Map. This is in Section 26, Town of Trenton. Surrounding land use is mostly agricultural and residential. The zoning district is General Rural Flexible. Density shows 8.7 lots rounded per Chapter 240-25C(2) allows for 8 lots. The Town of Trenton Plan Commission and Town Board reviewed the CSM. It was approved by the Town Board on 6-8-2010. Town of Trenton issued a driveway permit. Town of Trenton's minimum lot size of 1 acre has been met. The property is not subject to any hazards to life, health or property. The property has the required road frontage and meets slope requirements. Mark Iverson completed a soil test and a mound septic system is recommended. Property is not in the Farmland Preservation Program. Pierce County Surveyor reviewed and approved the CSM. Survey review fees were paid. **Staff Recommendation:** If a rule exception has been granted to the erosion control plan requirement, staff recommends the Land Management Committee approve this Major CSM.

Holst moved to approve the 1-Lot Major CSM for William & Judith Emery/Rohl seconded. All in favor. Passed.

Discuss take action on renewal of a conditional use permit for Wisconsin Specialty Sand on parcels owned by WI Specialty Sand, Lloyd Anderson, Richard Anderson, Hugh Schilling Trust, Brown Seed Farms Inc, Dennis Potts and My Course in the General Rural District, all located in Sections 2, 3 and 10, T24N, R17W, Town of Isabelle, Pierce County, WI. Staff Report – Brad Roy:

WI Specialty Sand received a conditional use permit in 2006 for nonmetallic mining and a conditional use permit to expand operations in 2008. In 2008 the hours of operation were also expanded to 24 hours a day. WSS owns or leases the mineral rights to all of the above referenced parcels. There are four residences located within the permit area and others in close proximity. The Land Management Committee adopted a Nonmetallic Mining Policy on October 3, 2007; this policy states that setbacks to existing residences shall be established based on consideration of site specific criteria and in no case will extraction activities be permitted within 200 feet of any existing residence. This is a 24 hour a day operation with approximately 25 employees. The details of the mining process have not changed. An abandoned town road was disturbed when creating this, the previous conditions said that vegetation needed to be established; that has been done. Staff has occasionally received complaints about trucks not being tarped as they exit. It doesn't happen often and the situation is usually corrected with a phone call. The existing conditions are listed #1 - #22 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 additions or modifications are deemed necessary, staff recommends this CUP be renewed with the following conditions: The conditions are #1 - #21. Roy also noted that management has changed. Rich Budinger, Regional Manager for WI Industrial Sand, manages the properties of Maiden Rock, Bay City, which this conditional use permit is for, Hager City plant and Menomonie. Other Fairmount management staff was introduced. Mr. Budinger read a statement of the company's activities and community involvement in the past year and a half. Mr. Budinger asked to make a change to one of the bullet points in the staff report that states conveyors will carry the washed and partially dried sand to the outside face of the mine. They aren't using a conveyor. They actually load the trucks underground. Bechel Excavating is their contractor. Another condition they would like to request a discussion on is #7, the last sentence; Blasting shall be restricted to four days per week. Chairperson Barkla asked how many days they are asking for. Mr. Budinger stated six. Four days has been a challenge because of the volume needed to produce in four days of blasting for six days of operation 24 hours a day. They have to shoot that many more headings in the four days. It's quite a bit of blasting. They would like to spread that out over time. Right now they shoot Monday through Saturday, in four day rotations. They are working and communicating with the neighbors. They are policing the tarped trucks. With the increase in volume and running six days, potentially seven days a week, it challenges them to shoot earlier in the mornings and later in the day. Chairperson Barkla asked what the neighbors say about the request for additional days. Mr. Budinger stated they have not talked to the neighbors about the additional days. Holst asked if they are current on their blasting

reports. Roy stated yes. Sanden stated he appreciates the focus on sustainable development and all the community involvement. What is the frequency of the complaints on the tarping of trucks and is there any complaints about blasting? Roy stated one or two complaints a year about the trucks and staff has never received complaints about the blasting. Mr. Budinger stated they received phone calls from one resident about blasting. Chairperson Barkla stated he recalls a complaint about the speed of trucks coming down the hill into Bay City. Holst stated since they moved to the other driveway they can't get going as fast. Mr. Budinger stated the street sweeping they do is contracted and they sweep on Friday and Saturday's. They try to keep the sand off the apron. That started with the flood run last year.

Sanden moved to approve the conditional use permit renewal for nonmetallic mining with conditions #1 - #21, amending the end of #7 to read Blasting shall be restricted to six days a week/Fetzer seconded. All in favor. Passed.

Discuss take action on the Pierce County Outdoor Recreation Plan 2010 – 2014. Staff Report – Brad Roy: You have before you a draft of the plan developed by the Mississippi River Regional Planning Commission. On March 3, 2010 this committee developed “goals and actions” to improve the recreational opportunities in the county, which are listed on pages 42-43. We're looking for any guidance from committee for any changes that need to be made or if it's acceptable to move on to a public hearing. Holst stated it looks like it's everything that we asked for. Sanden asked Brad if there was any deviation. Roy stated no. **Rohl moved to direct staff to schedule a public hearing to consider adoption of the Pierce County Outdoor Recreation Plan 2010 – 2014 /Fetzer seconded. All in favor. Passed.**

Departmental Update and Future Agenda Items

Chris Brekken heliport in the Town of Oak Grove

Motion to adjourn at 8:10pm by Holst/Rohl seconded. All in favor. Motion carried. Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, July 7, 2010 – 7:00 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 21 st , August 4 th & 18 th , all in 2010.	Chair
3	Approve minutes of the June 16, 2010 Land Management Committee meeting.	Chair
4	Public hearing to consider a request for a conditional use permit for expansion of a nonconforming structure in the Rural Residential 20 District for Robert & Sharon Kelly, owners on property located in the SW ¼ of the SW ¼ of Section 13, T25N, R19W, Town of Diamond Bluff, Pierce County, WI.	Kleinhans
5	Public hearing to consider a request for a conditional use permit for a duplex in the General Rural Flexible 8 District by Darrell Schuster, owner on property located in the NE ¼ of the NE ¼ of Section 11, T26N, R19W, Town of Oak Grove, Pierce County, WI.	Roy
6	Public hearing to consider a request for a conditional use permit for grading within 300 feet of navigable water for Park Construction Co, agent for Thomas & Pauline Jurgensen Trust, owners on property located in the SW ¼ of the NW ¼ of Section 19, T25N, R18W, Town of Diamond Bluff, Pierce County, WI.	Kleinhans
7	Discuss take action on a request for a rule exception to the requirement that an erosion control plan be completed for a 1-Lot major Certified Survey Map for William & Judith Emery, owners on property located in the SE ¼ of the SE ¼ of Section 26, T25N, R18W, Town of Trenton, Pierce County, WI.	Lund
8	Discuss take action on a request for approval of a 1-Lot major Certified Survey Map for William & Judith Emery, owners on property located in the SE ¼ of the SE ¼ of Section 26, T25N, R18W, Town of Trenton, Pierce County, WI.	Lund
9	Discuss take action on renewal of a conditional use permit for Wisconsin Specialty Sand on parcels owned by WI Specialty Sand, Lloyd Anderson, Richard Anderson, Hugh Schilling Trust, Brown Seed Farms Inc, Dennis Potts and My Course in the General Rural District, all located in Sections 2, 3 and 10, T24N, R17W, Town of Isabelle, Pierce County, WI.	Roy
10	Discuss take action on the Pierce County Outdoor Recreation Plan 2010-2014.	Roy
11	Future agenda items and departmental update.	Pichotta
12	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.

(6/25/10)

MINUTES - Pierce County Land Management Committee Meeting, June 16, 2010

Present: Paul Barkla, Jeff Holst, Don Rohl, Eric Sanden and Joe Fetzer

Others: Andy Pichotta, Jim Kleinhans, Brad Roy and Shari Hartung

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

Next meeting dates: July 7th & 21st, August 4th & 18th, all in 2010.

Approve Minutes: **Rohl moved to approve the June 2, 2010 LMC minutes/Sanden seconded. All in favor. Passed with Fetzer not voting because of absence at the last meeting.**

Public hearing to consider a request for a conditional use permit for expansion of a preexisting, nonconforming use (Salvage Yard) by William F. Holst III, owner on property located in the SW ¼ of the NE ¼ of Section 2, T25N, R19W, Town of Diamond Bluff, Pierce County, WI.

Chairperson Barkla invited William Holst forward: Jeff Holst recused himself because of possible conflict of interest from discussion and voting on this issue. Mr. Holst presented a map showing the expanded area and the area already permitted that runs to Highway 35. He is asking to add five acres due west of the existing parcel. He has built his company up in the last couple years and now has 20 employees. There are over 1000 cars there and the new 4800 sq ft building holds racking for parts storage. Mr. Holst has met with the Diamond Bluff Planning Commission and the Town Board. They talked about building a 9 ft high fence from the scale staying 100 ft back from the highway. It's his understanding the County wants him to fence the entire site. He would like to fence back 100 ft along the highway and to screen the appliances and extend the fence to the top of the hill. **Staff Report**

– **Jim Kleinhans:** Mr. Holst has operated a salvage and excavation company on this site in the Town of Diamond Bluff since prior to the Town's adoption of County Zoning. On November 5, 2008, Mr. Holst obtained a conditional use permit to authorize the expansion of this use onto adjacent property. On April 21, 2010, Mr. Holst requested site plan review for a building expansion. Site plan approval was granted with several conditions which have not yet been satisfied. The site is zoned Industrial. The Town of Diamond Bluff recommended approval of this CUP with the condition that a 9 ft high fence be located 100 ft from the state highway centerline that would run from the scale to the south property line. This request is for an additional five acres on the west side of the property. The committee should consider the requirements of a new salvage yard to determine if it is appropriate or necessary to establish additional conditions to mitigate any of the potential impacts that said requirements are intended to address. If you look at the requirements under Section 240-37(C) for salvage yards and pay close attention to items #3, #4, #6 and #7. Chairperson Barkla asked Jim to read those.

#3 Salvage materials shall be enclosed by a suitable fence or vegetative screening as approved by the Department of Land Management Committee that the materials are not visible from other property in the vicinity of the salvage yard nor from a public road nor from navigable water. The fence or vegetative screen shall be a minimum of eight feet in height and shall be properly maintained to satisfy the obscuring objective.

#4 Salvage materials shall not be piled higher than the height of the fence or vegetative screen.

#6 For fire protection, an unobstructed fire break shall be maintained, 15 feet in width and completely surrounding the salvage yard.

#7 At the site, appropriate measures shall be taken to prevent water and soil contamination, for oils, gasoline, grease or other contaminants. At a minimum, there shall be five feet of soil between the water table and bedrock. If wells are located within 1,000 feet of the site the Land Management Committee may require a liner and bonds for removal of the contaminated soil.

Section 240-31 establishes standards for Landscape buffers:

B. Applicability. Landscape buffers requirements shall only apply to proposed uses in cases where a commercial or industrial use abuts a residential or agricultural district; which this site does.

Commercial and industrial parcels which are developed as of the effective date of this chapter are

exempt from this provision, except such parcels shall comply when the parcel is expanded in size or the use expands to an adjacent parcel which was previously undeveloped for such use.

Section 240-76 (F) The Land Management Committee may, in approving an application for a conditional use permit, impose such restrictions and conditions that it determines are necessary to prevent or minimize adverse effects from the proposed use or the development on other in the neighborhood and on the general health, safety and welfare of the county.

Section 240-75 Site plan approval for the original site plus five acres added in 2008 was granted on April 21, 2010 with the following conditions:

1. Applicant shall provide landscape buffer plan for the parcels within 6 months.
2. Proposed baler building shall be moved to comply with setbacks. Which he has done.
3. Onsite wastewater system shall be evaluated and brought into compliance with state plumbing code within 6 months.
4. Adequate parking for clients and employees be delineated in 6 months.

Jim explained this request would allow for a total expansion of ten acre beyond the original site. He presented photos to the committee, taken this afternoon, that demonstrated through the use of a pole and red flag, what would be screened and what would be visible if a fence, located 100 feet from the road centerline, were constructed to a height of 9 ft and 14 ft.

Staff Recommendation: Staff recommends the Land Management Committee determine whether or not this request is contrary to the public interest and whether it would be detrimental or injurious to public health, public safety or the character of the surrounding area.

If found to be not contrary to the above, staff recommends the Land Management Committee approve this conditional use permit for expansion of a nonconforming use. Staff suggests that the following conditions be considered:

1. The site shall be screened from public view within 6 months. (Requiring a fence of a specific height and location should be considered.)
2. Surface water drainage and sediment controls shall be maintained in accordance with the DNR stormwater permit.
3. A "fire break" 15 feet wide shall be established and maintained around the perimeter of the salvage yard.
4. Security fencing around the perimeter of the entire site shall be established within 12 months.
5. The applicant agrees that prior to seeking permits for new construction or an addition to an existing structure or building, site plan approval shall be sought.

Chairperson Barkla opened the hearing to the public. No public comment. Public hearing closed.

Sanden asked about Chapter 240-37C, has there been any evaluation for #7 water contamination with oil, gasoline or grease? Kleinhans stated Mr. Holst has a consultant to address those issues. Mr. Holst explained most salvage yards have the same consultant that deals directly with the DNR. They send us to school once a year. They make sure we are in compliance. They have a pond on site to catch runoff water and have never had any citations. We were inspected a month ago by the DNR for appliances. Mr. Holst asked about the pictures Jim presented. He plans on having the fence back further and it would be approximately four feet higher elevation and screen more. They have a 30 foot fire break around the property now. Mr. Holst explained the cars that are seen above Jim's mark are piled three high and they wouldn't have to pile them that high. Sanden asked if the County or the Town are interested in having the fencing between the buildings themselves. Kleinhans noted that there are three driveways there. Fetzer asked about fencing around the entire property. Kleinhans stated we are just making recommendations for security. Fetzer asked if there is just ag land on the backside. Mr. Holst stated yes, no one lives behind the property. Chairperson Barkla asked Jim if he is talking about double fencing for the security fence. Pichotta stated this is just something being suggested for the committee's consideration. Mr. Holst stated he is proposing a fence along Highway 35 and move it back about 30 – 40 ft from Jim's pictures and up the hill. Rohl stated the security fence could be addressed later if there are issues. Fetzer stated he thinks Mr. Holst would want to do a security fence around the entire property if he is having problems. If he is willing to screen the salvage yard from the

public then the fencing across the front and up the sides would be good enough. Sanden stated he agrees that the fencing for screening is more important than a security fence but noted that this would be the time to discuss it if it were to be addressed. **Rohl moved to approve the conditional use permit for expansion of a preexisting, nonconforming use (Salvage Yard) by William F. Holst, III, owner, due to the fact that it is found to be not contrary to the public interest or detrimental or injurious to the public health, public safety or the character of the surrounding area, with conditions #1 - #5, striking #4. Sanden asked if Mr. Rohl was going to specify anything about the height and location of the fence. Mr. Rohl stated the height to be affective. Chairperson Barkla stated it is his understanding that if the fence was moved back a 9 ft fence would be adequate. Pichotta suggested that it could be approved with the understanding it will be approximately 120 -130 ft from the center of the road and would L on the north and the south sides. Sanden seconded. All in favor. Motion passed with Jeff Holst not voting.**

Discuss take action on proposed revisions to Chapter 240 relating to rural businesses/agri-tourism. Staff Report – Brad Roy: The Pierce County Comprehensive Plan’s “Action Plan” identifies the following tasks to be completed by Department staff (among others):

- Investigate potential for creation of new mechanism to permit entrepreneurial activities that are site dependent. (Completion date of 2011)
- Identify and pursue strategies to implement goals, objectives and policies identified in the Comprehensive Plan. (Ongoing)

Many of the goal, objective and policy statements relate to creating conditions in the County that are conducive to the establishment of entrepreneurial ventures and agri-tourism. Much of the discussion held as part of the comprehensive planning process centered on the County Code being permissive in regard to the establishment of rural businesses and agri-tourism. Such activities would be permitted through the issuance of a conditional use permit, with the understanding that the scope of allowable activities would be tempered by a given towns comprehensive plan. You may recall that the County plan stated that Pierce County will consider adherence to the goals, objectives and policies of an adopted or amended comprehensive plan to be consistent with the “public interest” for decisions relating to that governmental unit or municipality. Many of the goals, objectives and policy statement are listed in the staff report. It is staffs intention to propose code language that is quite permissive in the type and scope of such activities that are allowable within the County. It is expected that towns will amend their respective plans to the degree necessary to ensure that conditionally permitted commercial activities in that town do not exceed that which the residents of their individual town are willing to support. Activities of this type are currently scattered throughout the Zoning Code. The current structure of the code would seem to dictate that added business opportunities to be placed in § 240-36 Commercial Uses. This may not be the most appropriate classification for the uses given they are not “commercial” in a traditional sense. Staff is considering proposing amendments to the Zoning Code to provide a mechanism for expanded business opportunities for land owners taking part in active agriculture or in which the natural resources are the primary attraction. These uses could be considered a mix of agriculture, commercial and outdoor recreation. **Discussion:** Staff suggests that the Land Management Committee consider:

- Is the approach of being permissive appropriate for the county and the towns under county zoning?
- Should additional uses be placed in § 240-36 Commercial Uses or is the creation of a classification of “rural businesses/agri-tourism” more appropriate?
- Can the rural businesses/agri-tourism operations be principal uses or should they be accessory to another use?
- Should the current regulations for permissible uses remain or should they be reevaluated?

Sanden stated that he believes it is appropriate to be more permissive. The whole direction of zoning is moving more toward appearance and off-site impacts instead of the strict look at “uses”. This isn’t just

something we would be doing, it's actually a trend and in some downtown developed areas, use is not even an issue. It's all commercial and over time the upper level is used for residential. As long as the outside facade is maintained the inside use is secondary. Holst stated the committee has seen a lot of requests, different than we've ever seen, come up in the last couple years. Maybe we have to give people the opportunity to fail. At least let them use their land as long as it doesn't infringe upon their neighbors.

- Should additional uses be placed in § 240-36 Commercial Uses or is the creation of a classification of "rural businesses/agri-tourism" more appropriate?

Holst stated that use of commercial districts in the traditional sense aren't what the committee has been seeing. They fall under something more like rural business/agri-tourism. Sanden suggested it would be cleanest to create a new classification. The other option would be to expand the use to some of these uses that fall between the cracks and would be subject to conditional use permit review. Pichotta stated he is of the position that most if not all of these uses would be subject to a CUP. The whole intent is for us to be permissive and recognize that each of the Towns are very different. The uses that each Town will allow could vary widely. We have to put in place a set of rules that work for everybody. The Towns have to step up and put some thought into what they want to see happen in their Towns. The question is do we try to cram everything into Commercial uses or do we look at the whole structure of the table of uses and come up with a new categories? From staff's perspective, we think if we take a comprehensive look at the whole structure we might end up with a better end product. Sanden, are you more in support of expanding the uses under commercial use or coming up with a new classification? Pichotta stated coming up with a new classification, noting that some uses will still be considered strictly commercial uses. A gas station would be a commercial use, what we are discussing would be more for natural resource or agri-tourism based uses.

- Can the operations for those types of uses be principal uses or should they be accessory to another use?

Holst stated we've seen instances already, like Nesbitt's for example, that's a commercial use where under the new district (if acquired) they may be so intensified that they have to be commercial but maybe wouldn't have to be. He doesn't live there. Sanden agreed and stated as long as we have the conditional use permit processing that is our "gate keeping" mechanism.

- The current code talks about Bed and Breakfast and Farmers Markets already, if we were to reclassify or regroup these things, we would take those uses and move them in there. Are you happy with the way the code is written now or should the current regulations be reevaluated?

Fetzer asked if they come up for review. Brad stated a Farmer's Market or Road Side Stand wouldn't, we address part of the uses already in the code. Do we want to stick with those that are addressed already or look more comprehensively at all? Chairperson Barkla stated he thinks they should take a more comprehensive look at the code. Holst stated we have a Town Board Chair and Supervisor here and would like to get their opinion. Richard Bunce, Town of Trenton Chairperson, stated they have it in front of their planning commission right now as a Farm and Home Business as opposed to accessory businesses. The CUP standard to be reviewed every two years would be a good thing. It's when people have a conditional use permit on their property and then sell it and someone comes in with something else; no one knows what they are doing until it's too late. Pichotta asked if they are looking at amending their comprehensive plan. Mr. Bunce stated they are looking at how this fits in their plan. They aren't looking to keep people from starting businesses. Pichotta asked if he is suggesting that if a property has a conditional use permit on it and changes hands, it should be reviewed? Mr. Bunce stated yes and if they want to change things it could be brought up to the Town and the Land Management Committee. Chairperson Barkla stated that staff now has direction regarding this issue.

Departmental Update and Future Agenda Items

Conditional use permit requests for a nonconforming structure in the Town of Diamond Bluff, a duplex in the Town of Oak Grove, filling and grading associated with the Corp of Engineers in the Town of Diamond Bluff.

Rule exception to a 1-Lot major CSM and approval of the 1-Lot CSM

Wisconsin Specialty Sand conditional use permit renewal in the Town of Isabelle

Review the Pierce County Outdoor Recreation Plan

The meeting after that we will be reviewing the Brekken heliport

Motion to adjourn at 07:52pm by Holst/Rohl seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

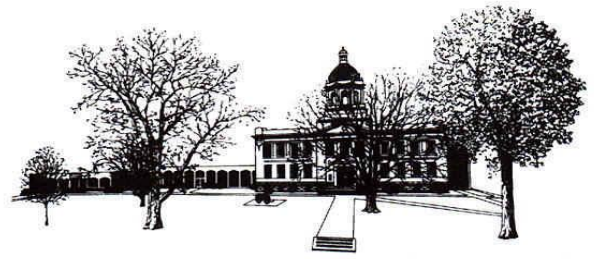
**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, June 16, 2010 – 7:00 p.m.
County Board Room, Pierce County Courthouse,
414 W. Main St. Ellsworth, WI 54011**

#	Action	Presenter
1	Call to order	Chair
2	Next meeting dates: July 7 th & 21 st , August 4 th & 18 th , all in 2010.	Chair
3	Approve minutes of the June 2, 2010 Land Management Committee meeting.	Chair
4	Public hearing to consider a request for a conditional use permit for expansion of a preexisting, nonconforming use (Salvage Yard) by William F. Holst, III, owner on property located in the SW ¼ of the NE ¼ of Section 2, T25N, R19W, Town of Diamond Bluff, Pierce County, WI.	Kleinhans
5	Discuss take action on proposed revisions to Chapter 240 relating to rural businesses/agri-tourism.	Roy
6	Future agenda items and departmental update.	Pichotta
7	Adjourn	Members
Questions regarding this agenda may be made to the Department of Land Management at 715-273-6746.		
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A quorum of County Board supervisors may be present.

(6/4/10)

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



MINUTES - Pierce County Land Management Committee Meeting, June 2, 2010

Present: Paul Barkla, Jeff Holst, Don Rohl and Eric Sanden

Excused: Joe Fetzer

Others: Andy Pichotta and Shari Hartung

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

Next meeting dates: June 16th, July 7th & 21st, all in 2010.

Approve Minutes: **Rohl moved to approve the May 19, 2010 LMC minutes/Sanden seconded. All in favor. Passed.**

Public hearing to consider a request for a conditional use permit for Filling and Grading in the Shoreland/Wetland District for Bruce & Colleen Anderson, owners on property located in the NE ¼ of the SW ¼ of Section 9, T25N, R16W, Town of Salem, Pierce County, WI. Chairperson Barkla invited Bruce Anderson forward:

Mr. Anderson explained that he plans to riprap 460 ft along the Rush River and grade some of his field to create a berm. Larry Gruber with the Land Conservation Department designed the plan. The low bid went to Jeff Schoeder in Elmwood and he is ready to go.

Staff Report – Andy Pichotta: Mr. Anderson is requesting a conditional use permit for filling and grading in the shoreland/floodplain district. He contacted department staff after his agriculture field was damaged by high water flows from the Rush River last fall. The stream bed failed at a curve in the Rush River where a tributary drains from the west into the stream. The Land Conservation Department designed a field reclamation and streambank stabilization plan for the site. The site is located in the floodplain and shoreland area so a conditional use permit is required due to the extent of the grading and filling necessary to address the issue. The property is located in Section 9 in the Town of Salem and is zoned Exclusive Agriculture and General Rural. The DNR approved a general permit for integrated bank treatment on April 13, 2010. Shoreland provisions in the zoning code regulate filling and grading within 300 feet horizontal distance of navigable water where the existing or resultant slope is toward the water. The excavation and grading of soil material within a shoreland district is regulated under Sections 240-41E to insure surface water protection. Floodplain fill is regulated under Chapter 238 in the County Code. There is no base flood elevation established in this vicinity. This site is approximately ¼ mile downstream from the Highway 10 bridge. The 100 year flood elevation for the Rush River is below the bridge deck based on the bridge design. The cabin elevation was determined to be higher than the 1978 flood event referencing surrounding benchmarks. This plan design does not reference sea level elevation. Rock riprap will be stabilized at 2:1 slopes from the stream bed up to elevation 95.0. Approximately 460 linear feet of rock (534 cubic yards) will be placed in the stream over fill and geotextile fabric. Rock will be installed approximately 5 to 7 feet above the slope toe or rock footing. Pichotta noted that the placement of rock riprap below the OHWM is outside of our purview and is under the jurisdiction of the DNR. The following project components require LMC review and approval:

An earthen berm will be placed on fill materials approximately 15 feet upslope from the rock riprap. Slopes of 4:1 will be established between the top of the rock riprap and the earthen berm by cutting. The earthen berm will also be created with side slopes of 4:1 with a 4 foot top width. The earthen berm will be constructed 2 feet higher than original ground. The addition of a berm will control and divert surface waters from entering the Rush River at this location on the river bend. The plan cross section at location AA incorporates more fill to restore the agriculture field.

A Town recommendation is necessary for the issuance of a conditional use permit. However, because the Town of Salem Planning Commission meets intermittently, the Town Board Chair requested that the request be placed on an LMC agenda prior to Town approval due to the potential for resource degradation.

Staff Recommendation: Staff recommends the Land Management Committee determine whether this proposed filling and grading in the Floodplain/Shoreland area 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 committee approve this conditional use permit with the following conditions:

1. Contractor shall follow plans as approved.
2. The Land Management Dept shall be notified at the project initiation.
3. Final grading and seeded areas shall be completed before September 15 to establish vegetative cover prior to dormancy period.
4. Erosion control best management practices shall be implemented immediately after final grading and maintained until the disturbed areas are stabilized.
5. Phosphorus applications to establish ground cover should be limited to what the topsoil is found to be deficient. The reason for this condition is the DNR had expressed concern about limiting the amount of phosphorus used.
6. The project shall not be initiated prior to approval by the Town of Salem.

Chairperson Barkla opened the hearing to the public. No public comment. Public hearing closed.

Sanden asked about conditions #3 and #5; the word should is in the report but Andy read shall for condition #3. Is that done intentionally for flexibility? Pichotta stated #3 should be shall. On #5, the phosphorus application is subjective. We encourage Mr. Anderson to limit it to that. Sanden stated the berm should benefit the Rush River. Holst stated the whole project should benefit the Rush River.

Holst moved to approve the conditional use permit for Filling and Grading in the Shoreland/Wetland District for Bruce and Colleen Anderson, owners, due to the fact that it is found to be not contrary to the public interest or detrimental or injurious to the public health, public safety or the character of the surrounding area, with conditions #1 - #6 amending condition #3 to read shall instead of should/Sanden seconded. All in favor. Passed.

Discuss take action to accept Wisconsin Land Information Program grant funds, amend 2010 budget to create revenue and expenditure line items and amend planned Land Records Modernization Fund expenditures. Pichotta reports: There are a couple house keeping items we need address relating to the Wisconsin Land Information Grant Program. All counties currently participate in the Program. Dollars from deeds that are recorded go into a fund called the Land Records Modernization Funds. Another portion is sent down to the State who gives monies back to the Counties as a grant to be used to further the Land Modernization Plan. We're working on an update currently. The amount of the grant has ranged from \$300 to nearly \$20,000. The \$300 grant is an education grant that has enabled Rand Kluegel, our GIS person to go to the annual land conference held in various parts of the State. This year's allocation is \$11,683. The use of these funds is dictated by the Pierce County Land Records Modernization Plan. Although we've received these funds for many years, we need to formally accept the funds and approve the creation of specific revenue and expenditure budget line items. There are three things we need to do: 1. accept the grant funds, 2. amend the budget to create a revenue and expenditure line item and 3. amend the planned land records

modernization expenditures. As we discussed the budget last summer the following tasks were planned to further the land records modernization plan: COGO Rock Elm, Parcel Updates, Website & Map Maintenance, ESN Consolidation, Bulberry Data Update, Road Alignment, COGO Trenton and Temporary Staff. Due to changed circumstances, it's now become necessary to reprioritize and amend expenditures. Here is what we are proposing for 2010. It should be noted that last year there was some confusion regarding the land records budget which resulted in going over about \$10,000 on land record fund expenditures. One of the major changes is to the need to utilize land record dollars to purchase updated aerial photos. There was an effort by a consortium of counties to have aerial photos taken as inexpensively as possible. That was a coordinated statewide effort. The total cost for Pierce County is \$35,580. Out of the Land Records Modernization Fund we propose using \$10,554.50 for this year and would also use the grant we are getting of \$11, 683 for a total of \$22,237.50. That would leave \$13, 342.50 to be paid in 2011. We anticipate getting nearly the same amount in grant funds for next year. The difference would be made up out of the Land Records Modernization Fund. Holst noted that we aren't the only department that uses the funds. Pichotta stated a lot of the maintenance contracts and also licensing for GCS have been taken out of that fund and noted that this is not a sustainable use of that fund. Those expenditure were shifted to the Land Records fund probably to reduce expenditures coming out of the General Fund. What we are asking is to authorize the acceptance of the 2010 grant, approve the creation of a revenue and expenditure budget for said grant and approve the proposed amended 2010 expenditures from the Land Records Modernization Fund. Chairperson Barkla asked about the Temporary Staff shown in the first budget and asked why there is no Temporary Staff budgeted now. Pichotta stated that at a budget meeting, at which Mr. Barkla was present, it was suggested by the Finance Director that, given last years overage, it may be prudent to forego temporary staff this year. We are acting on that advice. **Sanden moved to accept the Wisconsin Land Information Program grant, authorize creation of revenue and expenditure line items and amend the 2010 expenditures from the Land Records Modernization Fund/Rohl seconded. All in favor. Passed.**

Departmental Update and Future Agenda Items

Conditional use permit request for expansion of a preexisting nonconforming use, a Salvage Yard, for William Holst in the Town of Diamond Bluff. Pichotta noted that he had suggested to Mr. Holst that he also include the proposed fence/screening plan for the property at the same time but that a proposal had not yet been submitted. Pichotta suggested that it may be appropriate to consider conditioning any approval on the placement of specific measures.

Discuss take action on proposed revisions to Chapter 240 relating to rural businesses/agritourism. In the comprehensive plan, it suggests we will take a look at the language regarding creation of a mechanism to allow things that are more agritourism, more location dependant than a Farm & Home Based Business. We're looking for direction from the committee regarding the approach we're taking.

Motion to adjourn at 07:20pm by Holst/Rohl seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, June 2, 2010 – 7:00 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: June 16 th , July 7 th & 21 st , all in 2010.	Chair
3	Approve minutes of the May 19, 2010 Land Management Committee meeting.	Chair
4	Public hearing to consider a request for a conditional use permit for Filling & Grading in the Shoreland/Wetland District for Bruce & Colleen Anderson, owners on property located in the NE ¼ of the SW ¼ of Section 9, T25N, R16W, Town of Salem, Pierce County, WI.	Kleinhans
5	Discuss take action to accept Wisconsin Land Information Program grant funds, amend 2010 budget to create revenue and expenditure line items and amend planned Land Records Modernization Fund expenditures.	Pichotta
6	Future agenda items and departmental update.	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.

(5/21/10)

MINUTES - Pierce County Land Management Committee Meeting, May 19, 2010

Present: Paul Barkla, Jeff Holst, Don Rohl, Joe Fetzer and Eric Sanden

Others: Andy Pichotta, Jim Kleinhans and Shari Hartung

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

Next meeting dates: June 2nd & 16th, July 7th & 21st, all in 2010.

Approve Minutes: **Holst moved to approve the May 5, 2010 LMC minutes/ Rohl seconded. All in favor. Passed with Fetzer not voting due to absence at the meeting.**

Public hearing to consider a request for a conditional use permit for Filling and Grading in the Shoreland/Wetland District by LS Marine, Inc, agent for Joseph & Marilyn Mangin, owners on property located in Government Lot 1 of Section 24, T25N, R19W, Town of Diamond Bluff, Pierce County, WI. Chairperson Barkla invited Taylor Luke forward: Jeff Holst stated due to the fact the Town of Diamond Bluff has entered into an agreement with LS Marine and he is the Chairperson, he recused himself from the discussion and voting but retained the right to represent the Town of Diamond Bluff. Mr. Luke, representing LS Marine and Joseph Mangin, explained they are requesting two conditional use permits. They have contracted with the Corp of Engineers (COE) for the unloading of Corp Island. Additional points; Solicitation date for this project was August 12, 2009, Diamond Bluff Town Board approval was received September 9, 2009 for use of Town property to complete the off loading and loading of trucks to the Mathy Pit and the contract was awarded September 10, 2009. Originally the Town Board approved the use of the boat ramp as the transfer site. December 2009 meeting it was moved to the parking lot and the Langer property. February 2010, we made the decision to move to the Mangin property, which is being presented for your consideration today. The benefits of the Mangin property for our purposes are; more secluded minimized the noise and backing up of trucks and there is more room to operate through that site. We'll start on Corp Island with an excavator and bulldozer to load barges and they are pushed to the Mangin property and unloaded to a surge pile of roughly 100 cubic yards. From there, another separate excavator will load it into trucks to travel through Diamond Bluff to the Mathy Pit where it will be stacked and graded. The agreement with the Town of Diamond Bluff was a signed lease agreement that was discussed and revised at several monthly meetings. There was a citizens group that helped make comments and things to be incorporated and that the project has everyone's interest in mind. One of the big issues at the meetings was safety. It is represented in the lease agreement. We have submittals with the COE, an accident prevention plan, an activity hazard analysis plan, a contractor loss control safety manual, an environment protection plan, a traffic control plan, truck haul route plan, quality control plan, site plan and equipment plan. Those are all submitted and in the process of being approved by the COE. The health issue was also brought up on a number of occasions. In speaking with the WI Dept of Health, Henry Nehls Lowe, the comments were that all loads needed to be tarped and all trucks meet the emission regulations and our dust control measures are in place and practiced. A traffic control plan was developed and approved by the Town. It's incorporated in the lease agreement. It provides a controlled intersection in town on the corner of 985th and 295th and shows where the flagman will be. This provides a controlled intersection for foot traffic or vehicle traffic. The person will also have a radio to be in communication with the trucks while they are coming out. During the short stretch of 985th where it is rather tight they will make sure to keep only one truck on there at a time. This does not add any distance to the local traffic; it adds two turns. We do have signage and access will be provided to the boat launch. This has been approved by the DNR. Based on what was presented in the letter dated May 13, 2010, from Stobel and Hanson from Mr. Hynes; a five month boating season, 153 total days, roughly 600 total uses of the season passes or four uses a day. That does not take into account the citizens that use it or the weekend traffic. LS Marine is also

providing a \$5000.00 donation to the boat fund that covers roughly two years of fees. The haul route is based on the shortest route to a major road. It's less effort to drive a quarter of mile on a town road rather than the 2.8 miles. We will be taking a road condition survey before beginning any traffic and we are responsible for replacing that road in like and kind when we're finished. 290th Ave is at 20% - 30% stage right now and the Town would be responsible for replacing 70% - 80%. 985th St is at 80% so therefore we would be responsible for replacing the 80% or whatever is determined by the road survey. Hwy 35 for the 2006 annual average daily traffic the road was rated at 2900 vehicles per day, at our 300 one-way trips that is less than 10% increase of traffic. All trucks will be loaded to comply with state weight limits, a base amount for trucks to be loaded and documentation will be kept. American Engineering will be doing random density tests to determine different material weights as we progress into the pile. The only thing we are subcontracting is the trucking and Holst Excavating was the best value. The material we are transporting is the river dredge material taken out of the river since 1998 and placed on Corp Island. The COE takes yearly tests on this site. All tests have passed the necessary requirements and particular levels to be classified as clean material. The COE can provide those reports to anyone interested. The location of the offload is in Diamond Bluff. It is the only feasible and economical place to unload the material and transport to the Mathy Pit. Using Diamond Bluff to unload dredging material is on about a ten year cycle. LS Marine has received permission from the Town of Diamond Bluff at the Sept 9, 2009 meeting. LS Marine's bid was over \$500,000 savings from the next bidder. The benefit to all of roughly 500 citizens of Diamond Bluff is a donation by LS Marine of \$15,000 to the City Fund, \$5,000 to the Boat Dock Fund, \$5,000 to the Town Hall Fund and estimated \$300 for paint for the interior of the Town Hall and 50,000 yards of sand to the Town sand pit for the citizens use. At a market rate in the area of over \$3.75/yd this equates to \$187,000 benefit, the total that is a direct and indirect benefit to the citizens of \$212,000. We have been to all the Town meetings since October of 2009 and will continue to attend meetings until the project is complete. We will address all the concerns brought up by the citizens incorporating the mitigation of those concerns and our overall plan, the Town Lease Agreement, the conditional use permit application and the COE submittals. Sanden asked Mr. Luke to repeat the information about 290th Ave and the 20% payback. Mr. Luke stated the condition of the pavement on 290th Ave is rated at 20% - 30% of the life of the pavement left. We would be liable to replace the street in like and kind so we would have to bring it back up to 20% - 30%. Since that is not feasibly possible we would replace the whole road and the Town would have to pay for 70% - 80% of the road.

Staff Report – Jim Kleinhans: A lot of the material has already been covered. This part of the public hearing is just for issuing the conditional use permit for filling and grading in the Shoreland/Wetland District. LS Marine has contracted with the COE to remove the river dredge material from Corps Island. The property is zoned Agriculture Residential where those types of uses are allowed. The Town of Diamond Bluff approved this request on March 15, 2010. WI DNR is cooperatively reviewing the project with the ACOE from initial excavation to disposal of dredge materials. The site being considered was filled with dredge materials in 1987 and 1989. Some of the area is above the wetlands but some is shrub and trees and are not characterized as wetlands. In the committees packets there is some updated information from the COE regarding topographic information and cross sections for proposed fill. LS hasn't submitted a restoration plan for vegetation and they are proposing for fill to remain on site. That would be a conflict with County Floodplain regulations. We want to be sure any fill left is stabilized and when fill is removed that the initial areas are stabilized as well. Shoreland rules require a conditional use permit for filling and grading within 300 feet of the OHWM or to the extent of the Floodplain which runs up to 290th Ave. The committee needs to consider not only the interest of the land owner with the status of the site but consider Shoreland and Floodplain regulations with the amount of fill that may be left and the condition of the site when it's finished. Staff suggests the following project components be considered:

- A. Total site disturbance including fill depths, tree clearing and final site restoration.
- B. Maintain best management practices during the duration of the project.
- C. Stabilize all graded and filled areas with suitable ground cover and mulch.

D. Effective means to address compliance issues.

Let me know if you have any questions of the fill depths that were just received. We want to make sure the site is left in a usable condition for Mr. Mangin and we don't upset any Floodplain regulations or violate Shoreland code requirements.

Staff Recommendation: Staff recommends the Land Management Committee determine whether the proposed filling and grading in the Floodplain/Shoreland area 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 approve this conditional use permit with the following conditions:

1. Contractor shall secure all necessary state and local permits and approvals prior to commencing operations.
2. The Land Management Dept shall be notified at the project initiation.
3. Fill placed on Mangin's property shall be removed at the project termination unless authorized under the Chapter 30 permit and complies with local Floodplain regulations.
4. Vegetative removal shall be limited to the area identified as being within the "work limit line".
5. A vegetation management and restoration plan for areas within 300 feet of OHWM, consistent with Section 240-46, shall be submitted for approval within 6 months.
6. Erosion control best management practices shall be implemented and maintained until the project site restoration is complete.
7. Applicant shall adhere to the agreement with the Town of Diamond Bluff.
8. The project shall be completed within 12 months of approval.

Chairperson Barkla asked Jim if he had copies for the public to view. Kleinhans stated they are regarding the detailed topographic of the one foot intervals of the Mangin site with fills placed over the road and cross sections of the locations of the pads for the excavators and the temporary placement of the fill. Several copies were passed around. **Chairperson Barkla opened the hearing to the public.** Einar Hanson, attorney for some of the citizens of Diamond Bluff, stated he wanted to point out the restoration plan has not been submitted therefore the application is not complete. The public needs an adequate chance to look at the plan. Second; it is too much dependant on the good faith of the applicant to ask for a vegetation plan and how it's going to be handled after-the-fact and this should be tabled. Finally; a bond should be requested. Chairperson Barkla stated in Pierce County, we have an understanding of Robert's Rules that tabling an item would mean it would be brought up later in the meeting. Kleinhans stated under condition #5 where we reference Chapter 240-46 does include a bond for vegetative replacement. Vic Langer, citizen of Diamond Bluff stated he submitted a letter in favor and wanted to know if the letter is part of the record. Chairperson Barkla stated we compiled a list of the names of people that submitted letters either for or against the project. The names were read. The letters will be made a part of the record. **Public hearing closed.** Sanden asked about conditions #3 & #5, Chapter 30 permit. Do either of these fall under jurisdiction of the DNR? Kleinhans stated yes. Sanden, Floodplain regulations would be a pre-requisite for this activity. Kleinhans stated there has been discussion between Gary Lepak, who is a Floodplain Engineer and Dave Pericak, who deals with a lot of the Mississippi permitting. The issue isn't finalized because originally it was going to be hydraulically moved now they are reacting to the transport of the dry material. In the last e-mail I read they concurred no material should be left on site. It could cause an obstruction of flood water. Leaving material in the floodplain is inconsistent with floodplain regulations unless it's studied hydraulically. Sanden asked about the precedence of approving the conditional use permit before the vegetative management plan is submitted. Have we done this in the past or is this the first time? Kleinhans stated we're looking at the restoration of the site. If you look at the map in the staff report you'll see the site is vegetative but there's a clear area by the beach. Looking at the map I gave you tonight, it appears that area is more open. I don't see the existing tree line. My interest is to get the site stabilized and restored to some suitable ground cover. We need to stabilize so in the event of a flood, it doesn't all wash away. Sanden stated his question is more procedural in response to Mr. Hanson's inquiry. Kleinhans, stated we have asked for restoration plans in similar situations and have had staff review

them or the committee. Fetzer asked if the topographical map is how it will be. Kleinhans stated the topographical is the existing site conditions and cross sections of where they are going to fill and how much. Jim suggests putting the site back to what it was, existing grades and stabilize it. **Sanden moved to approve the conditional use permit for Filling and Grading in the Shoreland/Wetland District for LS Marine, Inc, agent for Joseph & Marilyn Mangin, owners, due to the fact it was found not to be contrary to the public interest or detrimental or injurious to the public health, public safety or the character of the surrounding area, with conditions #1 - #8/Rohl seconded. All in favor. Passed.**

Public hearing to consider a request for a conditional use permit for a Utility Facility >1000 square feet in the Agriculture Residential District by LS Marine, Inc, agent for Joseph & Marilyn Mangin, owners on property located in Government Lot 1 of Section 24, T25N, R19W, Town of Diamond Bluff, Pierce County, WI. Chairperson Barkla invited Taylor Luke forward: Jeff Holst stated due to the fact the Town of Diamond Bluff has entered into an agreement with LS Marine and he is the Chairperson, he recused himself from the discussion and voting but retained the right to represent the Town of Diamond Bluff. Mr. Luke explained that all the same information applies. What they are doing there is to complete their contract with the COE. Sanden, asked what the difference would be if it was hydraulically removed vs the mechanical. Mr. Luke stated they deal just with mechanical where you dig it up, load and transport it away. Hydraulically requires a pipeline to vacuum or suck it out and transport it to Mathy Pit and eventually the water drains out and makes its way back to the river. Sanden asked how that would get across the highway. Mr. Luke explained the plans they submitted prepared by the COE shows it doesn't have to cross Highway 35. They would have a couple places where they would have to go under roads. They dig them out, place the pipe and repair the roads. To use the hydraulic method, you get 5% to 10% material and 90% to 95% water. Mathy Pit is designed to hold that. You get turbidity and wells are affected. The water is still healthy but doesn't look clean. Sanden asked if the impact of 41,000 truckloads over seven months figures out to a truck every three minutes. Mr. Luke stated it's a truck leaving the site every four minutes and then trucks returning also. Sanden asked if you were to consider the alternative site; taking 290th Ave all the way, logistically would there be enough room to pass safely, is it more constrained on Hwy 35? Mr. Luke stated he doesn't believe it would be any major constraints. Sanden asked about the 20% - 30% of it's life left, do you think the road would be capable of handling that every four minutes for the seven months. Mr. Luke stated no, township roads are not built like Hwy 35. They don't have the base, the pavement profile. As far as he is concerned it wouldn't be capable of carrying those trucks for that time. Sanden asked if the town road weight load limit would be exceeded. Mr. Luke stated that is a fineable offense by the state. What he believes those roads are weighted to, they would not be by their calculations. Fetzer asked if it is the 20% - 30% through Diamond Bluff remaining life or is it on 290th that goes the other way. Holst stated it was 290th to the south – it is a relatively good road. They have told us there are possible Indian artifacts that lay under that road so we wouldn't be able to disturb them. If our township were to have to replace 70% - 80% of that road and not disturb the Indian Artifacts it would be undesirable both financially and environmentally. Sanden asked if they have a ballpark figure of what it costs to replace a road. Pat Atherton, Diamond Bluff Supervisor, stated it was \$55,000/mile when they replaced the last road. He also noted that using 290th Ave to the south would actually affect more citizens.

Staff Report – Andy Pichotta: The Army Corps of Engineers (COE) has awarded LS Marine Inc. the Corps Island Placement Site Unloading Project. The project consists of mechanically unloading 350,000 cubic yards of sand from Corps Island (located in Goodhue County, MN.) on the Mississippi River into barges, transporting the material to shore, transferring the material from barges into trucks and then transporting the materials to the Mathy Gravel Pit in the Town of Trenton. The project is scheduled to begin in June 2010 and be complete prior to December 30, 2010. This project was originally anticipated to be completed by hydraulically pumping materials versus moving it mechanically. The COE had secured all easements necessary to run a slurry pipeline from Corps Island

to the Mathy Pit prior to letting the project for bids. LS Marine submitted the low bid despite proposing to move materials mechanically. If the project were to be completed hydraulically, up to 707 million gallons of water would be required to transport the 350,000 cubic yards of dredge materials to the Mathy Pit, as hydraulic dredging typically utilizes a 3:1 – 10:1 ratio of water to solids. LS Marine is proposing to utilize the Mangin Property as the staging site to transfer dredge materials from barges into quad axle dump trucks. Loaded trucks would then proceed to the Mathy Gravel Pit in the Town of Trenton (or potentially to another approved disposal site). LS Marine had initially planned to propose the use of the Town of Diamond Bluff’s public boat launch parking lot as the staging area, but now believes the Mangin Property to be a more appropriate site. LS Marine had, prior to securing use of the Mangin Property, entered into a lease agreement with the Town of Diamond Bluff for use of the boat launch parking lot. Said lease agreement included a defined “haul route” which was to be utilized for truck traffic associated with the project as well stipulated adherence to a Traffic Control Plan. LS Marine intends to honor the terms of the agreement with the Town despite no longer planning to utilize the Town’s property. Pichotta stated that it was his understanding the crew does intend to use the town parking lot to park their vehicles. LS Marine has submitted a project narrative, a site plan, and a copy of the Lease Agreement with the Town of Diamond Bluff, copies of which are included for your information.

Pursuant to §240-21(B)(1), this proposed unclassified use was determined to be most similar to a “Utility Facility >1000 square feet” and is therefore being processed consistent with that conditionally permitted use. A “Utility Facility >1000 square feet” is conditionally permitted in all zoning districts. Pursuant to §240-21(C), an amendment to Chapter 240 regarding this use will be presented to the LMC for consideration at a future meeting.

The subject property is located in Government Lot 1 of Section 24, T25N, R18W, Town of Diamond Bluff, Pierce County, Wisconsin. The parcel is zoned Agriculture-Residential. Adjacent parcels to north and west are zoned RR-20. This area of Diamond Bluff is characterized by residential uses with some commercial uses and is bordered on one side by State Highway 35 and an active rail road track and, on the other, the Mississippi River.

Materials will be removed from Corps Island and placed on barges utilizing a bulldozer and excavator. The contracted depth elevation is 675 ft. which will be achieved by removing 350,000 cubic yards of dredge materials. The excavator will be staged on a floating plant that will, as materials are removed and a cove area created, be moved into the cove area. Excavated materials will be predominately dry sand material taken from above the waterline. Materials excavated from below the waterline will be cast to the side to allow it to decant prior to loading. Loaded barges would then be transported to the Mangin Site for unloading.

Equipment to be utilized on Corps Island includes: 50 ft by 110 ft spud barges, 165,000 pound excavator and D8 class bulldozer.

The staging site/transfer area is proposed to be located on the Mangin Property located in the Town of Diamond Bluff. LS Marine has signed a lease to utilize said property and has been authorized to act as the Mangin’s agent in pursuing this conditional use permit.

Once barges arrive at the Mangin Property an excavator staged on the rivers edge will remove the material from the barges and place it into a surge pile. A second excavator staged adjacent to the surge pile will be loading material into quad-axle dump trucks which will haul the material to the Mathy Gravel Pit (or other approved site).

Equipment to be utilized on the Mangin Property includes: 165,000 and 85,000 pound excavators, quad axle dump trucks, skid-steer with street broom, and a loader. The skid-steer with street broom will be used as necessary to keep the paved roads clear of material.

Loaded trucks would leave the site following 290th Avenue from 980th Street to 985th Street and 985th Street from 290th Avenue to Wisconsin Highway 35 and then south to the Mathy Pit in the Town of Trenton.

Between 6 and 8 quad-axle trucks are proposed to be utilized in rotation for transporting materials. To minimize the potential of trucks “stacking” on Hwy 35 when returning to the staging area, LS Marine

has secured permission to utilize the PIG Transfer Station as an area for trucks to pull off the road if another truck is stopped and waiting at the rail road crossing.

Based on expected travel times, a truck is anticipated to be leaving from or arriving to the proposed staging/transfer area every 4 minutes during hours of operation.

A traffic control plan that establishes the location of a flagman as well as the placement of appropriate signage was presented to, and approved by, the Town of Diamond Bluff. Said plan is attached.

The proposed hours of operation for transfer of dredge materials is 7:00 A.M. to 5:00 P.M. Monday through Friday with no work occurring on weekends or holidays. This schedule is expected to result in the removal and disposal of 350,000 cubic yards by December 30, 2010 as required by the COE contract. Any delays from equipment breakdown, weather, etc. would require a contract modification to either increase operating hours or extend the deadline.

An advisory committee made up of a Town Board member, two citizens, and the Project Manager will be established to address any issues associated with the project that may arise.

Loaded trucks will enter the Mathy Pit and proceed to the south end of the pit where it will be placed and graded to final contours. Once all material has been placed, it will be capped with topsoil and seeded, per COE contract specifications.

Placement equipment to be located at the Mathy Pit includes a D9 Bulldozer and a loader.

According to the Pierce County Zoning Ordinance (Chapter 240) the placement of dredge materials, as well as dewatering and blending, is considered to be consistent with “nonmetallic mining operations”. Therefore a mining site that is either permitted or considered to be “grandfathered” may be utilized for the placement of dredge materials without LMC approval. The placement of dredge materials is also specifically exempted from the Pierce County Nonmetallic Mining Reclamation Ordinance (Chapter 241) and NR 135, which the County Ordinance is modeled after. Due to this, the LMC’s ability to impact the placement of dredge materials at a given site is limited. However, DNR and COE approval of a placement site is necessary.

At the March 2009 renewal of Monarch Paving’s Conditional Use Permit for nonmetallic mining at the Mathy Pit a condition was added that states “Prior to the placement of dredge materials on this site, a plan that describes activities and safeguards shall be presented for approval to the Land Management Committee.” This plan is being presented for approval as a later agenda item at this meeting. It should be noted when that requirement was put in place we were under the assumption that these materials were going to be unloaded hydraulically.

The Town of Diamond Bluff entered into a lease agreement with LS Marine Inc. at their March 15, 2010 meeting and also recommended County approval of the project “as long as all conditions of the lease are met.” Terms of the agreement include:

Term: Lease is effective until LS Marine completes the COE project or June 30, 2011, whichever occurs first.

Payment: Rent payable by LS Marine to the Town was established.

Specific Haul Route Established: The Town approved haul route is “defined as 290th Avenue from 980th Street to 985th Street and 985th Street from 290th Avenue to Wisconsin Highway 35.”

Survey: LS Marine agreed to have an independent “pre-condition survey” of the haul route completed that will include video and a written narrative. A “pre-condition survey” will also be conducted of structures located on lots and parcels of private property owners abutting the haul route. Copies of each will be provided to the Town as well as property owners.

Maintenance & Repair: LS Marine agrees to be responsible for, and to repair any damage to town property, the haul route, and private property abutting the haul route caused by its activities. Also established is the emergency project contact and a Dispute, Concerns, and Claim Process.

Traffic Control Plan: LS Marine agreed to develop and adhere to a “traffic control plan” which was approved by the Town of Diamond Bluff Board of Supervisors at their February 11, 2010 meeting.

Hours of Operation Established: LS Marine agreed to operate only between the hours of 7:00 a.m. to 5:00 p.m. Monday thru Friday. Any request to deviate from these hours must be made in writing to the Town Board. Also – no work is to be preformed on the following days: May 31, 2010, July 5, 2010,

and September 6, 2010. LS Marine is allowed to work longer hours to make up these days in the week leading to or following these dates.

Town Option on 50,000 cubic yards (+/-) of dredge material to be deposited in the Town's gravel pit at no cost to the Town. Subject to COE approval. LS Marine to secure necessary approvals.

Public Access to Ramp: LS Marine will ensure public's ability to access ramp.

Agreement Contingent: Agreement is contingent on all relevant parties (public and private) agreeing to use of their parcels of land along with all governmental agencies permitting the use pursuant to the lease, and no court issuing an order that would preclude use pursuant to the lease.

Insurance: LS Marine will provide Commercial General Liability, Marine Service Liability, Automobile Liability, Umbrella Liability, Workers Compensation, and Hull and P&I Insurance, with the Town named additional insured.

Governing Law: Matters of Federal law shall be governed by the laws of the United States of America. Matters of State law shall be governed by the laws of Wisconsin.

Pichotta indicated that staff has received a number of phone calls and letters from individuals concerned about potential negative impacts from this proposed project. Concerns include:

- Safety of citizens walking or biking, especially children.
- Interference of normal use of roads (garbage, gas, and delivery trucks).
- Ability of law enforcement and emergency services to respond to emergencies.
- Ability of residents, visitors, and boaters to use boat launch, Sea Wing Park, or visit the Nauti Hawg Bar and Grill.
- Potential health hazards associated with diesel fumes, exhaust, and sand particles.
- Potential contamination of private wells and septic systems.

Following 290th Avenue southeast to the intersection with Wisconsin Highway 35 and on to the Mathy Pit has been suggested as being a better route with fewer impacted homes. Staff has determined that a similar number of homes would be impacted along each route. Staff also spoke with a Town representative as to why the Town believes the established haul route to be a better option than following 290th Avenue southeast to Wisconsin Highway 35. Staff was informed that the condition of 290th Avenue is considered to be at approximately 30 - 50% (of 100%). If 290th were utilized as a haul route and damaged, the contractor could only be required to bring the road back to its prior condition (30-50%). Given that reconstruction would bring the road up to 100%, the Town may be, by default, responsible for up to 70% of the cost of reconstruction. This could potentially result in a substantial unplanned and unbudgeted expense for the Town of Diamond Bluff.

A handout titled "Issuance of Conditional Use Permits" is attached for your information. The document identifies applicable code provision from the Pierce County Zoning Ordinance, discusses standards that must be considered, and highlights what is considered should the LMC's issuance of a CUP be appealed to Circuit Court. Pichotta discussed conditional use permit provisions, what the purpose and intent out of the Pierce County Code Chapter 240 is, and what is meant by public health, safety, general welfare, and character, as well as what is considered if the issuance of a CUP is appealed..

Pichotta stated that staff recommends that the Land Management Committee determine 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 approve this conditional use permit with the following conditions:

1. Applicant shall secure all necessary federal, state, and local permits and approvals prior to commencing operations.
2. Applicant shall conduct all activities as described in their CUP application.
3. All activities must be completed within 12 months unless an extension is granted by the LMC.
4. Compliance issues shall be referred to Land Management Department staff.

Chairperson Barkla opened the hearing to the public. Einar Hanson, representing a group of Town residents, presented a handout with some bullet points for the committee to consider. The context is to the discretion of the committee. Originally this was to be a hydraulic operation and now it's going to be a mechanical project. The DNR is still considering this. This will actually turn the Town of Diamond Bluff into an Industrial Zone. There will be truck drivers every four minutes going one way and then the other. With that kind of danger and exhaust fumes is that the best route to take? The best possibility is option #1, this is not using the Mangin property at all but a site on Trenton Island that has been bought out. The advantages to the citizens of Pierce County and to Diamond Bluff is that it is routing their trucks straight across the back channel of the Mississippi to the Mathy Pit and less truck travel on Pierce County roads, less fuel and minimized rail crossings. Their first request would be that the committee deny the conditional use permit and require they consider the Trenton Island option. The second option has been addressed by Mr. Holst and the engineers; that is the 290th Ave. The homes on 290th Ave are set farther back and the trucks will be traveling at a constant speed so you won't have the exhaust fumes. It's closer to the Mathy Pit. With the shorter distance it reduces road damage and fuel consumption. They have a greater ability to radio back to say there is a train coming. The route they have proposed is going to be a noisy industrial site. In the lease agreement, 5F, this is contingent on all parties agreeing. Under paragraph 3, if a different haul route is approved, this lease has to be re-written. The Town would have every right and power to have LS Marine pay for the repaving of the road. Even now there is nothing in the contract that says they are only responsible for the 20% - 30%. If granted the conditional use permit should include the conditions in the lease agreement between the Town of Diamond Bluff and LS Marine. Joe Milbauer, Town of Diamond Bluff, has lived in Diamond Bluff for 17 years. In 1998 and 1999 all the sand came to us. The sand was hydraulically pumped and the water was not good. We have been filtering our water ever since. We're back ten years later. The pit never got covered. There are truck trailers parked in there. It's turned into a dump. Now we're asked to take on the responsibility of these trucks. My preference would be that the sand be pumped hydraulically to the pit in Trenton. Cris Johnston, opposed to this project, moved to Diamond Bluff in the mid 90's. He shared pictures of the houses along the proposed route as well as on 290th to the south. Approval of the conditional use permit requires that the proposed use at the proposed location will not be contrary to the public interest. All agree that the sand must be moved. But he believes the disagreement revolves around how it will be done. The two opposing views are motivated by money and the quality of life. The committee is aware of concerns about how public health and safety will be adversely affected. The decision makers have minimized, dismissed or just ignored that part of the issue that is the quality of life. Approval of the conditional use permit will be precedent setting and will contribute to future threats of quality of life and living in an industrial zone. The residential property values will be affected during the project. He asked the committee to consider the long-term impacts and quality of life. Chairperson Barkla reminded everyone not to make personal affronts about anyone. It's not fair and they cannot react. Bill Nafe, Diamond Bluff resident for 25 years, pointed out on the 290th south haul route there are 17 homes set way back along the route. By trucks using that route, it will keep the dust down, the noise down and keep the trucks from bunching up. Through Diamond Bluff, the route has 11 houses and they are very close to the road. When making a decision, if you don't consider Trenton Island as an option, consider the 290th haul route. Lois Kask, Town of Trenton, lives on the intersection past the tracks where they intend to have flagmen. She and her partner both have lung problems and don't need to add to it. **Chairman Barkla called for a 5 minute break.**

8:40pm – 5 minute recess

8:50pm – meeting resumes

Tom Giguere, lives in Diamond Bluff, reiterated about the quality of life and the lowering of his house value while this project is going on. Sheryle Wood, has lived in Diamond Bluff for 47 years, lives on the corner where the trucks will meet. She also has health issues and feels this is a health concern.

Kenneth Wood, Sheryle's spouse, his question is how long the hydraulic transfer would take. Pat Vickman, works for the COE, and will be overseeing the construction responded that the contract required the job to be done by the 31st of December, 2010. The contract was written around the sand being hydraulically moved but it did not preclude the use of mechanical options. The completion date is the same. It would be a similar amount of time because it takes a while to get the pipeline in place. Doing it mechanically, they don't have the long mobilization period and demobilization time but they have a longer haul period because they are moving less material a day. Kenneth Wood stated the land owner where the hydraulic operation was going to take place, has already been paid for it and it never happened. Mr. Vickman stated he works construction and has received copies of some of the lease agreements the government has procured to do the hydraulic pumping. The ones that he has read, the people got paid regardless of whether it was pumped hydraulically or not. Mr. Wood stated he feels the County should be looking at the road conditions and they should pay for it. Going out 290th is a lot safer. He stated that he had called Henry Nehls Lowe at the Dept of Health months ago after he had OK'd this. He stated he couldn't overrule what the County wants. Mr. Milbauer asked the COE what is the long-term plan so that in tens years we don't have to go through this again. Paul Machajewski, COE, Channel Maintenance, the long-term plan is to evaluate and refill Corp Island by dredging until the island gets full and will be offloaded again probably in 10 – 12 years again. Before this the methodology was identified at the State level but he will be at the Town Hall meetings in the future and will involve everyone to decide where best to go with the material. It's an inner agency coordinated effort to decide where to go. Richard Bunce, Town of Trenton Chairperson, the sand washes in from Minnesota and is in Minnesota right now, are they imposed upon in anyway? If they did it hydraulically and put it in the pit, the water doesn't have anywhere to go. Diane Johnston, Town of Diamond Bluff, lives on 290th Ave right across from where the trucks will come out, she is in disagreement that it isn't precedence setting. She doesn't feel people will be able to get to the boat launch or parking lot. She feels there are other options LS Marine hasn't considered. The railroad is going to back up the trucks. She doesn't feel it's safe for families that walk and bike up & down the road all the time, not just on weekends. Mike Maxson, resident of Diamond Bluff for four years, not opposed to business. He lives next door to the Johnston's. His wife has asthma and losses to home values will dwarf the \$212,000 benefit to the Town. COE, Pat Vickman, Contract Administrator, he will be there to make sure the contractor does what the government contract states. The contract was awarded to the lowest bidder, LS Marine, Inc. They have a responsibility to the government now to transfer material from Corp Island to the Monarch/Mathy Pit. The contractor is responsible to obtain the necessary permits that the government has not already received. The work cannot start until all the permits are obtained. Commencement date was the end of March or the latest in April. We are already behind schedule. There are always people impacted no matter what system is chosen. We will comply with all the Federal, State and local laws, all the safety requirements and we do listen to concerns. One of the highest things the COE looks at is safety. The trucks will not be going through town at 40 mph. The decision of where the route is going is LS Marine's responsibility. There was a meeting with Brad Perkl, an archeologist, and there are archeology concerns under 290th Ave. He stated all of 290th Ave is one of the best areas to find artifacts around here. For construction purposes, if we damage the road and have to go below the base, there would have to be an archeological survey. Vick Langer, Town of Diamond Bluff, stated that he had heard this route is also going to be used for rebuilding the levies for Lock 3. Mr. Vickman stated there are four different contracts the COE, St Paul District, has awarded in the vicinity of Lock and Dam 3. Corp Island is a lone project and there are three projects that go with Lock and Dam 3. Two of the three projects are on the Wisconsin side of the river. One, the upper embankment job, the only access to that job is 290th Ave right next to the cemetery. Ms Johnston stated LS Marine has no plan put into place to control traffic on 290th Ave. Mr. Vickman, LS has provided plans where they felt the greatest need was. They have safety plans, once we start work there are always things that have to be changed. We react to them. Safety is better due to the contractors, the people that are working and the safeguards required by the State, Federal and local agencies. Mike Miller, resident of the Town of Trenton, asked the LMC to state one or two positives to the residents in

Diamond Bluff other than the financial benefit. Pat Atherton, Town of Diamond Bluff Supervisor, stated that pile does not belong to the Town of Diamond Bluff but is a private property. He stated that many of the landowners that live here wouldn't have the property they have now if the COE wouldn't have put sand there in 1971. This is temporary. He has lived there since 1971 and this happens every ten years or so. Mr. Hanson stated he is unaware of any reason to go below the base of 290th Ave so the archeological concern shouldn't be a consideration in making a decision. Holst stated 290th Ave was also raised about three feet with the sand after the 1965 flood. The road was put down on top of the sand that was there and hasn't been rebuilt other than a little strip. Mr. Hanson stated within the three feet of fill there is no archeological issue so no study would have to be done. Holst stated the positive issue would be to keep the shipping channel open. The river is an industrial highway that affects commerce in the entire United States. It is a lifeline up here. It goes hand in hand with the railroad and highways. The last time Corp Island was dredged - the island was used for a tremendous amount of recreation. We felt as a Town that we got the best deal we could. Pichotta read a letter from Phil Carlson a Town resident who in favor of the project routed through Diamond Bluff and stands behind the Town of Diamond Bluff. He stated because of all the curves on the river, the dredging has to be done more often and should be done as economically as possible. **Public hearing closed.** Chairperson Barkla stated all the letters are being made a part of the record and asked the committee members if they have anything further to ask. Sanden stated when wind towers and cell phone towers are permitted, we are dictated to by the FCC or the State as to what choices we have. Because this is an ACOE issue are we being similarly constrained? Pichotta stated the COE has an immunity clause, basically if the COE is directly involved in leasing a property, they wouldn't be subject to our permits. If the COE leased this project instead of LS, we wouldn't be here. If the COE has a contractor for the COE and the contractor has discretion the immunity doesn't apply to them. If they don't have discretion, immunity does apply. Because it's LS and not the COE, we're involved. The upper embankment project that was mentioned down the river will be back for a conditional use permit for filling and grading. But filling and grading is not truck traffic so we won't be able to dictate anything regarding where truck traffic goes. Chairperson Barkla asked Mr. Vickman when the project would get started. Mr. Vickman stated they are waiting for the DNR permit which requires a 30 day public review, so probably a minimum of 45 days. The COE is doing an environmental assessment where there was a 30 day public review for that. That ended May 15th. The COE is currently reviewing comments - that assessment is being done to review the truck traffic associated with the mechanical dredging vs the hydraulic pumping. Once we get done with those, we have contractual issues that have to be taken care of but those are shorter time frames. Chairperson Barkla asked if it would still be their intent to complete the project by December 31, 2010. Mr. Vickman stated that is the contract completion date we have right now. This contract has the ability to have an extension built into it. To put it in a practical view, the end of November, the river ices up. Anything past the end of November is questionable as to whether it is usable time. With the delays that are being afforded for getting permits, LS would have a strong point in getting an extension from the government. Sanden asked if the lease agreement allows simultaneous use of the boat launch for the public and parking for the LS personnel? Kleinhans stated Holst will be doing the trucking so they will be coming from their site. The construction workers and excavators may be using the parking lot for their vehicles. Mr. Luke stated the use will be to park the crews vehicles; 2 operators, a deck hand, a boat pilot, 2 operators on the island, six vehicles, the general superintendent at some time and himself which would be 8 vehicles total. Fetzer asked if LS looked at the alternative routes. Mr. Luke stated moving it to Trenton before unloading is the theory of putting it in someone else's backyard - it would require going through the lock and would therefore add to the amount of time it takes. Before we placed our bid we came to the Town of Diamond Bluff for approval and then based our bid on taking it through Diamond Bluff. Sanden stated he would echo that maybe renegotiating the 290th Ave route should be considered. Chairperson Barkla stated he did take a ride and looking at that road and some of those curves. Someone is going to be inconvenienced in any case. On one road the homes are further away but the people are still going to be inconvenienced. Fetzer stated he also drove down 290th. There are a number

of houses there and right in town, he believes the Town put in a good amount of time and effort coming up with the terms of their agreement. He stated that if the route goes someplace else - we're going to be back here with the same issues and different people. Rohl stated that he agrees with Joe. **Fetzer moved to approve the conditional use permit for a Utility Facility >1000 square feet for LS Marine, due to the fact this is found to be not contrary to public interest nor detrimental or injurious to public health, public safety or the character of the surrounding area with conditions #1 - #4 and include the conditions in the letter from Mr. Hynes. #5 Use of a maximum of eight (8) trucks at any one time. #6 Requiring trucks to stop at PIG's transfer station in the event more than one must wait for a train to pass before entering the town. #7 Daily use of a sweeper to clear road of debris. #8 Tarping of all loads. #9 All trucks will meet all "applicable laws and regulations"/Rohl seconded. Passed with Sanden opposed.**

Discuss take action on a groundwater response plan for Monarch paving Nonmetallic Mining Facility located in part of the east half of the SW ¼ of Section 28, T25N, R18W, Town of Trenton, Pierce County, WI. Staff Report – Jim Kleinhans: Back in 2001 Monarch Paving received a conditional use permit for nonmetallic mining to operate the former Pierce County property on the corner of Cty Rd K and Hwy 35. There was discussion of the use of this facility for placement of dredge material on site. In 2009, condition #12 stated prior to placement of dredge material on site the committee would review a groundwater response plan. We're looking to see if the placement of materials are detrimental to the surrounding area. With 350,000 CY of material coming onsite, the potential of impacts is much less than if we were to do this hydraulically. The groundwater plan was adjusted accordingly. Surface and groundwater samples will be contracted with EMES Inc, who are specialists in groundwater monitoring. Background samples will be collected prior to dredge placement. Phase 2 will occur during the dredge material placement and Phase 3 establishes sampling criteria after reclamation. Samples will be collected from four residential wells, four monitoring wells and two surface water sites. The residential wells at this point are not identified. Sample collection schedule is in the staff report along with the analysis that will be monitored. There are several residences within 500 feet of the site and two commercial properties. The overburden will be placed on top of the sand as deposited. The materials will be moved into the south side of the pit and filled up approximately 50 feet where the sand will be capped with 5 inches of topsoil and seeded to be stabilized. DNR and the COE are following this entire process to the removal from Corp Island to the deposition at Mathy Pit. Work limits are identified on the maps provided with the elevations. Location of the monitoring wells, are also provided on the map. **Staff Recommendation:** Staff recommends the Land Management Committee determine whether the plans and safeguards proposed for this site are adequate to ensure public health and safety. If determined to be adequate, staff recommends that the plan be approved with the following conditions:

1. All required permits be obtained from state and local jurisdictions.
2. The Land Management Department will be provided with a copy of the sampling and analysis report or alternately a synopsis of the sampling program at the completion of the project.
3. Topsoil placement and final seeding should be completed so the site is stabilized within 6 months of project completion.

Holst stated he would like to hear what the Town has to say about this. Mr. Bunce stated the Town is in favor of putting the sand in, cover and seed it down. That reclaims the pit and it's not going to be taken back out of there. Mike Miller asked for it to be clarified if the pit could be reopened at some point in the future. Kleinhans stated that it could be opened at some point in the future subject to the issuance of a conditional use permit. **Holst moved to approve the groundwater response plan for Monarch Paving with conditions #1 - #3, amending condition #2 to also add the Town of Trenton/Rohl seconds. All in favor. Passed.**

Departmental Update and Future Agenda Items

Conditional use permit request on Filling and Grading in the Shoreland/Wetland District for Bruce Anderson in the Town of Salem.

Discuss take action to accept Wisconsin Land Information Program grant funds, amend 2010 budget to create revenue and expenditure line items and amend planned Land Records Modernization Fund expenditures.

Motion to adjourn at 10:09pm by Holst/Rohl seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, May 19, 2010 – 7:00 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: June 2 nd & 16 th , July 7 th & 21 st , all in 2010.	Chair
3	Approve minutes of the May 5, 2010 Land Management Committee meeting.	Chair
4	Public hearing to consider a request for a conditional use permit for Filling & Grading in the Shoreland/Wetland District by LS Marine, Inc, agent for Joseph & Marilyn Mangin, owners on property located in Government Lot 1 of Section 24, T25N, R19W, Town of Diamond Bluff, Pierce County, WI.	Kleinhans
5	Public hearing to consider a request for a conditional use permit for a Utility Facility >1000 square feet in the Agriculture Residential District by LS Marine, Inc, agent for Joseph & Marilyn Mangin, owners on property located in Government Lot 1 of Section 24, T25N, R19W, Town of Diamond Bluff, Pierce County, WI.	Pichotta
6	Discuss take action on a groundwater response plan for Monarch Paving Nonmetallic Mining Facility located in part of the east half of the SW ¼ of Section 28, T25N, R18W, Town of Trenton, Pierce County, WI.	Kleinhans
7	Future agenda items and departmental update.	Pichotta
8	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.

(5/7/10)

MINUTES - Pierce County Land Management Committee Meeting, May 5, 2010

Present: Paul Barkla, Jeff Holst, Don Rohl and Eric Sanden

Absent: Joe Fetzer

Others: Andy Pichotta and Shari Hartung

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

Next meeting dates: May 19th, June 2nd & 16th, all in 2010.

Approve Minutes: **Sanden moved to approve the April 21, 2010 LMC minutes/ Rohl seconded. All in favor. Passed.**

Public hearing to consider a request for a conditional use permit for an expansion of a nonconforming structure in the Agriculture Residential District for Terry & Denise Pelzel, owners on property located in the NE ¼ of the SE ¼ of Section 7, T25N, R15W, Town of Union, Pierce County, WI. Chairperson Barkla invited Terry & Denise Pelzel forward: Mr. Pelzel explained that their home was originally the old Union School House and they have lived there for 34 years. The roof is in bad repair. They would like to put a metal roof on the house and garage. The walls are in bad repair and the floor is heaving in the garage. They would like to replace the 20 ft x 24 ft garage with a 30 ft x 32 ft garage. They would be building to the south and east so wouldn't be any closer to the road. **Staff Report – Andy Pichotta:** Mr. and Mrs. Pelzel are requesting approval for an addition to a nonconforming building on their property located at the intersection of 220th St and 350th Ave. Setback averaging did not allow a permit to be issued for the proposed building expansion. The one acre parcel is zoned Agriculture Residential and located in the Town of Union. The building is located 56 ft from the centerline of 220th St and required setback is 75 ft from the centerline or 42 ft from the town road right-of-way. The proposed garage expansion is on the south side of the existing dwelling. The size of the existing garage is 20 ft x 24 ft. This request is to expand the garage to 32 ft x 30 ft that will be 12 ft to the south and 6 ft east. The roof of the existing garage is failing. The location of the onsite sanitary system is on the NE side of this parcel. The building addition does not interfere with drain field and tank locations. The one acre parcel has dimensions of 209 ft x 209 ft and is described using metes and bounds. As stated earlier, the residence is located 56 ft from the centerline of 220th St and 90 ft from the right-of-way of 350th Ave. The width of the existing residence with garage is 73 ft. The proposed lateral expansion will not encroach on the 10 ft side yard setback or on the visual clearance triangle. The Town of Union Supervisors supported this request during their April 13, 2010 meeting. **Staff Recommendation:** Staff recommends the Land Management Committee consider whether this land use request is contrary to the public interest or detrimental or injurious to the public health, public safety or the character of the surrounding area. If found not to be contrary to the above, staff recommends the Land Management Committee approve this conditional use permit. **Chairperson Barkla opened the hearing to the public. No public comments. Public hearing closed. Holst moved to approve the conditional use permit for an expansion of a nonconforming structure in the Agriculture Residential District for Terry & Denise Pelzel due to the fact this request was found to be not contrary to the public interest or detrimental or injurious to the public health, public safety or the character of the surrounding area/Rohl seconded. All in favor. Passed.**

Departmental Update and Future Agenda Items

Two public hearings; one for Filling & Grading in the Shoreland/Flood Plain area near Diamond Bluff as well as a Utility Facility for the same site. We have determined that regulating this activity as a Utility Facility >1000 square feet is the most appropriate way to address this proposed unclassified use, that being the use of a site as a conduit for barges and trucks off the river. According to our code, we

should classify a use most closely to what it resembles in the code and the Utility Facility fits fairly well and works in all zoning districts subject to a conditional use permit.

Monarch Paving will be back as part of their conditional use permit renewal for placing dredge materials on their site. We will be looking at approval of a plan describing activities and safeguards for that site.

Potential rule exception for an erosion control plan on a 1 Lot Major CSM as well as the approval of a 1 Lot Major CSM in the Town of Trenton.

Motion to adjourn at 7:10pm by Holst/Sanden seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, May 5, 2010 – 7:00 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: May 19 th , June 2 nd & 16 th , all in 2010.	Chair
3	Approve minutes of the April 21, 2010 Land Management Committee meeting.	Chair
4	Public hearing to consider a request for a conditional use permit for an expansion of a nonconforming structure in the Agriculture Residential District for Terry & Denise Pelzel, owners on property located in the NE ¼ of the SE ¼ of Section 7, T25N, R15W, Town of Union, Pierce County, WI.	Kleinhans
5	Future agenda items and departmental update.	Pichotta
6	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.

(4/23/10)

MINUTES - Pierce County Land Management Committee Meeting, April 21, 2010

Present: Paul Barkla, Jeff Holst, Don Rohl, Eric Sanden and Joe Fetzer.

Others: Andy Pichotta, Jim Kleinhans, Brad Roy and Shari Hartung

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

Next meeting dates: May 5th & 19th, June 2nd & 16th, all in 2010.

Election of Officers: Chairperson Barkla opened nominations for Land Management Committee

Chairperson: Holst nominated Paul Barkla for chairperson, Rohl nominated Jeff Holst for chairperson, Holst refused the nomination. **Nominations closed. All in favor of Paul Barkla elected**

Chairperson. Passed. Chairperson Barkla opened nominations for Vice Chairperson: Holst nominated Joe Fetzer for Vice Chairperson. **Nominations closed. All in favor of Joe Fetzer elected Vice Chairperson. Passed.**

Approve Minutes: **Rohl moved to approve the April 7, 2010 LMC minutes/Sanden seconded. All in favor. Passed with Fetzer not voting because of absence at the meeting.**

Discuss take action on a request for renewal of a conditional use permit for nonmetallic mining in the General Rural District by County Materials Corp, owner of a parcel of land located in the SE ¼ of the SE ¼ of Section 9 and the NE ¼ and the NW ¼ of the SE ¼ of Section 16, all in T27N, R15W, Town of Spring Lake, Pierce County, WI. Staff Report – Brad Roy: Not much has changed since the status report heard last fall. At that time the committee determined no modifications to conditions was necessary. County Materials is not requesting any modifications to the existing Conditional Use Permit. When crushing equipment is placed onsite it is located within the quarry, below grade. The wash plant and other operational structures are located above the quarry. This makes the operation more noticeable visually and audibly. Intentions are to place the structures within the quarry, as space allows, limiting the impacts to the surrounding areas. The quarry is approximately 375 ft x 425 ft and 25 ft deep, totaling 3.6 acres. Expansion of the quarry will be to the south and west within the stripped area and to lower the floor to 25 ft. No operational changes are planned. There are approximately 22 unreclaimed acres on the site. County Materials has complied with reporting of the seismograph, well and noise monitoring requirements. Pine seedlings were planted on the berm to reduce noise impacts in the future. Many of the seedlings did not survive. Staff has not received any complaints recently however, we previous complaints include:

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

The Town of Spring Lake was contacted for comments or concerns regarding the renewal of this conditional use permit. Mike Jacobson, Town of Spring Lake Supervisor, responded that the Town did not have concerns about renewal of the existing conditions, but that they would oppose an increase of the hours of operation. The Town would also like for additional seedlings to be planted on the berm to replace those that didn't survive. The existing conditions are listed in the staff report. **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 Monday through Friday, 8am to noon on Saturday. Operation shall be closed on Sundays and holidays.
3. Blasting shall be completed by a State licensed blaster. Blasting shall take place no more than 4 times per week and blasting times shall be between 11am and 2pm unless extenuating circumstances occur at which time a Town official shall be notified prior to any blasting.
4. Storm water pond design shall be completed by a State certified engineer. The pond design shall be reviewed and approved by the Pierce County Land Conservation Department.
5. Erosion control shall be installed prior to any mining. All erosion control measures shall be submitted to the Zoning Office for review and approval prior to any mining.
6. Road access shall be permitted by WI DOT and a Uniform Address Number shall be obtained from the Zoning Office.
7. Reclamation shall be completed consistent with submitted plans.
8. Mine operation and design shall be consistent with the approved plans. Zoning Office shall be notified of any deviation from the plans.
9. Zoning Office shall be notified if ground water is encountered.
10. All structures and signage shall be permitted by the Zoning Office.
11. An elevation benchmark shall be established.
12. The reclamation financial assurance information shall be reviewed and approved by Corporation Counsel before mining commences.
13. Applicant shall comply with NR 135 Annual Reclamation Permits.
14. Property owners located within 1000 feet shall be given reasonable notice of all planned blasting. This request shall be waived for landowners who request not to be given notice.
15. Well tests for nitrates, suspended solids, and dissolved solids shall be conducted for all existing wells within 1000 feet of the proposed mining operation to establish a baseline, and for all other properties as agreed upon by County Materials (Jones, etc.). This shall be completed prior to blasting. Wells shall be tested annually thereafter. All results shall be provided to the Zoning Office.
16. A copy of the Storm Water Pollution Prevention Plan and Spill Prevention Control and Countermeasures shall be submitted to the Zoning Office.
17. The recycling of concrete products shall be allowed.
18. This CUP shall be reviewed for renewal in one year.
19. County Materials Corporation shall conduct operations on the site consistent with the standards specified in the letter from CMC to Pierce County dated 3/13/07.
20. All loaded trucks shall be covered (tarpred) prior to leaving the site.
21. The quarry shall have no more than 30 unreclaimed acres at any given time. The storm water pond and processing area are to be included in the unreclaimed acres.
22. Applicant shall conduct decibel readings during mining operations at; the property line, 1320 ft from the property line, and at 1½ miles from property boundary, and shall submit results to the Land Management Department. Such readings shall be taken three times annually, and at locations agreeable to Land Management Department staff and County Materials. An initial reading shall be made prior to operations to establish a baseline.
23. A four-strand barb-wire fence shall be placed around the active mining operation along with appropriate signage.
24. A lockbox with access key shall be made accessible to emergency personnel.
25. Applicant shall provide a status report to the LMC in 6 months.

County Materials has always complied with the requirements. Condition #25 states for another six month status report which the committee may want to consider removing or changing. Chairperson Barkla stated he and Andy discussed this and it's been really great to see how business in this County has been able to work with a Township and establish a good relationship. Jim Small stated he doesn't mind coming every six months, if there is a problem it can be caught early. He has ordered 3000 more white pines to replace the red pines that didn't make it. Mike Jacobson stated the best thing was modifying the hours. He requested that trucks not use 890th Ave as a cut-over route from Hwy 29 to Hwy 128. **Holst moved to approve the renewal of the conditional use permit for nonmetallic mining in the General Rural District by County Materials Corp with conditions #1 - #25 and**

we'll take their word that they will plant and take care of the trees/Fetzer seconded. All in favor. Passed.

Discuss take action on a request for site plan review for building expansion in the Industrial District for River City Metals, LLC, William F. Holst III, owner on Lot 1, located in the SW ¼ of the NE ¼ of Section 2, T25N, R19W, Town of Diamond Bluff, Pierce County, WI. Jeff Holst recused himself from discussion and voting on this issue due to possible conflict of interest. Staff Report – Jim Kleinhans:

We're here for site plan approval for new construction at an industrial facility in the Town of Diamond Bluff along Hwy 35. Site plan review per Section 240-75: The purpose of such approval is to assure site designs which promote compatibility between land uses, create safe and attractive site layouts and structures, provide proper access to streets and transportation, protect property values and contribute to efficient land use in Pierce County.

2. The Land Management Committee or its designee shall review the site, existing and proposed structures, architectural plans, neighboring uses, use of landscaping and open space, parking areas, driveway location, loading and unloading areas, highway access, traffic generation and circulation, lighting, drainage, water and sewer systems and proposed operations.

The following text in the staff report gets into more detail about those specific items. The committee should approve a site plan if it's determined to be in conformance with the intent and purpose of this chapter. A map was submitted by Tom Geistfeld. Chapter 240-37 of the code talks about salvage yards and should be considered. Chapter 240-31, Landscape buffers is also included in the staff report. The commercial and industrial parcels that are developed as of the date of this chapter are exempt from this provision, except such parcels shall comply when the parcel is expanded in size or the use expands to an adjacent parcel which was previously undeveloped for such use. Mr. Geistfeld has submitted plans for the buildings and we received a copy of conditional approval from the Dept of Commerce. Staff visited the site and took some measurements and found out the proposed building encroached on the highway setback but there is room if it is moved toward the entrance door on the existing building. Otherwise the proposed location would require a variance. The staff report included some letters that were submitted to the LMC; a letter from the Dept of Natural Resources stating that the facility is in compliance with the State and meets DNR standards. Mr. Holst mentioned that he employs 25 people on the facility. Our file doesn't include any information on the existing onsite waste water treatment system. **Staff Recommendation:** Staff recommends the committee review the information provided with this report and the public concerns to determine which changes or additions to the site plan are warranted with the following conditions:

1. Address parking and traffic circulation.
2. Evaluation of the onsite sewer system.
3. Consider what landscape buffers would be warranted.
4. Make sure staff verifies that the building setback meets county zoning standards before it's erected.

Mr. Geistfeld presented state approved plans for the building and explained the proposed construction. Parts will be stored in a 4800 sq ft warehouse on pallets and shrink wrapped. This will clean up the area where the cars are parked now. There won't be anymore people employed so the parking issue will remain the same. The traffic flow will be the same. The Town's building inspector does not have commercial inspection status so Chris Luster from LaCrosse will be inspecting to make sure it's built according to state code. Fetzer asked if the baler is for crushing the cars. Mr. Geistfeld stated the smaller building has a crusher for aluminum cans. The 60 ft x 80 ft building will be strictly a pallet racked warehouse. The dismantling of the cars will be moved around behind the new building. Everything will be hidden from the highway. Sanden asked after the cash for clunkers ends what will the area that's being occupied by all these vehicles right now, be used for. Mr. Geistfeld stated after the vehicles are all dismantled, there won't be any vehicles in that area. There are actually two lots and whatever the other lot was used for before, it will go back to. Sanden asked if it would be used for storage and Mr. Geistfeld stated no, that's what the warehouse is for. Rohl asked if the flow of cars

will slow down now that the cash for clunkers program is done. Mr. Geistfeld stated yes, but he takes in other things from local people such as appliances. Leon Nesbitt, neighbor up the road from the operation, stated it's great that we have a business that employs 25 people. He stated that he became aware, a couple weeks ago, that there was concern about this being an eye sore. They are in the Ag tourism business so it doesn't help them. His concern is the way the area looks, it isn't the business. What has been explained sounds good and will be an improvement over what is there now. Donna Nesbitt asked, in the best case scenario, how long will this process take? Kleinhans stated the staff report lists how we do site plan review, the committee can require a surety to ensure this gets done or whatever they feel is appropriate; be it fencing, vegetation, etc. There is a mechanism under site plan review in the code that gives them the authority to react to whatever we are dealing with. Pichotta noted that typically there is a time frame established as part of this process. Dennis Donath stated that he represents Pierce County on the Mississippi River Parkway Commission and asked what will be done about screening the operation from the Great River Road. Kleinhans stated that when the addition on the existing building was permitted; we had Mr. Holst plant some trees on the south side of the building to soften the view. Anytime we do a building in an Industrial or Commercial District we do site plan review and address all the things mentioned in the staff report: drainage, landscape buffers, sewer and water systems, traffic circulation, etc. We're here to discuss that and come up with a reasonable agreement with Mr. Holst. Pichotta noted that it's his understanding that salvage has been going on, on that site, since 1965. As part of the conditional use permit process held in 1998 there was discussion about the potential for a landscape buffer and Mr. Sanden, at that time, noted that the more appropriate time to discuss a landscape buffer would be at site plan review. With his grandfathered status, had he not done any kind of expansion nor put in buildings he would have an argument for not screening - but once he added land and put in new buildings that triggered our ability to require screening. Sanden asked if he could be brought up to date on the Federal code for the scenic easement along this highway. Kleinhans stated that certain segments along Hwy 35 have scenic easements that were purchased in the 1950's. This site isn't affected by a scenic easement. Mr. Donath represents the Mississippi Region Highway Commission where they try to promote tourism along the road. Some of the people that sent concerns and complaints didn't see this as consistent with tourism but as an eye sore. Pichotta noted that staff had received a letter from Jane Corolla from the Scenic Byways Division of the Wisconsin DOT, that basically states that local government retain the ability to make land use decisions along scenic byways. Sanden asked what is the issue with the septic system. Kleinhans stated there is a mobile home and an office and we have no sanitary information in the file. He felt it needs to be inspected to make sure it's functioning to State sanitary guidelines. Fetzer asked about the photo of all the cars on the south side of the building. Kleinhans stated the view looking north shows all the appliances behind the building and also the stacked cars. Something to think about is the height on any landscaping buffer. Fetzer stated when he goes by places that have large fences it just looks like an open building and trees look so much better. Sanden asked if we put a condition for screening, how explicit would we have to be; adequate to screen from the road, trees of a certain height, etc? Pichotta stated that you could specify steps to be taken or you could put the onus back on the applicant and ask Mr. Holst to propose something that he believes would be adequate and give him a time-frame to present it to the LMC. Sanden, that would delay approval of the site plan. Pichotta suggested should you approve this you could attach several conditions to address adequate parking being delineated, sewer evaluation, landscape buffer, building setbacks be met and then establish a time-frame. Fetzer stated that he is hesitant to have someone spend money on a buffer if the claim is these cars will actually be removed in the near future. Fetzer asked if they are going to get cleared out of there or is it going to continue to be a few hundred cars out there? If we aren't going to be seeing the cars and hearing the complaints just allow him time. Sanden asked if that future state doesn't come to be, would we still have the ability to require a buffer? Pichotta stated that it is his position that you could - the approval of the buffer would be contingent on things being as stated or planned and if things changed you could revisit the issue. Sanden suggested that a surety be considered. Mr. Geistfeld stated that he talked to Mr. Holst about the buffer and the road sits 20 ft higher than his property so does he have to

have a 40 ft fence? Put a time frame to re-address the screening, six months or nine months. He has a construction business and that isn't part of the issue of being screened. He is grandfathered in on that. Pichotta stated Mr. Holst has multiple uses on a single lot and the entire site is subject to the site plan review. Mr. Geistfeld stated that is something you will have to take up with the owner. I don't know if the CSM shows that the construction is on the other lot. Kleinhans stated that CSM came in November of 2008. Mr. Geistfeld stated it's all on the same lot. What's been an eye sore are the cars stacked up. The complaints have come in since the salvage yard expanded. I agree about the salvage part but if this is turned down its business as usual. He's not going to shut down. Sanden asked when the conditional use permit comes back for renewal. Pichotta stated its like one issued for a nonconforming structure; it's a one time thing. Fetzer stated he looked at the aerial photo from 2007 and it's a thriving business with trucks sitting all around. Can a time-frame be put on the approval? Pichotta stated certainly. Rohl asked if we should have a list of conditions; parking, septic system, landscaping, etc. Fetzer asked when he is looking at building construction. Mr. Geistfeld stated that we can get materials onsite in three weeks. I would think in six, seven or eight months. It could be re-addressed and then you could say it needs a fence or something rather than having to fence the entire property right now.

Sanden moved to approve the site plan for building expansion in the Industrial District for River City Metals, LLC, William F. Holst, III with the following conditions:

- 1. Applicant shall provide a landscape buffer plan for the site to the LMC for approval within six months.**
- 2. Proposed baler building shall be moved to comply with setbacks.**
- 3. On-site waste water system shall be evaluated and brought into compliance with state plumbing code within six months.**
- 4. Adequate parking for clients and employees shall be delineated within six months.**

Mr. Geistfeld asked if there is an ordinance on the number of parking stalls required. Kleinhans stated it is in the zoning code based on number of employees, whether it's an office or warehousing facility.

Fetzer seconded. Chairperson Barkla asked about the landscape plan in six months, what happens if they have removed the cars? Sanden stated that, in his opinion, less screening would be required. **All in favor. Passed with Holst not voting.**

Discuss take action on recommendation to County Board of Supervisors regarding Fetzer and Sanden reelection to LMC as Citizen Members. The 2-year terms of Land Management Committee (LMC) members Joe Fetzer and Eric Sanden expired in April 2009. Their new terms would be effective through April 30, 2011. Staff suggests that the LMC forward a recommendation to the County Board of Supervisors supporting the re-election of Mr. Fetzer and Mr. Sanden as citizen members. Chairperson Barkla asked about the recommendation through 2011, didn't we have it staggered. Pichotta stated this will take care of that because the County Board positions are through 2012. The new 2-year term would have started last April and will go through 2011. **Holst moved to approve the reelection of Citizen Members Joe Fetzer and Eric Sanden and forward a recommendation to the County Board of Supervisors/Rohl seconded. All in favor. Passed.** Holst stated these are two of the best citizen members we've seen on any committee.

Departmental Update and Future Agenda Items

Conditional use permit for expansion of a nonconforming structure in the Town of Union

Motion to adjourn at 8:08pm by Holst/Rohl seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, April 21, 2010 – 7:00 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: May 5 th & 19 th , June 2 nd & 16 th , all in 2010.	Chair
3	Approve minutes of the April 7, 2010 Land Management Committee meeting.	Chair
4	Election of Officers	Pichotta
5	Discuss take action on a request for renewal of a conditional use permit for nonmetallic mining in the General Rural District by County Materials Corp, owner of a parcel of land located in the SE ¼ of the SE ¼ of Section 9 and the NE ¼ and the NW ¼ of the SE ¼ of Section 16, all in T27N, R15W, Town of Spring Lake, Pierce County, WI.	Roy
6	Discuss take action on a request for site plan review for building expansion in the Industrial District for River City Metals, LLC, William F. Holst III, owner on Lot 1, located in the SW ¼ of the NE ¼ of Section 2, T25N, R19W, Town of Diamond Bluff, Pierce County, WI.	Kleinhans
7	Future agenda items and departmental update.	Pichotta
8	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.

(4/9/10)

MINUTES - Pierce County Land Management Committee Meeting, April 7, 2010

Present: Paul Barkla, Jeff Holst, Don Rohl and Eric Sanden.

Absent: Joe Fetzner

Others: Andy Pichotta, Jim Kleinhans and Shari Hartung

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

Next meeting dates: April 21st, May 5th & 19th, all in 2010.

Approve Minutes: **Rohl moved to approve the March 3, 2010 LMC minutes/Sanden seconded. All in favor. Passed.**

Public hearing to consider a request for a conditional use permit for a Farm and Home Based Business for printing custom logos in the Primary Agriculture District for Bill Jiang, agent for Ellsworth Community Schools, Sunnyside School, owner on property located in the NW ¼ of the NW ¼ of Section 12, T26N, R17W, Town of Ellsworth, Pierce County, WI. Chairperson Barkla invited Bill Jiang forward: Mr. Jiang explained he runs a small business importing squeeze balls and mouse pads from China, Taiwan and Hong Kong. He prints custom logos on them and then sends them out for distribution. He currently has a business in Hastings but would like to buy a smaller space to be more economical. He generates very little waste; a small amount of water, some paper and quite a few pallets. Sanden asked how the supplies are delivered and distributed. Mr. Jiang stated they use the most economical way from port; either box trucks or 18 wheelers. Sanden asked how often he receives deliveries. Mr. Jiang stated when business was good, it was twice a week, recently it has been twice a month. Ninety percent is delivered by Fed Ex or UPS to distributors. Sanden asked if any of the materials need special handling or if it's considered hazardous. Mr. Jiang showed an example and stated the ink is 90% water, the screen print is very fine articles of plastic and he does generate paper from the iron-on logos. **Staff Report – Jim Kleinhans:** Mr. Jiang contacted staff about buying Sunnyside School and is interested in utilizing this as a residence and his business. Two years ago Northwest Counseling obtained a conditional use permit for this property but they didn't exercise their option to purchase. The school district is still interested in selling the property. The property is zoned Primary Agriculture. A FHBB is conditionally permitted in that district. The school building is nonconforming due to setbacks but Mr. Jiang is not interested in expanding the building at this time. The only modifications he proposes include the conversion of classrooms to bedrooms and living space and the addition of two overhead doors for material transfer via forklift. Off-street parking requirements for businesses are covered under Section 240-54. For residential it requires two. He does have a turn around driveway that accesses the county road and town road that will accommodate trucks. The widths are listed in the staff report. There is an existing on-site sanitary system. The Town listed groundwater concerns about chemical discharges. Mr. Jiang just explained that. Proposed hours of operation are 8:00am to 5:00pm. No advertising signs were requested at this time. The square footage for the business is less than 50% of the building size so that would qualify under FHBB. A materials list is included in the staff report. Mr. Jiang met with the Town at their meeting and the Town had the following recommendations:

1. No more than two conex containers plus one owned and licensed trailer.
2. No freight pallets in excess of 15.
3. All materials that can be recycled will be recycled.
4. No hazardous materials allowed in sanitary sewer to prevent groundwater contamination.
5. Residence to be immediate single family dwelling only.

Staff Recommendation: Staff recommends the Land Management Committee consider whether this land use request is contrary to the public interest or detrimental or injurious to the public health, public

safety or the character of the surrounding area. If found not to be contrary to the above, staff recommends the Land Management Committee approve this conditional use permit with the following conditions:

1. Ellsworth Fire Department must review the materials list and approve storage of production chemicals.
2. Advertising signs shall comply with county zoning code standards.
3. This permit shall be renewed administratively in 1 year to verify establishment of the use, compliance with conditions and property ownership and every two years thereafter. Compliance issues regarding this permit will be directed to the committee.
4. The business and designated square footage shall comply with Section 240-36E.
5. Conversion to living space shall comply with uniform dwelling code standards and shall be inspected by the Town building inspector.
6. Applicant shall comply with the Town of Ellsworth recommendations.

Chairperson Barkla opened the hearing to the public. No public comment. Public hearing closed. Holst asked Barry Foy about the 15 pallets whether that is outside or inside. Mr. Foy stated outside, the Town doesn't want a rat trap. What he does inside is no concern for them. The Town does have a burning site that takes untreated lumber. **Sanden moved to find this request to be not contrary to the public interest nor detrimental or injurious to the public health, public safety or character of the surrounding area and to approve the conditional use permit for a Farm & Home Based Business for Bill Jiang, agent for Ellsworth Community Schools, Sunnyside School with conditions #1 - #6 and adding the Town's conditions #1 - #5 amending condition #2 to read "No freight pallets in excess of 15 stored outside."/Rohl seconded. All in favor. Passed.**

Public hearing to consider a request for a conditional use permit for a Farm and Home Based Business for coffee roasting and associated retail sales in the Primary Agriculture District for Peter Esanbock, owner on Lot 1, located in the SE ¼ of the NE ¼ of Section 11, T27N, R16W, Town of Gilman, Pierce County, WI. Chairperson Barkla invited Peter Esanbock forward: Mr. Esanbock explained that his business is internet based. He imports coffee beans from St. Paul on a trailer. He stores them on pallets for roasting as ordered through his website and re-bags in smaller bags. He also sells espresso machines which are drop-shipped by the distributors. He does have some small, breakable items and would like to have some coffee pots, sugar bowls, etc for sale. He would also like to have a table or two for people to enjoy coffee. He is running out of room and would like to expand. Sanden asked how many times a month he brings in product. Mr. Esanbock stated about every two weeks and noted that he would put in a loading dock for use as the company grows. UPS and Spee-Dee Delivery come nearly everyday for orders being shipped. Rohl asked if this barn is across the road from where he lives. Mr. Esanbock stated yes, it is located on the homestead which has been in the family for years. **Staff Report – Jim Kleinhans:** Mr. Esanbock is requesting a conditional use permit to expand his retail facility, a coffee roasting business. He is in Primary Agriculture District where FHBB are allowed. The parcel size is 10.9 acres and he currently lives on a 4.5 acre parcel. He has provided a diagram of the work he wants to do on the barn. He will need a sewer system to handle the running water and bathrooms. He will need to grade a parking lot. He didn't propose any advertising signs at this time. The Town of Gilman did approve this permit on March 10, 2010 finding it consistent with the Town's comprehensive plan by promoting small businesses that operate while maintaining a clean rural environment and promoting local employment opportunities. **Staff Recommendation:** Staff recommends the Land Management Committee consider whether this land use request is contrary to the public interest or detrimental or injurious to the public health, public safety or the character of the surrounding area. If found not to be contrary to the above, staff recommends the Land Management Committee approve this conditional use permit with the following conditions:

1. The proposed use must remain accessory to a single family residential use.
2. Waste materials shall be disposed of properly and follow county recycling procedures.

3. The business expansion shall be licensed with Dept of Ag. Trade and Consumer Protection and applicant shall secure all necessary local or state licenses or approvals.
Jim checked with our health department and because Mr. Esanbock has a license with the Dept of Ag, Trade and Consumer Protection he wouldn't need a license through them.
4. The barn shall be modified to meet commercial building standards.
5. Available parking shall comply with 240-54 (Off Street Parking).
6. A sanitary permit shall be obtained to provide for proper wastewater disposal.
7. The permit shall be renewed administratively in one year to verify establishment of the use and compliance with conditions, and every two years thereafter. Compliance issues regarding this permit will be directed to the committee.
8. A land use permit shall be required for the placement of a free standing advertising sign.

Chairperson Barkla opened the hearing to the public. No public comment. Public hearing closed. Holst stated this is the type of activities we need to promote in Pierce County. **Holst moved to find this request to be not contrary to public interest nor detrimental or injurious to public health, public safety or the character of the surrounding area and to approve the conditional use permit for a Farm & Home Based Business for Peter Esanbock with conditions #1 - #8 /Rohl seconded. All in favor. Passed.**

Discuss take action on required amendments to the shoreland/wetland code and potential application for a state grant to help defray associated costs. Staff Report – Jim Kleinhans: On Feb. 1st of this year the shoreland rules were updated. In the interest of the State getting all the counties to cooperate with the mandated updated code, they have offered a grant proposal to offset staff time and public hearings. If we meet the minimum requirements we would qualify for \$5000. If we do something beyond that we could qualify for more. The key is to get the application to the DNR Regional Office by May 1st to qualify this year. If the committee is interested we would have the next year to work on public hearings and get the text down. In the grant application they would like us to do a resolution. Kleinhans stated that he had talked to Greg Breese about what is necessary to qualify. Breese stated we would need to do a little outreach and a pamphlet. He also noted that he had talked to Rod Webb about minimum standards. We have some outstanding water resources in Pierce County. Do we want to look at the minimums or beyond that? We should think about the Mississippi, St. Croix, Eau Galle and Big River. Rod Webb said he could come up with some ideas consistent with what his office does to keep sediment and phosphorous out of the rivers. We had a model ordinance released in Feb, another one Mar. 23 and there will be another one coming out in June. There is a certain amount of discretion and the State just wants us to do this and do a good job. There are some things changing like rules relating to impervious surfaces. Chairperson Barkla noted for the record that staff is seeking a recommendation from the LMC as to the direction as to whether a stand alone Shoreland and Wetland ordinance should be created. Jim stated our Shoreland and Wetland code has been included within our zoning code since 1998. After discussion with Andy and Emily, we decided it would be easier to administer if it was a stand alone ordinance. It would be a lot easier for the DNR to track also. It used to be a stand alone code but in 1998 we took Door County's ordinance and used that. From staff's point of view we would recommend that we do a stand alone code and delete it out of the zoning code. Sanden asked if we did that would you have to re-adopt the zoning code as a whole? Jim stated if it's just deleting, not adding anything to the zoning code, you shouldn't have to. We talked about whether it's a comprehensive revision to the zoning code or not. Sanden, if you go for more than \$5000 does the county's matching funds have to raise above \$1600? Pichotta stated he suspected that it would - but suggested that when using staff time as a match wouldn't take too long to achieve a higher match. Especially with Jim, Emily and myself working on it. Pichotta noted that he isn't yet sold on doing more than the minimums required by the DNR. Sanden stated he is just thinking about the comprehensive planning and if you accepted their grant it came with strings. Jim stated he asked about that when he was at the conference. We could wait to apply for this in the spring of 2011 but that may put us in a bind to finish by 2012. Kleinhans noted that he is keeping track of all the time he is putting

into this now. Holst stated his district is heavily impacted by such rules and sometimes it's hard to do anything with all the DNR requirements so at this time he could not support anything over and above the DNR requirements. **Staff Recommendation:** Staff recommends the Land Management Committee determine whether it is appropriate to apply for the grant discussed above and if determined to be, direct staff to submit a resolution to the Finance and Personnel Committee and County Board for consideration and to submit said grant application by May 1, 2010.

Additionally, staff is seeking LMC direction as to whether a stand alone Shoreland and Wetland Ordinance should be created.

Sanden moved to direct staff to submit a resolution to the Finance and Personnel Committee and County Board for consideration and to submit said grant application by May 1, 2010 and also to direct staff to create a stand alone Shoreland and Wetland Ordinance/Rohl seconds.

Chairperson Barkla stated there is a special meeting scheduled in front of the Finance & Personnel Committee on Apr. 13, 2010 at 6:40pm. All in favor. Passed.

Departmental Update and Future Agenda Items

Pichotta stated that at the next meeting the LMC would be conducting site plan review for River City Metals in the Town of Diamond Bluff. The applicant is seeking to add on to several buildings.

He also noted that we are working on a survey with the planning class out of UWRF, the final draft has been reviewed and it should go out shortly and may have the results in time for budget discussion.

He noted that there are two projects with the Corp of Engineers going on, on the Mississippi River that we are involved in, in varying degrees. One is the unloading of materials from Corp Island. Initially it looked like there may be some decisions involving the committee but it may be that the Corps sovereign immunity clause will rule and we won't need to issue a conditional use permit for filling and grading and won't have to deal with a potential unclassified use. However, a separate project taking place below lock & dam #3 will result in the construction of a substantial amount of road along the river over which the County has jurisdiction. There also is the potential for the use of a site on Trenton Island as a conduit to the river for barges and trucks. We may be presented with the issue of classifying an unclassified use. Pichotta suggested that he views this as a utility type function so we may need to consider creating a use that's allowable in all districts with a CUP.

Next week, staff is meeting with DATCP regarding the working lands initiative in the Town of Salem and the Town of River Falls to discuss the updating of the Farmland Preservation Program. The plan has to be updated by December of 2012. There is a grant available in a year or so but there may be a need to update prior to that time.

Preliminary Flood Insurance Rate Maps are currently being reviewed by staff. FEMA has contracted with folks to update those maps. There was an open house held out at Highway a few months ago. It was very clear there are accuracy issues. The Corp is using the same topo maps they used in the 60's. Jim and Emily along with the surveyor are working to get the best possible product. They identified problem areas that didn't follow the contours just right. Out of the 50 they identified, the consultant agreed to correct about half. The others they are going out into the field and establishing elevations based on sea level. At this point the surveyor has given us elevations and bench marks. Louie is going to write up the narratives and submit them to CDM, FEMA's consultant on the project. Pichotta noted the Departments involvement in litigation associated with the Brekken heliport CUP and a quarry located on Cty Rd VV.

Motion to adjourn at 7:50pm by Holst/Rohl seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, April 7, 2010 – 7:00 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: Apr. 21 st , May 5 th & 19 th , all in 2010.	Chair
3	Approve minutes of the March 3, 2010 Land Management Committee meeting.	Chair
4	Public hearing to consider a request for a conditional use permit for a Farm and Home Based Business for printing custom logos in the Primary Agriculture District for Bill Jiang, agent for Ellsworth Community Schools, Sunnyside School, owner on property located in the NW ¼ of the NW ¼ of Section 12, T26N, R17W, Town of Ellsworth, Pierce County, WI.	Kleinhans
5	Public hearing to consider a request for a conditional use permit for a Farm and Home Based Business for coffee roasting and associated retail sales in the Primary Agriculture District for Peter Esanbock, owner on Lot 1, located in the SE ¼ of the NE ¼ of Section 11, T27N, R16W, Town of Gilman, Pierce County, WI.	Kleinhans
6	Discuss required amendments to the shoreland/wetland code and potential application for a state grant to help defray associated costs.	Kleinhans
7	Future agenda items and departmental update.	Pichotta
8	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.

(3/25/10)

MINUTES - Pierce County Land Management Committee Meeting, March 3, 2010

Present: Jeff Holst, Don Rohl, Joe Fetzer and Eric Sanden.

Absent: Paul Barkla

Others: Andy Pichotta, Brad Roy and Shari Hartung

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

Next meeting dates: Mar. 17th, April 7th & 21st, all in 2010.

Approve Minutes: **Rohl moved to approve the February 3, 2010 LMC minutes/Sanden seconded.**

All in favor. Passed.

Discuss take action on a request for renewal and potential modification of a conditional use permit for “Vino in the Valley,” a Farm and Home Based Business by Larry Brenner, owner on property located in the SW ¼ of the NE ¼ of Section 33, T26N, R16W, Town of El Paso, Pierce County, WI. Chairperson Fetzer invited Larry Brenner forward: Mr. Brenner explained that he is happy with the Thursday, Saturday, Sunday line up. He is planning on opening Mother’s Day weekend and going through September with the regular schedule. The last two Octobers haven’t been profitable. This year he was hoping to be open for Farm Technology Days. Vino will have a booth out there and will try to offer an incentive for people to come for dinner. Also the Ellsworth School District wants to try to do a fundraiser called Tuscany in the Valley on a Friday night. Every year they have a couple rain days and may pull back on the October dates and he would like the flexibility to use those days for Farm Technology. He would plan on being open that whole week. He wants to stay away from expanding but would like a little flexibility. **Staff Report – Brad Roy:** Besides the request for flexibility on days this is also the renewal for the conditional use permit. If the committee would like to make any modifications, that could be addressed here. Staff hasn’t received any complaints on this operation. We’ve had complaints in the past but not in the last year or so. The request is to change condition #12. The applicant is asking to deviate from the established days of Thursday, Saturday and Sunday schedule while remaining in compliance with the 75 day limit. The applicant appeared before the Town of El Paso. The Town supported the request for the ability to deviate five times in 2010. Staff has verified this position with the Town Chairperson. The existing conditions are listed in the staff report. **Staff Recommendation:** Staff recommends the LMC consider the request for modification to the approved conditions and any impact on the public health, safety, the public interest and character of the area.

If the LMC determines that it is appropriate to allow for deviation from the operation schedule, staff suggests that Condition 12 be modified to state:

Hours of operation from April through September shall be Thursday 4pm to 10pm with lights out at 11pm; Saturdays 4pm to 10pm for the public with lights out at 11pm and allow for any charity or special private event from 12pm to 4pm; Sundays 12pm to 8pm. From October through December the hours shall be Saturday and Sunday 12pm to 6pm. *Any deviation from the approved schedule shall be at the discretion of the Town of El Paso. The Town shall notify the Department of Land Management when any such deviation is approved.*

The LMC should also consider whether any other additions or modifications to the established conditions are necessary to mitigate any negative off-site impacts when considering renewal of this conditional use permit. Any motion to renew the conditional use permit should include all established conditions including any approved modifications.

Holst stated Mr. Brenner has come back before the committee every six months. He has lived within his CUP and done everything we have asked of him. I would like to modify condition #7 to state “This conditional use permit shall be reviewed for renewal administratively every two years or if compliance issues arise.” And condition #12 to include “Any deviation from the approved schedule shall be at the

discretion of the Town of El Paso. The Town shall notify the Department of Land Management when any such deviation is approved.” Sanden asked if this meant Mr. Brenner still needs to go back before the Town Board. Pichotta stated yes. Chairperson Fetzer asked Mr. Brenner if he is just asking for five days of deviation this year. Mr. Brenner stated yes, to move things around a bit. **Holst moved to approve the conditional use permit renewal with conditions #7 and #12 amended as presented for Larry Brenner, owner of “Vino in the Valley,” a Farm and Home Based Business/Rohl seconded. Chairperson Fetzer recused himself. All in favor. Motion passed with Fetzer not voting.**

Discuss take action on a request for renewal and potential modification of a conditional use permit for a Farmers Market & Gift Shop, a Farm and Home Based Business by Larry Brenner, owner on property located in the SW ¼ of the NE ¼ of Section 33, T26N, R16W, Town of El Paso, Pierce County, WI. Chairperson Fetzer invited Larry Brenner forward: Mr. Brenner explained he is making the same request so that if “Vino” is open on a day other than Thursday, Saturday or Sunday he would like to have the Gift Shop open also. **Staff Report – Brad Roy:** This is the same thing so if there are any modifications the committee would like to make to the conditions, they should be addressed. This is to remain consistent with “Vino in the Valley”. Chairperson Fetzer asked about the 83 days. Is that because of the October and December events? Pichotta stated that at one time Mr. Brenner had asked for 83 days for both businesses but based on the Towns position, the committee approved 75 vs. 83 days for “Vino”. **Holst moved to approve the conditional use permit renewal with condition #5 amended to read “This conditional use permit shall be reviewed for renewal administratively every two years or if compliance issues arise” and condition #8 to add “Any deviation from the approved schedule shall be at the discretion of the Town of El Paso. The Town shall notify the Department of Land Management when any such deviation is approved.”/Sanden seconded. Chairperson Fetzer recused himself. All in favor. Passed with Fetzer not voting.**

Discuss take action on the County Recreation Goals and Actions for the Pierce County Outdoor Recreation Plan. Staff Report – Brad Roy: The Mississippi River Regional Planning Commission is in the process of updating the Pierce County Outdoor Recreation Plan 2010 – 2014. There are two items that need to be discussed tonight. We need to prioritize general recreational activities for future development strategies and identify an action plan “wish list”, of specific actions the county wants to include in the plan. Inclusion of those provides eligibility for certain grant funds which they would otherwise not be eligible. Roy noted that this isn’t the only time the Committee will be able to act on the Plan. The entire Plan will be presented for approval at a future date. The Community Attitudes Survey from the Comprehensive Plan addressed some of these activities. It’s important to consider what recreational opportunities the County should be providing as opposed to what the Cities and Villages typically provide. Sanden asked what criteria they would be basing their priority. Pichotta stated the chart in the staff report is out of the Community Attitude Survey. This is what 42% of the County thought about available recreational opportunities. Pichotta suggested the LMC should also draw from their own personal experiences but also consider what the folks you represent would like to see. The following categories were discussed and ranked with a High, Medium or Low priority for guidance for future planning activities: Walking and Hiking, Driving and Pleasure, Picnicking, Bicycling, Swimming, Fishing, Motor Boating, Camping, Canoeing/Kayaking, Mountain Biking, Target Shooting, Hunting, Snowmobiling, Baseball/Softball, Soccer, Horseback Riding Trails. Roy referenced the Pierce County Park Property Plan stating that an action plan or “wish list” could be identified from the future conditions and goals established in the Park Plan. The committee discussed and by consensus identified various conditions and goals to be included in the Outdoor Recreation Plan as an action plan.

Departmental Update and Future Agenda Items

Pichotta noted that again there are no public hearings or renewals scheduled for the next meeting and instead of dealing with housekeeping items; he proposed to cancel the March 17th meeting. Committee agreed. Pichotta stated the budget status reports are in the folders for review.

Motion to adjourn at 7:43 pm by Holst/Rohl seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, March 3, 2010 – 7:00 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: Mar. 17 th , Apr. 7 th & 21 st , all in 2010.	Chair
3	Approve minutes of the February 3, 2010 Land Management Committee meeting.	Chair
4	Discuss take action on a request for renewal and potential modification of a conditional use permit for “Vino in the Valley,” a Farm and Home Based Business by Larry Brenner, owner on property located in the SW ¼ of the NE ¼ of Section 33, T26N, R16W, Town of El Paso, Pierce County, WI.	Roy
5	Discuss take action on a request for renewal and potential modification of a conditional use permit for a Farmers Market & Gift Shop, a Farm and Home Based Business, by Larry Brenner, owner on property located in the SW ¼ of the NE ¼ of Section 33, T26N, R16W, Town of El Paso, Pierce County, WI.	Roy
6	Discuss take action on the County Recreation Goals and Actions for the Pierce County Outdoor Recreation Plan.	Roy
7	Future agenda items and departmental update.	Pichotta
8	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.

(2/19/10)

MINUTES - Pierce County Land Management Committee Meeting, February 3, 2010

Present: Paul Barkla, Don Rohl, Joe Fetzer and Eric Sanden. Jeff Holst appeared by polycom.

Others: Andy Pichotta, Jim Kleinhans and Shari Hartung

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

Next meeting dates: Feb. 17th, Mar. 3rd & 17th, all in 2010.

Rohl moved to amend the agenda and have the #7 agenda item heard right after #4 agenda item/Sanden seconded. All in favor. Passed.

Approve Minutes: **Sanden moved to approve the January 20, 2010 LMC minutes/Rohl seconded. All in favor. Passed.**

Public hearing to request a conditional use permit for an accessory residence in the General Rural Flexible District for Arthur and Maria Gallardo Johnson, owners of property located in the SW ¼ of the NE ¼ and the SE ¼ of the NW ¼ of Section 6, T25N, R17W, Town of Hartland, Pierce County, WI. Chairperson Barkla invited Arthur Gallardo Johnson forward: Mr. Gallardo Johnson explained that he purchased the out building shown in the staff report. He owns another piece of property about 1½ miles south. This fall they decided to build a residence on this site. The building inspector noticed the cabin and informed him of the accessory residence code so now he is addressing the second residence issue. Fetzer asked what he planned to use the cabin for. Mr. Gallardo Johnson stated for work, writing or just relaxing, maybe to have friends over. He stated there is no plumbing or electricity. Rohl asked if they used it while they were building. Mr. Gallardo Johnson said no, not while building and they don't use it during the winter because of the long driveway. **Staff Report – Jim Kleinhans:** Mr. Gallardo Johnson owns a 31 acre parcel in the Town of Hartland. In 2005 he permitted an ag building and brought in this small cabin while they were using their property. The cabin was placed right over the lot line so it makes it one big parcel. With two residences on the parcel he would need a conditional use permit as an accessory residence. He went to the Town of Hartland about the conditional use permit. Staff read through their comp plan and talked to Dave Esterby. He stated there is nothing in their comp plan that would restrict the use of an accessory residence on their property. The accessory residence is a conditionally permitted use in that zoning district. **Staff Recommendation:** Staff recommends that the Land Management Committee consider whether this land use request is contrary to the public interest or detrimental or injurious to the public health, public safety or the character of the surrounding area. If found not to be contrary to the above, staff recommends the Land Management Committee approve this conditional use permit for an accessory residence with the following conditions:

1. A sanitary permit be obtained for a sanitary system connection if the accessory residence is ever equipped with interior plumbing fixtures.
2. The accessory residence complies with uniform dwelling code and is inspected by the local building inspector.
3. The accessory residence shall not be managed as a rental unit as requested by the Town of Hartland.

Chairperson Barkla opened the public hearing. Dave Esterby, Chairman of Town of Hartland, stated the Town Board approved his plans with no objections. **Public hearing closed.** Sanden asked if the farmhouse was built on the property line or the cabin. Kleinhans stated the Quonset type building is behind the cabin that is on the property line. **Fetzer moved to approve the conditional use permit for an accessory residence for Arthur & Maria Gallardo Johnson due to the fact this request is not contrary to the public interest or detrimental or injurious to the public health, public safety or the character of the surrounding area, with conditions #1 - #3/Rohl seconded. All in favor. Passed.**

Discuss take action on a request to modify conditions associated with Bisel Nonmetallic Mine/Exception to Departmental Policy requiring a 100 ft setback to property lines for Nonmetallic Mining. Chairperson Barkla invited Jim Harris forward: Mr. Harris explained that the Highway Dept has a mining operation, known as the Bisel Quarry, located just off USH 10 approximately 6 miles east of Ellsworth. They are starting to do reclamation and noticed a lot of loose rock adjacent to the south side of the highwall. It looks like there is some old wiring left in the hill from other blasting. If they are able to take 15 ft of material off of the top of the highwall they will stabilize the area. **Staff Report – Andy Pichotta:** This is a request to modify the conditions associated with the Bisel Nonmetallic Mine. To modify those conditions will require a deviation from the departmental policy regarding the 100 ft setback to property lines. Basically, as Mr. Harris explained, there is a portion of the mine adjacent to USH 10, with some fractured rock that has created an unsafe situation. There is a need to do some work within that area. In order to do that, we would need to change some conditions associated with the Bisel pit. In your packets, there is some back ground. There is information on how the pit will be reclaimed. Right now condition #2 states: 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. Pichotta noted that the reclamation plan for the site will need to be modified to address any approved changes. **Staff Recommendation:** Staff recommends the Land Management Committee consider whether this proposal warrants an exception to the departmental policy. If so, staff recommends that Condition #2 be modified to state:

A 100 foot setback shall be maintained from all property boundaries, *except in the area of unstable materials located adjacent to USH 10.* In areas where prior mining has extended within this setback no further encroachment shall occur.

Pichotta noted that a few years ago the LMC allowed a deviation from the 100 ft setback on the Schroeder Pit in the Town of Rock Elm – as part of an agreement with an adjoining property owner that allowed the mine to encroach closer in a specific area in exchange for a larger setback in another area. So there is some precedence for considering unique circumstances. Holst stated that he supported modification of the conditions due to the outstanding safety issue. **Holst moved to approve an exception to Departmental Policy requiring a 100 ft setback to property lines for Nonmetallic Mining and to modify condition #2 to state: A 100 foot setback shall be maintained from all property boundaries, except in the area of unstable materials located adjacent to USH 10. In areas where prior mining has extended within this setback no further encroachment shall occur/Rohl seconded.** Sanden asked if the 100 ft setback is for the mine area or the highwall. Pichotta explained the mining pit is located beyond the highwall. The cut on the road is associated with the placement of the road versus the mine. **All in favor. Passed.**

Discuss take action on proposed resolution establishing conversion fee for parcels zoned out of Exclusive Agriculture. Pichotta reported: This was on the last LMC agenda and there was some confusion as to what the conversion fee would actually be. It is based on the highest class of tillable soil present within the Town. It's not dependent on the soils on site. Even if it was forested not crop land it would be the same fee. For the Town of Salem the fee would be \$217 times 3 or \$651 per acre. This resolution would establish that fee and amend Resolution 04-16 of the Land Management Department Fee Schedule and establish the fee as discussed. The next agenda item would encourage the delayed implementation of this fee. We believe it would be prudent to move forward on both issues. Rohl asked if we would be raising or lowering the fee. Pichotta stated currently there is no fee. We are going to transition from the Exclusive Agriculture/Farmland Preservation Program to what is called the Working Lands Initiative. This initiative involves a number of different things such as the establishment of the Ag Enterprise Areas (AEA) as well as a few other changes. One of the changes being that there will no longer be the 35 acre lot size requirement in Exclusive Agriculture. It could now be a density situation, although if the Town wanted to remain subject to a 35 acre minimum lot

size it could, it will depend on what is established in the Town or County's farmland preservation plan. The next item on the agenda encourages the delayed implementation of the conversion fee for parcels zoned out of Exclusive Agriculture. The rationale of delaying the implementation is noted in the Whereas portion of the resolution. Specifically, Chapter 91 requires all counties to update their farmland preservation plan over the next five years and, within one year after plan adoption, requires counties to update their exclusive agriculture zoning ordinances to maintain certification for tax credit eligibility; it imposes these rezoning conversion fees on January 1, 2010 based on existing plans, ordinances and zoning maps without the benefit of an updated farmland preservation plan or ordinance; charging the rezoning conversion fee is a burden on property owners who are not farmers, whose land is not currently being farmed, and who never collected farmland preservation tax credits in the past; delaying implementation of the rezoning conversion fee until after revised plan and ordinance adoption and certification allows counties and landowners time to properly address all the planning and zoning requirements of the new Working Lands Program. Pichotta noted that he had received an email that indicates that Senator Dale Schultz plans to introduce a bill in the next few days that would result in the delay of the implementation of the conversion fee until such time as the farmland preservation plan for a given municipality is certified by the State, which, Pichotta stated, seems to make good sense. He also noted that the wording on of the Working Lands documents states that the conversion fee will be 3 times the value of the land or as established in a farmland preservation plan. He noted that we could address, in our farmland preservation plan, the fact that a lot of the land zoned Exclusive Agriculture have never been in ag production and that the soils aren't very good and the ground is often quite steep. My recommendation is to support the delayed implementation of the conversion fee. That would give us an appropriate amount of time to address some of the concerns shared with you previously. Chairperson Barkla asked if he is recommending supporting agenda #5 and move them both forward to the Finance and Personnel Committee. Pichotta stated yes and if we adopt it and it's not necessary to collect the fee, we simply won't collect the fee. Chairperson Barkla stated in effect what the budget bill did was mandate that the County adopt agenda item #5. To deal with the issue for the state mandate is agenda item #6. They need to be dealt with separately. **Sanden moved to approve the proposed resolution establishing a conversion fee for parcels zoned out of Exclusive Agriculture and forwarding a recommendation to Finance and Personnel/Fetzer seconded. Passed with Holst voting no.** Holst asked if this is just for land in Exclusive Agriculture or the land in farmland preservation. Pichotta stated just the land zoned Exclusive Agriculture.

Discuss take action on proposed resolution supporting delayed implementation of Exclusive Agriculture conversion fee. Pichotta reported: Pichotta noted that it may be that we will have to amend the resolution as it moves forward because the resolution asks for something to be introduced. Which appears to be happening. **Fetzer moved to approve the proposed resolution supporting delayed implementation of the conversion fee for parcels zoned out of Exclusive Agriculture and forward a recommendation to the Finance and Personnel Committee/Rohl seconds. All in favor. Passed.**

Departmental Update and Future Agenda Items

Pichotta noted that there are no public hearings or renewals scheduled for the next meeting and instead of just dealing with housekeeping items, proposed to cancel the Feb. 17th meeting. Committee agreed. Update – Last Friday Pichotta met with a group interested in creating Ag Enterprise Area in the town of Oak Grove and Clifton that would cover 60 sq miles. Pichotta stated that he was concerned about establishing an AEA before adopting of a farmland preservation plan by Pierce County or the Town and suggested that it is similar to adopting zoning districts prior to adopting a zoning ordinance. The Land Management Department is in the process of working with Dr. David Kuehl, a professor at UWRF, who teaches Community Analysis. His students will be preparing and distributing a survey that lists the services that Pierce County provides in attempt to gauge the value that citizens place on a given program. It should be useful in strategic planning as well as in budgetary decisions. It should be

good for the students by giving them a better understanding of county government and useful for the county decision makers by giving them an unbiased review of the services provided.

Motion to adjourn at 7:34 pm by Holst/Rohl seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, February 3, 2010 – 7:00 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: Feb. 17 th , Mar. 3 rd & 17 th , all in 2010.	Chair
3	Approve minutes of the January 20, 2010 Land Management Committee meeting.	Chair
4	Public hearing to request a conditional use permit for an accessory residence in the General Rural Flexible District for Arthur and Maria Gallardo Johnson, owners of property located in the SW ¼ of the NE ¼ and the SE ¼ of the NW ¼ of Section 6, T25N, R17W, Town of Hartland, Pierce County, WI.	Kleinhans
5	Discuss take action on proposed resolution establishing conversion fee for parcels zoned out of Exclusive Agriculture.	Pichotta
6	Discuss take action on proposed resolution supporting delayed implementation of Exclusive Agriculture conversion fee.	Pichotta
7	Future agenda items and departmental update.	Pichotta
8	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.

(1/22/10)

MINUTES - Pierce County Land Management Committee Meeting, January 20, 2010

Present: Paul Barkla, Jeff Holst, Don Rohl, Joe Fetzer and Eric Sanden.

Others: Andy Pichotta and Shari Hartung

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

Next meeting dates: Feb. 3rd & 17th, Mar. 3rd & 17th, all in 2010.

Approve Minutes: **Sanden moved to approve the January 6, 2010 LMC minutes/Rohl seconded. All in favor. Passed.**

Discuss transition from Farmland Preservation Program to Working Lands Initiative. Pichotta reported: There are going to be some changes in the Farmland Preservation Program. Basically it will be transitioning to what's called the Working Lands Initiative and was passed as part of the State's 2009-2011 biennial budget. The goals of the program are to expand and modernize the state's existing farmland preservation program, establish agricultural enterprise areas (AEA's) and develop a purchase of agricultural conservation easement matching grant program (PACE). As a part of this initiative it will be necessary for Pierce County to institute a conversion fee for land rezoned out of Exclusive Agriculture. Fee must be submitted to the Department of Agriculture, Trade and Consumer Protection (DATCP). An additional fee may be assessed by the County on top of the mandated fee. Said additional fee would then be used to fund local farm land preservation efforts. Pichotta stated that he has learned that a number of Counties are intending to tack on a \$50 administrative fee for their time and effort. There is a resolution as the next agenda item in regard to this issue. Holst asked if this is a flat fee. Pichotta stated he thought it is but he is not advocating an additional fee. The Town of River Falls and the Town of Salem are the two towns with Exclusive Agriculture zoning. He will speak primarily about the Town of Salem since that is the one he has been involved with. Over the course of the last couple of years they have been attempting to utilize DATCP standards on identifying land that qualifies for farmland preservation. We've gone through on a 40 acre basis in the Town of Salem, and identified land that is appropriate for preservation based on soil types, either statewide importance or prime as well as historical use. In the process we've come to the recognition that there is a substantial amount of land in the town of Salem that is zoned Exclusive Agriculture that should not be. A substantial amount is forested and has never been in ag production. DATCP seemed to want to keep the level of land zoned Exclusive Agriculture above a certain percentage. What we did is identify two different classes of land zoned Exclusive Ag, one being land that - based on its character - deserved to be Exclusive Agriculture. The other being land that is zoned Exclusive Agriculture basically because it has been historically. The Town endorsed a strategy to encourage people whose land was inappropriately zoned Exclusive Agriculture, to rezone it over time. Now we find that to do so, would mean they would have to pay a hefty conversion fee. If the existing zoning scheme in the Town of Salem made sense, I would support the establishment of this fee now. Pichotta also noted that it will be necessary for Pierce County to update our Farmland Preservation Plan because, according to materials distributed by DATCP, the certification of Pierce County's Plan will expire on December 31, 2012.

As part of the non point program, in 2012 Pierce County will be eligible for up to a \$30,000 match to update their farmland preservation plan. They would apply for that in 2011. My sense is that it probably makes the most sense to hold off on the updated plan until then. Not only do we need to update ours, but Town's need to update a subset of that plan to deal with their Town. The Town's are going to be very important in the creation of Ag Enterprise Areas, which are landowner driven. Where groups of landowners would approach the Town and the Town and the County would then have to support the AEA. Basically if one wants to enter into a farmland preservation agreement in the future

they will have to be within the borders of an Ag Enterprise Area. We would probably take an approach similar to how we moved forward on the comprehensive plan. Where we attempted to involve the Town's in our process where we developed Town specific goals relating to farmland preservation relating as part of that planning effort. If a Town wanted to do something specific beyond that they could either hire their own consultant or cut a deal with our consultant whoever that might end up being. Sanden asked about the AEA, is that equivalent to the comprehensive planning language of an ag cluster area that are uniquely suited for farming. Jerome Rodewald, River Falls Zoning Administrator, in our Township if you look at where our Exclusive Agriculture clusters are, we've got two or three areas that could be AEA. What they want is more than a thousand acres, more than five farmers continuing ag use so they could develop the structures they need to continue farming. To get the maximum payment from the State you must be zoned Exclusive Agriculture and be in an AEA. Someone who has a contract now will fall out of that if they aren't zoned AEA. Sanden asked if he meant 1000 contiguous acres. Rodewald stated yes. It could have some non Exclusive Agriculture land in it but has to be continuously farmed. Pichotta, being zoned Exclusive Agriculture and not in an AEA you wouldn't be eligible for farmland preservation agreement. Sanden asked would the consultant or whoever be looking at soils and contiguous acres or more mathematical approach like a Land Evaluation Site Assessed (LESA) analysis. Are we going to that level or do a more informal study? Pichotta stated it is his understanding that it's not up to us but a grass roots type of thing. Sanden, it will be more of a Town decision then. Mel Pittman stated he feels it's more the land owner's decision and their neighbors that want to participate. They would have to agree on that and enter into a contract. Pichotta noted that it is actually possible to include land from a neighbor that doesn't necessarily agree. Pichotta handed out a copy of a Resolution Supporting Delayed Implementation of Farmland Preservation Rezoning Conversion Fee and asked if there is an interest in delaying the resolution. Chairperson Barkla asked Pichotta to put the resolution on the next agenda. Pichotta stated as things transpire he will keep the committee up to date. There is more information regarding conversion fees and a chart in the reports on how they were handled under the farmland preservation program and how they will be handled under the working lands initiative.

Discuss take action on proposed resolution establishing conversion fee for parcels zoned out of Exclusive Agriculture. Pichotta reported: Pichotta read the proposed resolution and discussed the calculation of the conversion fee. Chairperson Barkla suggested penciling in February 1, 2010 on the resolution, as that is the next Finance and Personnel meeting. Pittman asked if there is just going to be one conversion fee whether it's Grade 1, 2 or 3. Pichotta stated that it is his understanding that it would be the highest class present on the property. Rodewald stated that it is his understanding that it's a flat rate for the entire Township. Holst stated he feels we need clarification on this issue before we can act. **Holst moved to defer action until more information is received/Rohl seconded.** Holst, it would make sense to act on this at the same meeting we're adopting the resolution. Holst thanked Jerome Rodewald for his input. **All in favor. Passed.**

Committee to convene into closed session pursuant to WI § 19.85(1)(c) considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility; to-wit: performance evaluation of Land Management Director. Holst moved to convene into closed session/Rohl seconded. Roll call vote; Holst-yes, Rohl-yes, Fetzer-yes, Barkla-yes and Sanden-yes. Passed. Convene into closed session at 7:36pm.

Motion by Holst/seconded by Sanden to return to open session at 8:15 pm. Roll call vote; Holst-yes, Rohl-yes, Fetzer-yes, Barkla-yes and Sanden-yes. Motion passed.

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

Departmental Update and Future Agenda Items

Conditional use permit request for an accessory residence in the Town of Hartland

Motion to adjourn at 8:20 pm by Holst/Sanden seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, January 20, 2010 – 7:00 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: Feb. 3 rd & 17 th , Mar. 3 rd & 17 th , all in 2010.	Chair
3	Approve minutes of the January 6, 2010 Land Management Committee meeting.	Chair
4	Discuss transition from Farmland Preservation Program to Working Lands Initiative.	Pichotta
5	Discuss take action on proposed resolution establishing conversion fee for parcels zoned out of Exclusive Agriculture.	Pichotta
6	Committee to convene into closed session pursuant to WI § 19.85(1)(c) considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility; to-wit: performance evaluation of Land Management Director.	Chair
7	Committee to reconvene into open session and take action on closed session item, if required.	Chair
8	Future agenda items and departmental update.	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.

(1/7/10)

MINUTES - Pierce County Land Management Committee Meeting, January 6, 2010

Present: Paul Barkla, Jeff Holst, Don Rohl, Joe Fetzer and Eric Sanden.

Others: Andy Pichotta and Shari Hartung

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

Next meeting dates: Jan. 20th, Feb. 3rd & 17th, Mar. 3rd & 17th, all in 2010.

Approve Minutes: **Rohl moved to approve the December 2, 2009 LMC minutes/Fetzer seconded. Holst recused himself from voting as he was absent from the last meeting. All in favor. Passed.**

Discuss take action on a request for a conditional use permit for a heliport in the General Rural Flexible 8 District for Christopher Brekken, owner on property, located in the SW ¼ of the NE ¼ of Section 27, T26N, R19W, Town of Oak Grove, Pierce County, WI. Staff Report – Andy Pichotta:

Pichotta stated that the LMC held a public hearing to consider this request on October 7, 2009. The issue was referred back to the Town of Oak Grove to ascertain the consistency of the request with their recently adopted Comprehensive Plan. The Town Board took action on the referral on November 16, 2009. The property is zoned General Rural Flexible 8 where airstrips are conditionally permitted subject to provisions found in Section 240-41A. Surrounding land uses include agriculture, woodlands and several residential subdivisions across Hwy 35 towards the Mississippi River. The reason this was referred back to the Town to review against their Comprehensive Plan is because the County's Comprehensive Plan establishes the role of town plans as follows:

- The county acknowledges that the responsibility for accomplishing planning objectives set forth in plans developed by towns subject to county zoning lies jointly with the Town and Pierce County. The county further acknowledges that it will seek to further each Town's planning goals and objectives when considering the establishment of conditionally permitted uses. In cases where a town has not adopted a comprehensive plan, the county will continue to solicit a non-binding town recommendation regarding the proposed use.
- Pierce County will consider adherence to the goals, objectives and policies of an adopted or amended comprehensive plan to be consistent with the "public interest" for decisions relating to that governmental unit or municipality.

The Public interest when considering issuance of a CUP would include consistency with that Town's Comprehensive Plan. When we consider the approval of conditional use permits we consider public health, safety and the public interest. Reading from the staff report, "In cases where a Town's comprehensive plan does not provide guidance regarding a proposed use, the recommendation shall continue to be advisory and non-binding." Basically, if a Town Comprehensive Plan is silent on a request to establish a given use, the recommendation would not be considered to be the Public Interest but would be a non binding recommendation.

- The Town of Oak Grove cited the following sections of their Comprehensive Plan in support of their recommendation for denial of the request:

Economic Development Goals, Objectives, Policies, Programs and Actions

Goal 1: Support economic activity and development that does not detract from the rural way of life in the Town of Oak Grove.

Objectives:

1. Promote agricultural based businesses.
2. Avoid conflicts between farmland and residential areas.
3. Support Oak Grove remaining as an agricultural community.

Policies, Programs and Actions:

1. Support existing farms and their continued operation.

2. Encourage businesses that work with the farming community.
3. Promote the development of specialty farming and or small business that produce food/beverages for sale.
4. Support eco-tourism that promotes the enjoyment of our natural resources in ways that do not degrade them.
5. Ensure that businesses, no matter what size, do not adversely affect the Town's natural resources and quality of life for residents.

Future Land Use

Most land use changes in Oak Grove will be the result of residential development. There is little projected commercial or industrial growth in the Town of Oak Grove since the majority of these land uses are found in the City of Prescott but the Town is willing to consider the development of both uses at any location throughout the Town if it will not create a nuisance or hazard to the Town or neighborhood.

Land Use Goals, Objectives, Policies, Programs and Actions

Goal 1: Continue long-range planning and intergovernmental cooperation regarding land use issues.

Objectives:

1. To avoid land use conflicts.
2. Work cooperatively and effectively with neighboring communities.

Policies, Programs and Actions:

1. Continue to update the Land Use Chapter as needed.
2. Set up a joint committee among adjacent municipalities to address and discuss land use issues and opportunities.
 - The Town also cites a portion of the Town Ordinance relating to Public Nuisances and a portion of the Town Ordinance addressing Special Events. Those are attached to the staff report.
 - Staff has reviewed the portions of the Town of Oak Grove Comprehensive Plan and Ordinances cited and has identified the following issues:
 1. The Town cites a portion of the Plan that relates to Economic Development. Given that this request for a CUP can not reasonably be considered an "economic development" activity, the use of this section is questionable.
 2. The Town cites a portion of the Future Land Use narrative relating to future commercial and industrial growth. The request at hand can not reasonably be considered commercial or industrial in nature.
 3. The Town cites a Land Use goal that is intended to insure that long range planning and cooperation with neighboring municipalities is ongoing. One stated objective of continued planning is to minimize or avoid land use conflicts. This goal and objective does not, in staff's opinion, give guidance to the issue at hand.
 4. The Town cites portions of two adopted Town ordinances, one relating to Public Nuisances and the other to Special Events. Use of these ordinances in this context is questionable.
 - Staff is of the position that the Town of Oak Grove's Comprehensive Plan is actually silent on the proposed conditionally permitted use. Given this, staff suggests that the Town of Oak Grove's recommendation should be considered advisory in nature and non-binding. Any LMC decision should be based on a determination as to whether the request is contrary to the public interest, is detrimental or injurious to the public health, public safety or the character of the surrounding area.

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

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

Sanden asked if the Town of Oak Grove address air strips anywhere in their comp plan. Pichotta stated that they apparently do not. He suggested that the committee keep in mind when considering recommendations tied to language in comp plans that the cited language should speak directly to an issue and that the LMC is ultimately responsible for decisions made. The LMC is put in a position of having to determine whether the Town's plan states what they think it says. The concern is, if there is a challenge or certiorari review of the committee's decision; whether the use of goals and objectives that don't necessarily apply will withstand scrutiny. Pichotta stated that throughout the planning process he tried to get the Town's to think about the land use decisions they have been presented with over the last decade or so and to try to ensure that their plan addressed these issues and that their past responses were supported by their plan. He suggested that in cases where a Town's plan is silent on a controversial issue that they may likely amend their plan to address it in the future. An applicable goal for this would likely be under the Land Use element. Pichotta noted that if these properties were zoned Rural Residential this request would likely be viewed differently as the Rural Residential Districts are intended to protect large lot residential developments from conflicting uses. It will be a process of educating staff and committee as well as educating Town's on the role of their plan and that their plan may not actually speak to a given issue in every case. Holst stated the property is zoned General Rural Flexible 8 where airstrips are conditionally permitted. This is an agricultural district. If we start limiting the use of airstrips in the ag districts that will hinder aerial applications. Chairperson Barkla asked Pichotta if he has talked to the Township Fathers. Pichotta stated that he spoke with Chairperson Jerry Kosin, about the recommendation and the staff report. He noted that Kosin seemed to understand why staff might be of the position that their comp plan was silent on this issue. Steve Nelson, property line 400 ft from Mr. Brekken, he feels the difference with ag spraying is commercial and this is recreational, a different category. Mr. Brekken stated he is here to answer any questions anyone has. Sanden asked how far away the Red Wing airport is from his property. Mr. Brekken stated 10 miles as the crow flies. Mr. Nelson stated he has 40 acres and planned to develop it someday. He fears his property value is going to go down with the heliport. Chairperson Barkla stated two things concern him; recommendation #1 renewed in 2 years. He feels that is too long and it should be renewed in one year. Also he feels the neighbors concern with sound is a legitimate concern. He would like to invite Mr. Brekken and the concerned neighbors back in 6 months to give a report on how things are going. Sanden asked about condition #6, just to be clear the total number of take-offs and landings may not exceed 30 per month, that would be the combined total, so 15 flights during daylight hours. Pichotta stated that is correct. Sanden asked if the office has received any complaints. Pichotta stated we have received complaints but that he personally did not receive them. Sanden stated he recalls some complaints about houses getting buzzed. He would echo the concern about 2 years being too long for renewal. Being a good neighbor may make all the difference. Rohl stated it makes sense to review in 6 months. Chairperson Barkla stated at the 6 month review daylight hours will be longer and that impact can be discussed also. **Rohl moved to approve the conditional use permit for a heliport in the General Rural Flexible 8 District for Christopher Brekken due to the fact it is not found to be**

contrary to public interest nor detrimental or injurious to public health, safety or the character of the surrounding area, with conditions #1 - #9, amending condition #1 to be renewed in 1 year before the Land Management Committee and adding condition #10 Applicant shall provide a status report to the Land Management Committee in 6 months/Fetzer seconded. Joan Nelson asked how the wording in the comp plan was developed and how they can make it more clear. Chairperson Barkla stated they have a Chairperson, Town Board and a Town Attorney that they can contact. Barkla asked Pichotta to briefly explain the county's comprehensive planning process. Pichotta stated that back in 1999 a bill was passed that mandated that all municipalities adopt comprehensive plans and by Jan. 1, 2010 all land use decisions be consistent with those plans. Pichotta explained the steps, process and meetings that were held over a lengthy period to develop those plans. He stated that the county plan acts as an umbrella under which the Town's plans hang. The goal was to empower the Town's to have a direct impact on land uses in that given Town so it's not the County dictating uses to the Town. He stated that a given towns plan probably won't address everything and he fully expects that in cases where the Town makes a non-binding recommendation and the decision goes the opposite way of their recommendation they will likely put into the plan goals, objectives and policies that will support their position. Joan Nelson asked if they adopt the proper wording would Mr. Brekken be grandfathered in. Pichotta stated that typically if you create a rule in response to a given situation you can't apply it to that situation. The beauty of the conditional use permit is that if there are issues that arise in the future - the committee has the ability to change the conditions associated with approval, if necessary. **All in favor. Passed.**

Departmental Update and Future Agenda Items

Pichotta stated there is a budget summary in the folders; County Planner Budget – nothing surprising there. Zoning – vehicles repairs were over, County Planner GIS – everything is as anticipated, County Surveyor – we were over on our health insurance coverage but we went from single coverage to family coverage, the last item; Land Records Modernization Fund – as you recall we have had a temporary position for the scanning and indexing digital files. Sundry Contractual Services, we are currently over budget because of some confusion of the amount allocated to the development of GIS Data. We have come up with a plan to address it. We are utilizing some of the money allocated in professional services and other budgets to offset that. It should be recognized that GIS expenditures over the last decade have been reimbursed, I believe through a 911 Grant, resulting in approximately \$85,000 going back into the General Fund. Holst stated the reimbursement should be noted in a budget summary.

Future agenda items include:

Performance evaluation of Land Management Director.

Review of dredge material placement site plan and monitoring proposal for Monarch Pit in the Town of Trenton.

Possibly Classification of Unclassified Use.

Working lands initiative regarding Exclusive Ag Zoning and Farmland Preservation is going to necessitate revising our Code. The State is also mandating a conversion fee.

Pichotta also noted that a revisit of the Fee Schedule should take place now that the Comprehensive Plan is completed.

Motion to adjourn at 7:50 pm by Holst/Sanden seconded. All in favor. Motion carried. Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, January 6, 2010 – 7:00 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: Jan. 20, Feb. 3 rd & 17 th , Mar. 3 rd & 17 th , all in 2010.	Chair
3	Approve minutes of the December 2, 2009 Land Management Committee meeting.	Chair
4	Discuss/take action on a request for a conditional use permit for a heliport in the General Rural Flexible 8 District by Christopher Brekken, owner on property located in the SW ¼ of the NE ¼ of Section 27, T26N, R19W, Town of Oak Grove, Pierce County, WI.	Kleinhans
6	Future agenda items and departmental update.	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.

(12/23/09)

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MINUTES - Pierce County Land Management Committee Meeting, December 7, 2011

Present: Paul Barkla, Jeff Holst, Don Rohl and Eric Sanden

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

Excused: Joe Fetzer

Acting Chairperson Barkla called the Pierce County Land Management Committee meeting to order at 7:00 pm in the County Board Room, Ellsworth, Wisconsin. He stated there will be no meeting on December 21, 2011.

Set next meeting dates: Pichotta suggested staying with the same schedule of the 1st and 3rd Wednesday of each month for the first half of 2012. **Sanden moved to set meeting dates for the 1st and 3rd**

Wednesday of each month for the first six months of 2012/Rohl seconded. All in favor. Passed.

Approve Minutes: **Sanden moved to approve the November 16, 2011 LMC minutes/Rohl seconded.**

All in favor with Holst not voting because of his absence from the last meeting. Passed.

Public hearing to consider a request for a conditional use permit for expansion of a nonconforming structure for a deck in the Rural Residential 20 District for Michael Arnt and M Janell Hagan, owners by Michael Dorricott, agent on property located in Lots 6, 7 & 8 of Block 4 of Original Plat, in Section 13, T25N, R19W, Town of Diamond Bluff, Pierce County, WI. Chairperson Barkla invited Mr. Dorricott forward. Mr. Dorricott explained that it is basically a simple deck off the ground about 8 feet to wrap around the side and tie into the existing deck on the back of the house. He stated he would disagree with the vision clearance triangle issue because by the time you get to the intersection the house is back 72 feet and if he puts a 10 foot deck on there it is still 60 feet back from the road.

Staff Report – Emily Lund: The applicants are requesting a CUP to expand the existing deck on their property. The house is at an intersection of two town roads and the house encroaches the building setbacks to both roads. The house is 72 feet from the centerline of 290th Ave and 49 feet from the centerline of 980th St. Applicants propose to expand the deck by wrapping it around the northwest of the house an area of 44 ft x 10 ft and to the southwest of the house an area of 31 ft x 10 ft. The expanded deck would be 62 ft from the centerline of 290th Ave and a small portion would be located in the vision clearance triangle. The property is located in Section 13, Town of Diamond Bluff. It is zoned Rural Residential 20. The uniform address number of the property is N2945 980th St. Pierce County Code §240-27C discusses the Town roads. The required setback for all structures fronting on all town highways shall be 75 feet from the center line of the road or 42 feet from the edge of the right-of-way, whichever is greater. We looked into setback reduction but that option does not help this situation. The vision clearance triangle is measured for a distance of 150 ft down from the intersection of the two roads and connecting those two points and a portion of the deck would be in the vision clearance triangle. Pierce County Code Attachment 2: Table of Dimensional Requirement states the maximum impervious area is 40% in the Rural Residential 20 zoning district. The property is 0.413 acres. The current impervious area is approximately 17.2% With the addition, the impervious area is 20.6%. Diamond Bluff Town Board recommended approval of this request on 5-12-2011 without any specific conditions. The Town did not

reference its Comprehensive Plan, so it is assumed that the plan is silent on this request. The private well is located between the house and garage so is out of the construction area. The house has a private septic system that includes a septic tank and dry well. The septic tank cover is 42 inches from the west corner of the house and the dry well vent is 11 feet from the septic tank cover. Lund stated this is a concern for the department because they don't want the deck to be over the septic tank.

WI Admin. Code COMM Table 83.43-1 requires a setback from a building component to a septic tank to be 5 feet and to a drainfield (drywell) to be 10 feet.

WI Admin. Code COMM 83.43(a)2(f) requires accessibility to tanks and all components that require maintenance or observation. General practice has been to allow for 3 feet vertical clearance for accessibility.

No renewal would be necessary for this request.

Staff Recommendation: Staff recommends the Land Management Committee determine whether the construction of the proposed addition at the proposed location would be contrary to the public interest or detrimental or injurious to public health, safety or character of the area. If found not to be contrary to the above, staff recommends the Land Management Committee approve this CUP for the deck expansion with the following conditions:

1. The applicant and agent shall comply with COMM 83.43 and shall:
 - a. Maintain vertical separation between the deck and septic tank manhole cover a distance of 3 feet for service accessibility,
 - b. Raise manhole cover 4 inches above grade,
 - c. Provide a locking mechanism to lock the chains over the septic tank cover and
 - d. Keep deck footings 5 feet or more away from the septic tank and 10 feet or more from the drainfield.
2. The applicant shall work with the local building inspector, Todd Dolan, to determine whether a permit from the town is needed and to ensure compliance with the Uniform Dwelling Code (UDC) requirements.

Chairperson Barkla opened the hearing to the public. No public comment. **Public hearing closed.**

Sanden asked about the vision clearance triangle on the hand written drawing, it shows some encroachment but on the aerial photo it doesn't show it encroaching at all. He is assuming the hand written drawing is the more accurate. Lund stated that it is approximate. It depends on how far on the home the deck gets built. Holst stated he is very familiar with this lot. He stated where the deck is going it is approximately 10 feet in vertical elevation above 290th Ave. It's way up in the air. Sanden stated the existing home is closer in the vision clearance triangle than the deck addition would be. **Holst moved to approve the deck expansion on the nonconforming structure, due to the fact it is not found to be contrary to the public interest nor detrimental or injurious to the public health, public safety or the character of the surrounding area, with conditions #1a-d and #2/Rohl seconded. All in favor. Passed.**

Discuss take action on status report of a conditional use permit for a Farm and Home Based Business for Valley Vineyard in the General Rural Flexible 8 District for Rudy & Cathy Jungwirth, owners on Lots 6, 7 & 8, located in the SW ¼ of the NW ¼ of Section 23, T26N, R19W, Town of Oak Grove, Pierce County, WI. Staff Report – Brad Roy: The applicants operate Valley Vineyard LTD, which first received a conditional use permit in 2008. The CUP was renewed on November 17, 2010. Concerns were raised regarding parking and screening the operation from surrounding landowners. On June 1, 2011 the LMC modified the CUP to state;

9. Applicant shall screen operations by planting nine (9) spruce trees along the North/South property line with the Huppert property, between the existing trees on the Huppert property line and the town road and an additional three (3) spruce trees along the East/West property line between the existing trees on the Huppert property and the applicant's vineyard. All spruce trees shall be a minimum of nine (9) feet tall and shall be planted within six (6) months.

The committee added a condition #11 stipulating that the applicant shall provide a status report to the Land Management Committee in six months. Nine trees were planted in the required area along the north/south property line; the trees are over nine feet tall. No trees were planted in the area along the east/west property line. The applicant has stated that the commercial activity is limited to the accessory structures and the only activity along the east/west property line is agricultural. The neighboring property to the east receives the most impacts from the business.

Staff Recommendation: Staff recommends the Land Management Committee determine if any action is necessary.

Sanden stated that nine trees have been planted and asked the applicant to explain why the other three haven't been planted. Mr. Jungwirth stated the area where the trees were supposed to be planted is on Ben Huppert's property. He didn't plant them because he didn't believe that there was a need for it. There is no activity over there with the exception of a tour for the University of River Falls a little over a year ago. They assisted him with the planting of the grapes and they wanted to come out. He did plant an additional five trees in the center of the property where there is an existing cluster of trees. The one issue he did have was from the Huppert property to the corner stake where the nine trees were planted. The property line is only 6 – 8 feet wide from his driveway line. In a matter of 4 or 5 years the trees should be 25 feet tall and it should take care of the issue. Mr. Lacasse, a neighboring property owner, stated that he has talked to Mr. Roy several times, his issue is that this summer Mr. Jungwirth played a tape recording over and over. They contacted the Town Board and they stated he was going to play it when the neighbors weren't home. He ceased to play it between 4:30pm and 5:00pm for a few days and then it started back up. He lives probably 700 feet from the vineyard. He is requesting that something be done about it. Pichotta stated he isn't sure that this issue is related to the commercial use of the property and suggested it was part of the agricultural use. Holst stated it's his opinion that he's playing this noise to scare birds away from his grapes. It's part of the agricultural use. Anytime you have agricultural use and throw commercial into it, it gets more complicated. Mr. Lacasse stated he could understand if someone has an agricultural business for 37 years and the lot next door becomes housing. The houses were there before the vineyard. Holst stated that he had hoped this situation would have gone differently. He had hoped that when we gave direction where to plant the trees and he understands that you wouldn't want to plant trees on the neighbor's property but when he will allow you that's a different thing. He also understands that Mr. Jungwirth has had the bus tours there and that this where you had them. That was the information we were provided with. We try to do the best we can to alleviate situations that bring negative impacts onto your neighbors. You came in after Ben had his house up and planted your grapes. Things change and you have the right to use your land and they have the right to use theirs too. Mr. Jungwirth stated that he looked at Ben's trees and they are 22 feet apart and in another 6 or 7 years will grow together. He put the nine trees in that the committee requested. Holst stated that's the deal, as we requested. When we request, then it's up to the applicant to follow through with that request. If he doesn't then the applicant is in noncompliance and he is at risk of losing his CUP. Then you are talking about a life's worth of work. Do you want to risk it on three trees? It's a big deal to Ben and Rudy. Mr. Jungwirth stated that the bigger problem was the property line was 5 ½ feet north of his fence. If he is going to plant trees there he is going to move the fence up to the property line and plant the trees on his side. Holst stated that he should do that. Mr. Huppert stated that it's not Mr. Jungwirth's property, it's Stan Boles property. Mr. Jungwirth stated Mr. Boles farms his property and he farms Mr. Boles property, it was done on a handshake. He doesn't know if he would have to ask Stan if he could plant trees. Sanden stated his concern is that you make a good argument about the trees already being there and they will grow together but those arguments should have been brought up at the time we made these requirements. Now after the fact, we're hearing about some of these constraints. If we had known that from the beginning we probably would have asked for the placement in a different location or permission to plant in a suitable location. Mr. Jungwirth stated he called Jim and had food poisoning the night of the meeting and he wasn't in the mood to talk to anyone. He also wasn't aware of what the situation was that it was because of the group of people that he had from the University of Wisconsin. Had he known that last June, he could have explained that they were only there one time. Sanden reiterated what was stated by Mr. Holst, your

vineyards may have come in after the homes but you are still in a heavy agricultural area. Wisconsin still has the Right-to-farm laws and if engaged in a normal agricultural operation they are shielded from nuisance litigations. So that does limit that, I'm assuming this was like an electronic scarecrow. Mr. Jungwirth stated it was called the Bird Call or Bird Guard and it drew in predators such as Falcons, Eagles and Osprey. Sanden stated that being a good neighbor goes a long way and consider the times that you have these operations going on. There is always these conflicts and Mr. Holst said that residential/ag is one of the biggest conflicts we deal with. Holst suggested the committee stay with the original conditions to the conditional use permit. Sanden asked if that is unattainable if he doesn't own the land, how do we address that. Holst stated that they address it one of two ways: either Mr. Huppert allows planting of the trees there or Mr. Jungwirth puts the trees on his side and takes back the five feet of Mr. Boles property. However they choose to do it - unless Ben says he doesn't need trees anymore. Mr. Huppert stated he would like to barter for his neighbors and himself, if Mr. Jungwirth quits playing the animal noises, he will waive the need for three trees, for the sanity of his household and his neighbors too. Mr. Jungwirth stated he went with the Bird Guard because there was no aesthetic impact and because they live in such a nice community. If that is what Mr. Huppert wants he will go with the bird netting, it's easier for him. **Holst moved to strike the requirement for three trees from the existing conditions/Sanden seconded.** Roy asked if the committee would want to strike condition #11 which states a six month review. **Holst moved that condition 11 also be struck/Sanden seconded. All in favor. Passed.**

Discuss take action on Travel/Training Requests. Pichotta stated there is one travel request and that is for Jim Kleinhans to attend the WOWRA Convention in Steven's Point on January 27 & 28, 2012. **Holst moved to approve the travel/training request for Jim Kleinhans to attend the WOWRA Convention in Steven's Point on January 27 & 28, 2012/Sanden seconded. All in favor. Passed.**

Departmental Update and Future Agenda Items

Pichotta noted that there was possibly a rezone request coming in.

Chairperson Barkla asked about the budget handout. He stated the expenditure summary through the end of the year doesn't include December expenditures and it's at 87%. Pichotta stated that typically we don't expend every dime. Chairperson Barkla asked if they would be able to put money aside for trucks.

Pichotta stated it's his understanding that they are not able to carry-over dollars year to year. Certainly some money will revert to the general fund. He could request that we be allowed to utilize that toward a new vehicle. We're actually having some problems with the surveyor truck; it doesn't want to start very well. Chairperson Barkla stated that since you have equipment that may be showing some wear and tear, you could come to a meeting of Loss Control.

Motion to adjourn at 07:40pm by Holst/Rohl seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, December 7, 2011 – 7:00 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: December 21 st (if necessary), 2011.	Chair
3	Set next meeting dates for 2012.	Chair
4	Approve minutes of the November 16, 2011 Land Management Committee meeting.	Chair
5	Public hearing to consider a request for a conditional use permit for expansion of a nonconforming structure for a deck in the Rural Residential 20 District for Michael Arnt and M Janell Hagan, owners, by Michael Dorricott, agent on property located in Lots 6, 7 & 8 of Block 4 of Original Plat, in Section 13, T25N, R19W, Town of Diamond Bluff, Pierce County, WI.	Lund
6	Discuss take action on status report of a conditional use permit for a Farm and Home Based Business for Valley Vineyard in the General Rural Flexible 8 District for Rudy & Cathy Jungwirth, owners on lots 6, 7 & 8, located in the SW ¼ of the NW ¼ of Section 23, T26N, R19W, Town of Oak Grove, Pierce County, WI.	Roy
7	Discuss take action on Travel/Training Requests	Pichotta
8	Future agenda items and departmental update.	Pichotta
9	Adjourn	Members

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A quorum of County Board supervisors may be present.

(11/23/11)

PIERCE COUNTY WISCONSIN
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MINUTES - Pierce County Land Management Committee Meeting, November 16, 2011

Present: Joe Fetzer, Paul Barkla, Don Rohl and Eric Sanden

Others: Andy Pichotta, Brad Roy and Shari Hartung, Jim Kleinhans appeared later for the meeting.

Absent: Jeff Holst

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

Next meeting dates: December 7th and 21st(if necessary), all in 2011.

Approve Minutes: **Barkla moved to approve the October 19, 2011 LMC minutes/Rohl seconded. All in favor. Passed.**

Chairperson Fetzer stated the applicant for the first agenda item will be a few minutes late. Barkla made a motion to table agenda item #4 for CMC-Spring Valley LLC until later in the meeting/Sanden seconded. All in favor. Passed.

Discuss take action on renewal, mitigation measures to comply with July 2011 LMC decision and potential modification of a conditional use permit for Ellsworth Baseball Association Inc, owners on property located in the NW ¼ of the NW ¼ of Section 2, T24N, R18W, Town of Trenton, Pierce County, WI. Staff Report – Andy Pichotta: The ball sports facility was deeded to the Ellsworth Baseball Association in 2007. The CUP was renewed on September 16, 2009. On July 20, 2011 the Land Management Committee considered a status report and modified conditions of this CUP to address two ongoing issues. Baseball association representatives have been discussing various solutions to rectify complaints in the neighborhood. The attached written narrative was recently submitted to Heather Flueger and the zoning office as potential solutions. Pichotta read the submitted letter from the Ellsworth Baseball Association regarding putting up a 10ft wide and approximately 30ft high retractable light filter at the property line and in the future installing a cyclone fence along the property line that would be taller and heavier than the neighbor's existing fence. The property is zoned Rural Residential 20 and Commercial. The parcel size is 14.3 acres. The initial site layout included a baseball diamond, 4 volleyball courts, two soccer fields and playground equipment. The Baseball Association requests conversion of one of the soccer fields into a softball diamond. No lights would be needed on the second ball field. Mike Salewski, electrician, discussed possible lighting solutions with staff on June 29, 2011. Juno Lighting Group designed the baseball field illumination incorporating 45 light fixtures utilizing 400 watt lamps mounted on 60 and 80 foot high towers. A copy of the illumination design is included with this report. The lights and poles were adjusted last spring to comply with these plans. Placing shields over some light fixtures could focus lights more directly onto the playing field. Costs associated with manipulating the lights are high as charges for the service truck from St. Cloud, MN are assessed by the hour from the time the truck leaves until returning. Operating the 400 watt lamps is expensive and should be discouraged after games and field maintenance tasks are completed. One solution presented included the organization running late evening games will install mechanical switch gear to turn off lights at a predetermined time that should

coincide with conditions regarding hours of operation. One suggested solution presented to address overflow lighting for the residence at W8074 163rd Avenue is erecting a 30 foot high retractable light filter at the property line. This mechanism would only be utilized during evening events so as not to restrict the view or sunlight. A responsible party would be designated for control of this measure. The adjacent residents were not completely in favor of this proposal for 2 reasons; the plan does not specify exactly where this filter would be installed and secondly, how this feature might impact the sale of their property in the future. Another issue involved managing the foul balls. One solution is to increase the height of the backstop with additional fence material. Another consideration was to erect a cyclone fence along the property line with a "keep out" sign to eliminate trespass issues. The baseball association does not want to continue losing baseballs so some measures to contain foul balls will benefit both parties. The neighbors expressed concerns about the nature or attractiveness of the fence placed along their property line. No design was submitted as to the height or extent of the fencing material. The conditional use permit should be renewed in 2011 with the outstanding issues agreed upon by the Baseball Association representatives. Compliance issues will need to be implemented prior to the 2012 baseball season or wait to renew the conditional use permit until these issues are resolved. The original conditions for the CUP issued in 2003, are listed #1 - #12. In 2009 the conditions were modified in response to the installation of the field lights. Hours of operation shall be 8:00am to 10:15pm, Sunday through Thursday, 8:00am to 10:45pm Friday and Saturday. Alleviate lighting overflow problem for adjacent property owner. On July 20, 2011 the committee modified conditions to include the following: A plan be drawn up in conjunction with the neighboring property owners to address overflow lighting and foul ball issues by the conditional use permit renewal in September 2011. As stated earlier, these corrective proposals were provided but not discussed with adjacent property owners.

Staff Recommendation: Staff recommends the Land Management Committee consider the information provided by the Baseball Association and determine the effectiveness for whichever remedies will adequately address the issues discussed this past July prior to renewal of the CUP.

Ms Flueger stated they had their property surveyed and fenced in the entire yard. When the ball field came in they talked about trees so she paid to have trees and lilacs planted. She stated that they thought they were going to get to discuss a solution. Mr. Whalen stated that two weeks ago a letter was dropped off. In July they were under the understanding that they would be working with the baseball association to come up with a resolution that would work for both. They are concerned about the lighting, if they put up a 10ft filter, their house is longer than 10ft. They would like a little more information. Barkla asked Ms Flueger if they had talked to the people from the baseball association. Ms Flueger stated they received a notice paper clipped to their gate. Mr. Whalen stated he has called and talked to Jim because they haven't talked with anyone from the baseball association. Barkla asked Mr. Green why he hasn't been in contact with the neighbors except by something left on the fence. Mr. Green stated he has been in contact with Mr. Kleinhans as a conduit to deal with the neighbors through our consultants that came down and installed the lighting. When he left here he didn't understand that he was to go meet with the neighbors face to face. Chairperson Fetzer stated his point of view is that the neighbors sound like they want to be reasonable and work together. It would be very worth while to be in touch with them and if there needs to be mitigation then we will get Jim in on that. Mr. Green stated he didn't know he was to go door to door and resolve with each person. Chairperson Fetzer asked if they have meetings. Mr. Green stated yes they do and the neighbors are aware. Mr. Whalen stated they are not aware and he can not find any information on the website. Chairperson Fetzer asked when the meetings are. Mr. Green stated the association has meetings the first Wednesday of every month at the Middle School at 6:30pm with the exception of June and July. The next meeting will be December 7th. Mr. Green stated he has been working with Juno Lighting, with the installer, a consultant, Mr. Teby. This 10 x 30 section isn't just a stab in the dark, it came from Juno Lighting and they specified a 10ft wide section would block the lighting on the house. If you looked out the window you would be able to see that a ballgame is going on but the light wouldn't cast shadows in the house. The poles are going to be brown galvanized lighting poles, with plastic mesh, raised at the time the game starts and lowered within 24 hours. It will be 10ft wide and 30ft high and that would shield the home from any overflow lighting. Chairperson Fetzer asked what a cyclone fence was.

Mr. Green stated a chain-link fence. Ms Flueger asked if they could find out the cost for just putting up shields on the lights versus the fence and screening. Chairperson Fetzer stated that would be a question to ask at the meeting. Mr. Whalen stated he is a little concerned about going to a baseball association meeting without a mediator there. Mr. Green stated he would welcome Mr. Kleinhans meeting with him and the neighbors. Chairperson Fetzer asked Andy what his thoughts are on this. Barkla asked if that is the responsibility of this staff and committee to play mediator between contentious parties. Pichotta stated typically not but we are asked to do some unusual things. Barkla stated maybe they should come back every month until they can come up with a plan. Sanden stated he feels the Ellsworth Baseball Association has gone more than half way. They asked for a fence and they are putting up a fence now they are disagreeing on how the fence is going to look. They are spending a lot of money to put up some screening for the lighting and now it's not the right color or the right size. To have someone chaperone someone to a meeting is going well beyond what is reasonable. **Sanden moved to approve the renewal of the conditional use permit for the Ellsworth Baseball Association granting the remedies are adequate. Rohl seconded.** Ms Flueger stated they never asked for a fence. They would be willing to go to the association meeting in December to see what we can come up with. Chairperson Fetzer stated he thinks that would be a good idea and that the baseball association is trying. Mr. Whalen stated he doesn't feel they have come halfway. These are recycled materials that they want to put up. They have waited since July to hear something and they don't know anything about these consultants and they made speculations by looking at a drawing. Chairperson Fetzer stated they will have to go to the meeting and work on a compromise. Mr. Green stated he would be happy to take the fence out that was just one resolution to keep the foul balls out. Chairperson Fetzer stated we have a motion. **Sanden, Rohl & Fetzer in favor, Barkla opposed. Passed.** Pichotta questioned if the committee had approved what the baseball association had proposed for mitigation. Sanden stated yes, he mentioned the adequacy of the methods. Chairperson Fetzer stated they are going to have to work together.

Barkla moved to remove Agenda item #4 CMC-Spring Valley LLC from the table for discussion/Rohl seconded. All in favor. Passed.

Discuss take action on a status report for a Nonmetallic Mining conditional use permit for CMC-Spring Valley LLC, owner on property located in the SE ¼ of the SE ¼ of Section 9, T27N, R15W, Town of Spring Lake, Pierce County, WI. Staff Report – Brad Roy: Everyone is pretty familiar with this operation. The conditional use permit for this operation was renewed on April 6, 2011. This review is to allow the LMC to determine if the permit needs to be altered to address any outstanding concerns. This season we have received complaints about dust on days with high winds. Hydraulic conveyors are onsite to mitigate this issue. The Town of Spring Lake has received complaints about noise and dust on adjacent properties. The conditions associated with this CUP are listed #1 - #25 in the staff report.

Staff Recommendation: Staff recommends the Land Management Committee consider the information provided in this report, the submitted site plan, as well as input from the public, to determine if any additions or modifications are necessary to mitigate off site impacts.

Jim Small, County Materials, stated that this fall when there were strong winds, he received a call and he shut operations down as soon as he got the call. Some people were talking about the conveyors being still up. They may have been talking about the ag lime conveyor. There was a pile right up to the top of the conveyor. They did add tarps on the top of the dry screen end that screens out the ag lime. Also one at the end of the ag lime conveyor which has helped quite a bit with the noise. Although he is sure you can still hear it. He has gone in Evelyn Jensen's yard and measured the decibels. He asked her to let him know if it gets louder. Evelyn Jensen, neighbor across the highway, expressed her dissatisfaction and discussed her complaints regarding dust, noise and the tarping of trucks. She presented photos to the committee. Mr. Small stated the last time Ms. Jensen contacted him regarding excessive dust he shut them down. The operator should be watching that because we have committed to shutting it down when the wind is blowing like that. He stated that water test and seismograph are accurate. They put those in the ground and that's what it is. Results are well under the state limits. They have a sign in their window and he

keeps telling the truck drivers to cover their trucks. If they are hauling washed rock, he knows they are not covering them. The sand is manufactured sand so there aren't any fines in it. So it's probably coming from the road not from the piles. They have a water truck and every time he is out there, they are watering. They have monitored it over and over, so it's below the state level. The manufactured sand volume got out of control. The ag lime is all sold. He also noted that Jack Sonnentag is not with the company anymore. Mr. Small is meeting with the new person that will be taking over the aggregate. Faye Jones, stated her issues are with an employee who is hunting and harassing neighbors and friends on the edge of the property. She stated that she also regularly sees untarped trucks. Mr. Small stated he will be talking to the employee. Mike Jacobson stated that when he now gets calls he tells them to call Ellsworth. They were at the front end of it stating why they didn't feel it was a good land use and all the things have come true. At a township level, County Materials has been working with them. The reduction in hours was huge. Chairperson Fetzer stated it has been a dry fall. Mr. Jacobson stated that it is good that they are in front of the committee and that the committee listens. If the quarry is going to be there; how can it be more acceptable for the area, do the berms need to go higher? We keep hearing that it will go deeper and get quieter. Mr. Small stated when he finds out about things, he acts on it. Chairperson Fetzer asked if they use calcium chloride on the road. Mr. Small said they have done it before but they paved the road this year. Mr. Small stated they did reclaim the north side of the high wall. Chairperson Fetzer asked how much higher the berms have to be. Small said that they need to get their product cheaper so people will buy it and get it out of there. When there is a loader on top, you can see the loader. Ms Jensen asked why it can't be hauled to Roberts. Mr. Small stated it's not a product they use in Roberts. Mr. Small stated he will impress the urgency on the new aggregate person. Pichotta asked if County Materials has ever bought out adjoining properties where negative impacts were greater than anticipated. Mr. Small stated they have bought neighbors before, it's not unheard of. Ms Jensen stated her home is for sale. Sanden stated that when this does come up for renewal he would lean towards another condition of requiring conveyors to shut down when the wind exceeds say 20 MPH and hesitant to renew it if the tarping issue doesn't get resolved. That seems to be pretty straight forward and this has been an issue in the past. Mr. Small stated we can force our guys to tarp even if they are hauling washed rock. We can force our own people but the other haulers will say it's a state highway and it's not a law. We have a sign and he tells the person at the scale to remind them. Chairperson Fetzer stated we don't need to take any action as this was just an update to see how things were going.

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

Departmental Update and Future Agenda Items

Potential conditional use permit in the Town of Diamond Bluff

Rudy Jungwirth for the tree planting and renewal of his conditional use permit.

Motion to adjourn at 08:16pm by Sanden/Rohl seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, November 16, 2011 – 7:00 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: December 7 th & 21 st (if necessary) all in 2011.	Chair
3	Approve minutes of the October 19, 2011 Land Management Committee meeting.	Chair
4	Discuss take action on a status report for a Nonmetallic Mining conditional use permit for CMC-Spring Valley LLC, owner on property located in the SE ¼ of the SE ¼ of Section 9, T27N, R15W, Town of Spring Lake, Pierce County, WI.	Roy
5	Discuss take action on renewal, mitigation measures to comply with July 2011 LMC decision and potential modification of a conditional use permit for Ellsworth Baseball Association Inc, owners on property located in the NW ¼ of the NW ¼ of Section 2, T24N, R18W, Town of Trenton, Pierce County, WI.	Kleinhans
6	Discuss take action on Travel/Training Requests	Pichotta
7	Future agenda items and departmental update.	Pichotta
8	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.

(11/04/11)

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



MINUTES - Pierce County Land Management Committee Meeting, October 19, 2011

Present: Joe Fetzer, Paul Barkla, Don Rohl and Eric Sanden

Others: Andy Pichotta, Jim Kleinhans, Emily Lund, Brad Roy and Shari Hartung

Absent: Jeff Holst

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

Next meeting dates: November 2nd & 16th, December 7th and 21st(if necessary), all in 2011.

Approve Minutes: **Sanden moved to approve the October 5, 2011 LMC minutes/Rohl seconded. All in favor. Passed with Paul Barkla not voting due to not being present at the last meeting.**

Public hearing to consider a request for a conditional use permit for accessory residence in the Primary Agriculture District for Michael & Karla Polk, owners on property located in the SW ¼ of the NE ¼, in Section 36, T26N, R18W, Town of Trimbelle, Pierce County, WI. Chairperson Fetzer invited Mr. Polk forward: Mr. Polk stated they would like to move a mobile home on their property for his brother-in-law who has diabetes. He lived with his parents all his life and they have passed away. He should live where someone can keep an eye on him. Their house is too small.

Staff Report – Emily Lund: We have a CUP request for an accessory residence (mobile home) on their 115 acre property located in the Town of Trimbelle. The proposed accessory residence would be connected to the septic system associated with the principal residence. The property is located in Section 36, Town of Trimbelle. The property is zoned Primary Agriculture. The Trimbelle Town Board recommended approval of this request on 9-19-11 without specific conditions. The Town did not reference its Comprehensive Plan, so it is assumed that the plan is silent on this request. The applicant owns 115.37 acres, but the proposed use will be on the 40 acre parcel that has an existing residence, barn and three storage buildings. The proposed accessory residence will be a mobile/manufactured home that has not yet been purchased. Issuance of this conditional use permit would eliminate the need for Land Use Permit (although mobile home must still meet minimum standards). The mobile home will require a reconnect permit for connection to the existing septic system. The applicants have hired a plumber, Darrell Hubbell, to obtain a Pierce County Sanitary Permit and to complete this task. The applicants plan to record a “Per Capita Flow Statement” on their deed because the septic system is sized for 6 people and only 4 will be residing on the property. Also an “Affidavit regarding Common Private Sewage System” will need to be recorded on their deed that notifies future property owners that the septic system is connected to two residential structures on the property. Pierce County Code (PCC) 240-40 (A) allows accessory residences in the Primary Agriculture District with the issuance of a conditional use permit. PCC 240-88 is defined in the staff report. PCC 240-40 (B) regarding Manufactured homes states, “The following requirements apply to manufactured homes which are not located in manufactured home parks:

1. Manufactured homes shall comply with federal inspection requirements per Housing Act 1976 and its successors.

2. The towing and transportation equipment, including the wheel assembly, shall be mounted on and attached to a permanent foundation.
3. Manufactured homes shall be a minimum of 14 feet wide.

No renewal of this request will be necessary. Pierce County Code 240-76 (G) states that “all conditional use permits shall expire 12 months from the date of issuance where no action has commenced to establish the authorized use.” PCC Chapter 115 states that all properties or parcels and principal buildings shall be assigned an address based on the uniform numbering system. A second address is not required for the accessory residence; however, this does not preclude the applicant or resident of the mobile home from obtaining one if they so desire.

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

1. The applicants shall record a ‘Per Capita Flow Statement’ and ‘Affidavit regarding Common Private Sewage System’ on their deed prior to issuance of a sanitary permit.
2. The applicant shall obtain a Pierce County Sanitary Permit in order to connect the existing septic system to the mobile home.
3. The mobile home shall be a model constructed after 1976, shall be a minimum of 14 feet wide, and the towing and transportation equipment, including wheel assembly, shall be removed and the manufactured home shall be mounted on and attached to a permanent foundation.
4. The applicants shall work with Todd Dolan, Town of Trimble’s Building Inspector, to obtain a Town Building Permit for this manufactured home and to have the building inspected to ensure that it meets the Uniform Dwelling Code.
5. The use shall be established within 12 months of CUP approval.

Chairperson Fetzer opened the hearing to the public. No public comment. **Public hearing closed.**

Sanden asked about Chapter 240-88 being subordinate to the principal structure. Should we put a condition on saying that the square footage be less than the principal structure because the mobile home hasn’t been purchased yet? Lund stated you could do that. The home has a basement and two floors so it should be greater than a mobile home. Mr. Polk stated that they have found a mobile home already that is 16ft x 80ft, a 2006. Lund stated we haven’t added that condition in the past but you could add it. Sanden asked if his principal residence is greater than 1280 sq ft. Mr. Polk stated yes.

Sanden moved to approve the conditional use permit for an accessory residence for Michael & Karla Polk with conditions #1 - #5 due to the fact it is not found to be contrary to the public interest nor detrimental or injurious to the public health, public safety or the character of the surrounding area/Barkla seconded. All in favor. Passed.

Public hearing to consider a request for a conditional use permit for an expansion of a nonconforming structure in the Rural Residential 20 District for Rodney Wicklund Jr, owner on property located in the SE ¼ and the NE ¼ of Section 14, T27N, R17W, all in the Town of Martell, Pierce County, WI. Chairperson Fetzer invited Mr. Wicklund forward: Mr. Wicklund explained they replaced the old deck which was a hazard. They made it a foot and a half in from where the old steps were. Chairperson Fetzer asked closer to the house? Mr. Wicklund stated yes. The steps came out farther but the original ledge you walk on was in a little bit.

Staff Report – Emily Lund: Mr. Wicklund is asking for an after-the-fact conditional use permit for expansion of a nonconforming structure. The applicant replaced and expanded an additional 5 feet towards US Hwy 63. A 12.5ft x 12ft deck was constructed that includes a 4ft x 4ft stairway. The deck is 96 feet from the centerline of US Hwy 63 and 67 feet to the centerline of 801st Ave. The deck is located within the setback area of both and is located in the vision clearance triangle. The property is located in Section 14, Town of Martell and is zoned Rural Residential 20. The Town Board of Martell recommended approval of this request on 9-13-11 without specific conditions. The Town did not

reference its Comprehensive Plan, so it is assumed that the plan is silent on this request. Pierce County Code Chapter 240-27 (A) information regarding state and town road setbacks is in the staff report. Pierce County Code Chapter 240-72 (E) discusses setback reduction; however, there are no principal structures within 200ft that are closer to the road, so this option does not help their situation. For the vision clearance triangle; you would measure 150ft for the town road and 300ft from Highway 63 and this addition did encroach on the vision clearance triangle. Pierce County Code Chapter 240-67 (A)(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 Chapter 240-76." Pierce County Code Chapter 240-76(A) 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." Pierce County Code Attachment 2: Table of Dimensional Requirements states the maximum impervious area is 40% in the Rural Residential 20 zoning district. The current impervious area is approximately 10.5% and with the addition the impervious area is 10.6%. The septic tank is located northeast of the house and the drainfield is located southeast of the house. The well is located west of the house. The deck is not near the septic or the well. No renewal would be necessary for this request.

Staff Recommendation: Staff recommends the Land Management Committee determine whether the proposed addition at the proposed location would be contrary to the public interest or detrimental or injurious to the public health, public safety or the character of the surrounding area. If determined not to be contrary to the above, staff recommends the Land Management Committee approve this request with the following conditions:

1. The applicant shall work with the local building inspector, Todd Dolan, to determine whether a permit from the town is needed and to ensure compliance with the Uniform Dwelling Code (UDC) requirements.

Sanden asked how tall this is. Mr. Wicklund stated it's about 4 feet. Sanden stated it must just be encroaching the vision clearance triangle a few feet. Lund stated it encroaches just a few feet in the vision clearance triangle but the setbacks from the roads are more. Chairperson Fetzer asked what is showing up in the air photo out from the house, a garage? Mr. Wicklund stated a cement slab. Lund stated what is unique about the property is the lot was created and the house isn't all in the platted lot. It was an assessor's plat a long time ago. To correct it they would have to do the whole town of Martell.

Chairperson Fetzer opened the hearing to the public. Tim Wiff, neighbor and Town Supervisor, stated the Town is in favor of the deck. They did a nice job on it. He asked if we could cut him some slack on the \$300 fee. It had to be replaced. **Public hearing closed. Barkla moved to approve the conditional use permit for expansion of a nonconforming structure for Rodney Wicklund Jr with condition #1 due to the fact this request is not found to be contrary to the public interest, nor detrimental or injurious to the public health, public safety or the character of the surrounding area/Sanden seconded. All in favor. Passed.**

Discuss take action on a request for site plan review for mining, accessory uses for a sand processing facility by Short Elliot Hendrickson (SEH), agent for Greg Bechel, owner on property located on Lot 1, Certified Survey Map (CSM) V4 P165, in the SE ¼ of the SW ¼ of Section 7, T25N, R15W, Town of Union, Pierce County, WI. Chairperson Fetzer invited Mr. Bechel forward: Mr. Bechel stated they have been here before talking about the processing plant. Tonight they are here for site plan approval. He asked if the committee had the maps and if they had any questions. **Staff Report – Jim Kleinhans:** Greg purchased this property in August this year and came to the committee in September for a rezone request. That should be completed the end of October for the East half of the property. There is an issue of a variance for the height of the building and that will be accomplished on November 10, 2011. The industrial building will require approval for the Department of Safety and Professional Services. Department of Transportation indicated that the existing driveway must be modified to a Class B1 intersection. A soil test will be needed to determine the potential for a private onsite wastewater treatment system. The existing system that served the residence will be abandoned. Site

plan did not identify the advertising sign. It showed the location but lacked detail on sign message and size. The sign face area may not exceed 32 square feet. Some internal traffic circulation signage is also delineated on the site plan. Off premise signs on Hwy 10 need to be moved out of the right-of-way and onto the property. The 13.4 acre site presently has a substantial amount of ground disturbance. They have applied for a Stormwater permit from the WI DNR. Jim tried to contact Jim Devlin to see if that has been approved. Building dimensions are approximately 128 ft by 242 ft or 30,000 square feet. The north end of the structure is designed to be 96ft high. That will take a variance from the Board of Adjustment and that is in the works. Operations within the building include wet and dry processing of sand, wash water treatment and storage, and storage of sand and dry soil byproducts. They will be using a polymer; a water soluble chemical to help precipitate the fines out of the sand while they are cleaning it. Jim indicated that he has done some research on this and has found that it's considered a nontoxic agent and he also saw it in USDA Soil Erosion Control methods today and they use a similar product. High capacity wells are on the northwest side of the building. There are 10 employee parking spaces delineated. He made a note that one should be handicapped accessible 12ft x 18ft per Pierce County Code. The covered truck loadout facility on the southeast corner of the building includes a scale so they can verify truck weights. The site had some yard lamps with 400 watt pulse start metal halide lamps mounted on a 30ft pole with 90 degree cutoffs. The closest lamp to Hwy 10 where there would be a concern with overflow light would be 160ft away. So there shouldn't be any problem with offsite illumination and shining on adjacent principal structures which there aren't any for 1500 ft. There are some existing trees to the west and east side of the property. There are some trees in the perimeter of the property which will be preserved if possible. There is a lot of site grading to make stormwater ponds and access roads. There is an LP gas tank located on the west side of the property. Another gas line is drawn from Hwy 10 where they will try to tie into a natural gas line from Plum City or to the west. There is an above ground fuel tank located on the north side of the property. It will be used for onsite equipment instead of fueling trucks. It will have to comply with COMM 10 requirements as long as it's in excess of 110 gallons.

Staff Recommendation: Staff recommends the Land Management Committee consider the information provided in this report, the submitted site plan, as well as input from the public, to determine if any additions or modifications are necessary. Staff further recommends the following conditions be included in any approval:

1. The location of solid waste storage facilities shall be delineated. Jim sent some information off to consultants and they indicated the waste storage dumpsters will be located to minimize view.
2. Stormwater and high capacity well permits shall be secured from the WI DNR.
3. Conditional approval for the new building shall be secured from the Department of Safety and Professional Services and a copy shall be provided to LM staff. Construction cannot begin until a sanitary system is approved by the state and permitted by the county.
4. Applicant is aware that any on premise advertising will require the issuance of a land use permit and that any future buildings or additions will also require a county land use permit as well as site plan review by the LMC.
5. One handicapped parking space shall be designated near the main building entrance.
6. The outdoor raw sand stockpile shall be protected from erosive forces and shall not exceed 35 feet high.
7. A truck parking area(s) shall be delineated. There was a response that the open space along the access corridor will be used for occasional truck parking. They don't intend to keep trucks on site for an extended period of time. #7 can be eliminated.
8. Onsite fuel storage facility shall comply with WI Administrative Code COMM 10.
9. Drainage calculations for the stormwater treatment shall be submitted for review. Jim did submit some information with the packets that showed a little more detail on the stormwater pond and drainage culverts. One item that is upgraded; a temporary process water basin located directly south of the building is proposed to move to the southwest side of the property just beyond the access road.

If you look at the site contours, they have one foot contours coming down on the access roads on Hwy 10. Greg indicated that the driveway access will be paved. From where the truck turnout is, it's roughly 6% grade going down toward Hwy 10. In PCC Chapter 240-57 (I) it says all driveways shall be sloped down from the road edge for at least 20ft from the road edge so elevation of the driveway is at least 6 inches below the level of the road at a point 20ft from the edge of the road. Jim suggested incorporating PCC 240-57 (I) in the conditions. Mike Swobada stated the taller part of the building is on the south end.

Barkla moved to approve the site plan for a proposed sand processing facility for Greg Bechel with conditions #1 - #9 striking #7 & modifying #9 to read "Access driveway shall comply with Chapter 240-57 (I) of the Pierce County Code"/Sanden seconded. All in favor. Passed.

Discuss take action on a request for site plan review for expansion of the Team Oil Travel Center by Eric Huppert, owner on property located in the SE ¼ of the SE ¼ of Section 12, T27N, R16W, Town of Gilman, Pierce County, WI. Chairperson Fetzer invited Mr. Huppert forward: Mr.

Huppert stated they are adding on, expanding to the west of the existing store.

Staff Report – Brad Roy: The Huppert's own and operate Team Oil Travel Center. In 2006 the site was expanded to include a bank with drive-through service, touchless carwash bay, office/decal shop and storage area. The proposed expansion is a 60ft x 64ft addition to the west end of the existing structure for a Subway restaurant which Mr. and Mrs. Huppert will own and operate. The addition will have an 8ft awning which will also extend around part of the existing structure. The Subway will have entrances on the north and west sides of the building. The main entrance will be on the west side, by the main parking area. There will be 6 parking spaces by the entrance of the Subway, two will be handicap spaces.

Customers will also be able to move to and from the gas station from inside the building. The area for expansion is currently being used for parking. There are 109 existing parking spaces. The expansion will require 12 parking spaces to be moved, but the applicant estimates that a minimum of 107 parking spaces will remain when construction is finished. 107 parking spaces are more than required per individual use by Pierce County Code Chapter 240-54. Chapter 240-54(A)(5) goes into multiple uses and that the same parking space can simultaneously serve both uses. Then you can combine or minimize the total number required. The carwash and bank drive-through entrances are in the back of the structure. All parking reconfigurations will be done to allow for access to this area and to not disturb the existing traffic flow. There are two road access points on Hwy 29 and one on County Road CC. The location of the proposed restaurant will not obstruct any of the access points. There is a navigable waterway that runs behind the buildings, existing and proposed, on the east side of the property. The carwash and storage garage are located 41 feet from the ordinary high watermark of the waterway. Pierce County Code §240-28 allows for setback reductions. Staff inspected the site in July, 2005 and determined that new structures can be placed 40 feet from the ordinary high watermark. The new awning will be the closest part and will extend 46ft from the navigable waterway. The new buildings will connect with existing Village of Spring Valley water and sewer lines on the property. Lighting will be added to the new building. The new lighting will be consistent with the existing lighting pattern. No vegetation will be removed from the property.

Drainage on the property will remain the same. The proposed building has received State Department of Commerce approval. Signage shall be consistent with Pierce County Code.

Staff Recommendation: Staff recommends the Land Management Committee review the proposed site plan and determine if any changes or modifications to the plan are necessary.

Sanden moved to approve the site plan for expansion of Team Oil Travel Center for Eric and Michele Huppert/Rohl seconded. All in favor. Passed.

Discuss take action on a request for a rule exception to allow for an extension of Preliminary Plat approval on Whispering Pines for Jeff Oskey, Joyce Anderson and Lorelei Grines, owners on property located in the SE ¼ of the NE ¼, the fractional NE ¼ of the NE ¼ and the fractional NW ¼ of the NE ¼, all in Section 2, T24N, R18W, Town of Trenton, Pierce County, WI. Chairperson Fetzer invited Ms Anderson forward: Ms. Anderson stated that she is asking for an additional rule exception for an extension of preliminary plat approval because of the poor economy. There have been no

lot sales in Trenton. The only homes that are selling are deeply discounted or short sales. For them to complete the project that includes a lengthy road to be built up to County standards would cost them more than sales can generate. She is asking for another two year extension so the economy can turn around. Barkla asked whose judgment would determine when the economy turns around. At some point there has to be a finish to a project. Ms. Anderson stated she is frustrated too. The road is the big deal and a huge expense right now. If they don't get the extension they would lose about \$10,000 in fees and would have to figure out something else to do with the land. They had a really nice looking plan with three different park areas. She is hoping they don't have to do that today.

Staff Report – Emily Lund: The request is for a rule exception to allow for an extension of Preliminary Plat approval for Whispering Pines. The applicants received preliminary plat approval on Jan. 2, 2008 and were given 24 months to complete their subdivision before seeking final plat approval. Preliminary plat approval for the proposed Whispering Pines subdivision would have originally expired January 2, 2010. The applicants sought and received an extension of preliminary plat approval on September 16, 2009.

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

Rohl asked how long the extension would be for. Chairperson Fetzer stated for another 24 months.

Sanden moved to grant the rule exception to allow for an extension of Preliminary Plat approval for Whispering Pines for 24 months with the reasoning that we are in extraordinary economic times/Barkla seconded. All in favor. Passed.

Discuss take action on Travel/Training Requests. Pichotta stated there is a travel request for an educational seminar being held in Stevens Point on November 14, 2011 called Mining in Wisconsin - Issues facing County Government. Mr. Roy will be in attendance, one of the issues discussed will be Frac Sand Mining, the Local Perspective. It's a day trip, nothing overnight would be required. **Barkla moved to approve the travel for Brad Roy to Steven's Point on November 14, 2011/Rohl seconded. All in favor. Passed.** Barkla stated there is another travel request he would like to make the committee aware of for Mr. Pichotta on October 25, 2011. Mr. Pichotta has been asked to attend a training seminar in Eau Claire on the Budget Repair Bill and the future relationships with union members and supervisors.

Departmental Update and Future Agenda Items

There are a couple housekeeping items that look like they will be at the second meeting in November: Baseball field, Status report for County Materials and a Status report for Rudy Jungwirth.

Given that there no items for the next meeting we won't be meeting the 2nd of November but on November 16th.

Motion to adjourn at 07:48pm by Barkla/Rohl seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, October 19, 2011 – 7:00 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: November 2 nd & 16 th , December 7 th & 21 st (if necessary) all in 2011.	Chair
3	Approve minutes of the October 5, 2011 Land Management Committee meeting.	Chair
4	Public hearing to consider a request for a conditional use permit for accessory residence in the Primary Agriculture District for Michael & Karla Polk, owners on property located in the SW ¼ of the NE ¼, in Section 36, T26N, R18W, Town of Trimbelle, Pierce County, WI.	Lund
5	Public hearing to consider a request for a conditional use permit for an expansion of a nonconforming structure in the Rural Residential 20 District for Rodney Wicklund Jr, owner on property located in the SE ¼ and the NE ¼, in Section 14, T27N, R17W, all in the Town of Martell, Pierce County, WI.	Lund
6	Discuss take action on a request for site plan review for mining, accessory uses for a sand processing facility by Short Elliot and Hendrickson (SEH), agent for Greg Bechel, owner on property located on Lot 1, Certified Survey Map (CSM) V4, P165, in the SE ¼ of the SW ¼ of Section 7, T25N, R15W, Town of Union, Pierce County, WI.	Kleinhans
7	Discuss take action on a request for site plan review for expansion of the Team Oil Travel Center by Eric Huppert, owner, on property located in the SE ¼ of the SE ¼ of Section 12, Town of Gilman, Pierce County, WI.	Roy
8	Discuss take action on a request for a rule exception to allow for an extension of Preliminary Plat approval on Whispering Pines for Jeff Oskey, Joyce Anderson and Lorelei Grines, owners on property located in the SE ¼ of the NE ¼, the fractional NE ¼ of the NE ¼ and the fractional NW ¼ of the NE ¼, all in Section 2, T24N, R18W, Town of Trenton, Pierce County, WI.	Lund
9	Discuss take action on Travel/Training Requests	Pichotta
10	Future agenda items and departmental update.	Pichotta
11	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.

(10/07/11)

PIERCE COUNTY WISCONSIN
DEPARTMENT OF LAND MANAGEMENT & RECORDS

Pierce County Courthouse
414 W. Main Street P.O. BOX 647
Ellsworth, Wisconsin 54011
ZONING OFFICE 715-273-6747
PLANNING OFFICE 715-273-6746
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MINUTES - Pierce County Land Management Committee Meeting, October 5, 2011

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

Others: Andy Pichotta, Jim Kleinhans, Emily Lund and Shari Hartung

Absent: Paul Barkla, Don Rohl

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

Next meeting dates: October 19th, November 2nd & 16th, all in 2011.

Approve Minutes: **Sanden moved to approve the September 7, 2011 LMC minutes/Holst seconded.**

All in favor. Passed.

Public hearing to consider a request for a conditional use permit for Nonmetallic mining in the Agriculture Residential District for Norbert Kannel, owner, by Greg Bechel, agent, on property located in the NW ¼ of the NE ¼ and the NE ¼ of the NE ¼ of Section 24, T25N, R15W, Town of Union, Pierce County, WI. Chairperson Fetzer invited Mr. Bechel forward: Applicant was not present. Holst moved to table action until such time as the applicant is present/Sanden seconded. All in favor. Passed.

Public hearing to consider a request for a conditional use permit for sludge disposal in the Agriculture Residential District for Nestle Purina Pet Care Co, applicant by Cedar Corporation, agent on properties owned by Roger & Ronnie Dossdall, Kemmerer FMTR, Brad & Brian Kemmerer, Troy Kemmerer, Stanley & Catherine Kemmerer, Holst Farms Inc, MOAP LLC and Troll King LLC located in the NW ¼ and the W ½ of the SW ¼ of Section 6, E ½ and the SW ¼ of the SE ¼ and the SW ¼ of the SW ¼ of Section 7, the W ½ of the NW ¼ of Section 17, the E ½ and the SW ¼ of the NE ¼, N ½ and the SE ¼ of the SE ¼ of Section 18, T25N, R18W, all in the Town of Diamond Bluff and the E ½ of the NE ¼, the SE ¼ and the SW ¼ of Section 2, the W ½ of the NE ¼, the NW ¼, the N ½ of the SW ¼ and the N ½ of the SE ¼ of Section 11, the E ½ of the SE ¼ of Section 12, T25N, R19W, all in the Town of Diamond Bluff, Pierce County, WI. Chairperson Fetzer invited Nestle Purina & Cedar Corporation forward: Jeff Holst recused himself from discussion and voting due to possible conflict of interest. Dave Sauer, Cedar Corporation, agent for Nestle Purina, and Colin Cain, Maintenance Manager for Nestle Purina were present. Sanden asked if there is any surface water near the proposed spreading sites. Mr. Sauer explained that there is a whole set of setbacks from surface water. Those setbacks were noted all in the applications supplied to the DNR, they complied with all of the setbacks. Most were met indirectly by the steep slope conditions. They will be spreading only on slopes less than 12%. Sanden asked, for the record, if they would be spreading when it is frozen or snow covering more than 2% of the land. Mr. Sauer stated the plan is to start the third week in October and be done by deer season.

Staff Report – Emily Lund: This is a request for a conditional use permit for sludge disposal. Nestle Purina Pet Care Company previously obtained CUP's for sludge land spreading in 1997, 1999, 2001 and

2006. Located in Hager City, the pet food processing facility has two wastewater settling basins that need sludge material removed. It is estimated that 1.5 million gallons of sludge will be spread over approximately 1,327.8 acres at a rate of 10,000 gallons per acre. The seven different farm sites proposed are discussed in the staff report. The properties are all located in the Town of Diamond Bluff. The properties are all in the Agriculture Residential zoning district and are currently growing soybeans and corn. Surrounding land uses include agriculture, woodland, residential and industrial. The Diamond Bluff Town Board recommended approval of this request on 9-8-2011. The Town did not reference its Comprehensive Plan; therefore it is assumed that the plan is silent on this request. In cases where a Town's comprehensive plan does not provide guidance regarding a proposed use, the recommendation shall be advisory and non-binding. Pierce County Zoning Code Ch 240 Attachment 1:1 Table of Uses define sludge disposal as a conditionally permitted use in the Agriculture Residential zoning district. NR214.18(2)(f) indicated that sludge spreading sites are limited to slopes of 12% or less when the temperatures are above freezing and 2% or less when the ground is frozen or snow covered. Since the maps in the application include spreading on slopes >12%, the land spreading site maps need to be revised and approved by WI DNR. Maps have been updated and today we received approval from the DNR. They will not be spreading on land over 12% slope. The soils on each site that have 0-12% slopes are classified as Seaton silt loam, 2-12% slopes, moderately eroded. The remaining soils on the land are too steep for sludge spreading. There were no contracts with the land owners submitted with the application. The applicant is planning to land spread this year before it freezes with injection at a rate of 10,000 gallons per acre. Bids for contracted liquid waste applicators will take place on October 7, 2011. They are also taking bids for land spreading without injection, but the sludge would have to be plowed/disked into the soil per the WI DNR's conditioned time frame; about 8 hours after land spreading. The list of setbacks that the DNR requires for sludge spreading are:

- 250 ft other wells per WI Admin. Code NR812.08 and NR 214.18(2)(c).
- 500 ft from inhabited dwelling or reduced to 200 ft if incorporated into the soil and affected owners/occupants give their consent per WI Admin. Code NR 214.18(b).
- 50 ft from any surface water, dry run, or dry run with vegetative buffer per WI Admin. Code NR 214.18(d).
- 36 inches between ground surface and bedrock or groundwater per WI Admin. Code NR 214.18(g).

The applicant has modified the sludge spreading maps to include WI DNR setbacks. The sludge contains nitrogen, phosphorous and other nutrients that support plant growth. Soil and sludge testing were completed. The sludge application does not exceed the nutrient requirements of the soils. They only need 150 acres for actual sludge spreading. It is estimated that 1.5 million gallons of sludge will be spread on less than 1,327.8 acres that are available at a rate of 10,000 gallons per acre. It is recommended that the properties receiving sludge should update their NRCS 590 Nutrient Management Plan to reflect the new fertilizer and future fertilizer needs. For example, the amount of phosphorus applied to the land from this sludge would have enough to feed plants up to four years.

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

1. The applicant shall adhere to all conditions and recommendations of the WI DNR.
2. Applicant shall update the land spreading site maps to reflect required WI DNR setbacks and slopes. We can strike number 2; that has been completed.
3. Applicant should retain sludge spreading contracts with land owners.
4. Sludge shall be applied only during daylight hours.
5. Sludge application shall cease if the ground becomes frozen or too wet for land injection.

6. Field access points shall be protected to control field soils and sludge from being tracked onto public roads.
7. Sludge spreading locations need to follow all WI DNR specified slope and setback requirements (i.e. to wells, to dwellings, to surface water, to dry runs with or without vegetative buffers, to bedrock or groundwater).
8. Any damage to roads shall be the responsibility of the applicant.
9. Applicant shall contact the Land Management Department when sludge spreading begins.

Chairperson Fetzer opened the hearing to the public. James E. Larson, adjoining property owner to some of the sites, stated he missed the Town meeting and asked what is the term of the permit? Lund stated it's a one-time land spreading from mid October 2011 to third week in November. Mr. Larson voiced concerns about the make-up of the sludge, whether any of it was from poultry, the formulas as to how much can be applied, he questioned it being applied by knifing into the soil or spreading and tilled in, he is concerned about the odor and how long it will linger. He also questioned whether there had been a TCLP (Toxic Characteristic Leaching Procedure) done. Mr. Sauer stated there was an entire nutrient and metal test run on the sludge; all the tests have been completed with the DNR. Its food based, there aren't any heavy metals. Lund stated she has been speaking with the DNR, Pete Skorseth, she had similar questions for him. He stated that due to the contents in the actual sludge, there isn't going to be a lot of health issues because is has been settling in the lagoon and breaking down. There wouldn't be odor with the injection. The odor would be minimal if disked within 8 hours. At 10,000 gallons per acre the soil should absorb it within 8 hours also. All the sites have had soil tests because they all have nutrient management plans. Mr. Sauer stated 10,000 gallons per acre is about 1/3 inch of rain. It's going to be knifed in, not put on the surface. It's going to be incorporated in about 4 – 6 inches into the soil. Chairperson Fetzer stated they farm and inject all of their manure to minimize odor. It's better for nutrients to stay in the soil. Lund stated Pete Skorseth said the EPA is pretty much the WI DNR's boss on this issue and they are following what the EPA says. The results that are in here are based on EPA analytical methods and they have all been followed. Mr. Sauer stated the Nestle sludge is less than 5% of high quality sludge concentrations of some sludge with heavy metals. It's not an industrial sludge but more an organic waste used by the crops. It's what we have done before. Mr. Larson asked if someone could send him a report of the make-up of the sludge. Lund will get that information to him. Mr. Larson asked where the materials have gone in the past. Kleinhans stated in Trenton and some places in Hartland. It's been done about every six or seven years when the settling ponds need to be cleaned out. Mr. Larson asked if there was a reason they're going to Diamond Bluff. Mr. Sauer explained there is no particular reason but just went with people that expressed interest in receiving the material. Mr. Larson also asked who will be responsible for the transport of the sludge. Mr. Sauer said it will be under contract with Nestle Purina. It will be the same contractor they hire that will empty the lagoons, haul it and have a unit in the field to apply the material. Mr. Larson asked who will be the contractor and if they will have all the DOT licenses. Mr. Sauer stated they are taking bids on October 7th and that is the business the contractors are in. **Public hearing closed.** Sanden asked about the wells, since the aquifer was brought up, are they are abiding by the 250 ft setback? Lund stated that yes that is correct. **Sanden moved to approve the conditional use permit for sludge disposal for Nestle Purina Pet Care with conditions #1 - #9, striking #2, due to the fact this request is not found to be contrary to the public interest, nor detrimental or injurious to the public health, public safety or the character of the surrounding area/Aubart seconded. All in favor. Passed with Jeff Holst not voting.**

The first agenda item for nonmetallic mining for Greg Bechel, agent for Norbert Kannel, owner, is being brought off the table, Sanden moved/Holst seconded. All in favor. Passed. Chairperson Fetzer invited Greg Bechel forward: Mr. Bechel explained they have been extracting some clay at Norbert Kannel's for a while on a smaller scale. The had been keeping disturbance to under 1 acre and had exceeded that when they were upping production so Jim said they needed a conditional use permit and that is why they are here. They haul the clay down to the sand mine in Maiden Rock. They use it for building ponds to hold the water back. There isn't a lot left here. They will probably be done next

summer. As far as the exposed utility line, that is what they wanted us to do. We dig it out and throw it along the side. We excavate out and the utility comes back and plows it back in. The fiber optic one is deeper in the soil this is an old copper line. They are doing reclamation as they go. Mr. Kannel has already planted soy beans in the part that was done. They are just matching it in with the road ditch. There are two plans; they are hoping to use the plan that allows them to go right up to the road ditch instead of having the ditch in there. Sanden asked if this was in operation between December 2010 and September 2011. Mr. Bechel stated yes. Sanden asked while the delay in asking for the conditional use permit. Mr. Bechel stated they went over there one-acre limit. They wanted to go right up to the road and get it done. They had an engineer draw up the plans. They want to do it right.

Staff Report – Emily Lund: This is an after-the-fact conditional use permit request for nonmetallic mining. Mr. Kannel owns property south of Hwy 10 and Mr. Bechel is the current operator on the site. The clay soils are used for pond/dike construction at the Maiden Rock sand mine. They have been operating without a CUP. Since December 2010, the Department has requested a CUP application for this use and received the application September 2, 2011. Approval from the WI DNR is also needed since ground disturbance exceeded one acre. A cease and desist order was issued because their mining operation began encroaching setbacks of both Hwy 10 and the neighboring residence. Their CUP request contains Option A and Option B for the committee’s consideration. The property is located in the NW ¼ of the NE ¼ and the NE ¼ of the NE ¼ of Section 24, Town of Union. This and surrounding properties are in the Agriculture Residential zoning district. Surrounding land uses include agriculture, woodland and residential. The mining site is approximately 5 acres in size. Access to the mining site is through Mr. Kannel’s residential and farm site driveway onto Hwy 10. Mineral extraction has occurred intermittently for several years but intensified over the past months. Two plans for excavation have been provided for consideration: Plan A would result in more limited excavation than would Plan B. Plan B would result in greater excavation – including up to the highway right of way. The Town of Union recommended approval of this request on 6-13-2011 and stated that looking at the location of the project, the Town recommends going with “Plan B”. The Town has not adopted a Comprehensive Plan. Technical information submitted includes 2 plans showing existing site conditions and proposed grades represented by two foot contours. No benchmark was established to confirm site conditions. The Hwy 10 right-of-way extends 70 feet south of the centerline. Recently staff found utility lines exposed at which point the cease and desist order was issued. The reclamation plan calls for restoration of this field back to agriculture as the completed portion of this project has been restored. A bond is required based on the amount of disturbance. The mining reclamation policy states that a mine must be restored to slopes of 3:1 or less consistent with the mining policy. The plan states the site will be finished on slopes of less than 4:1 to be utilized for farming. The county nonmetallic mining policy states that in no case will extraction activities be permitted within 200 feet of any existing residence nor within 100 feet of property lines. In this instance, there is no blasting required to extract the mined materials. The work is completed with trucks and backhoes so the potential harm to structures and wells is minimized. The biggest potential for impact to adjacent residences is from dust and noise. The policy states further that setbacks shall be established based on consideration of site specific criteria. Policy requires property line setbacks of 100 feet. Existing excavation is to property lines and State Highway ROW. The adjacent residences located at W202 and W196 Hwy 10 are 145 and 155 feet respectively from the proposed limits on mining plan B. It is apparent the excavation encroaches on the state highway right-of-way. Mr. Kannel’s residence is located approximately 100 feet from the extent of the mining operation. There are wells on each surrounding residential property but they are not identified on the site plan. Hours of operation are not listed. There is no record of lease or agreement with Mr. Kannel. No screening along the state highway was established or proposed per Section 240-31 (landscape buffers).

Staff Recommendation: Staff recommends the Land Management Committee approve this conditional use permit if the committee finds the use not contrary to the public interest, detrimental or injurious to the public health, public safety or character of the surrounding area for a nonmetallic mining operation with the following conditions:

1. Hours of operations shall be _____. Determined by committee

2. Property line setbacks shall be _____. Determined by committee
3. Setbacks from existing residences shall be _____. Determined by committee
4. A reclamation bond shall be required for the project in the amount of \$2500.
5. A reclamation plan that is consistent with the requirements of Chapter 241 shall be approved by the Zoning Office. A plan review fee shall be submitted with the plan. Reclamation of the mine shall adhere whichever plan the committee approves.
6. Any unforeseen erosion issues shall be addressed to the satisfaction of the Zoning Office or the Land Conservation Department.
7. Applicant shall receive all necessary permits from the DNR for stormwater control.
8. 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.
9. The initial land use permit fee for nonmetallic mining is \$1,000 based on the Department fee schedule.
10. A benchmark to verify final site grading shall be established.

Chairperson Fetzer opened the hearing to the public. Travis Breunig, lives across the street and is the closest neighbor to this mining operation, one of his concerns is the hours of operation. He stated most the time it is overnight and it keeps his family awake. They would propose non-mining hours of 10:00pm to 6:00am. Also when they are breaking the frost it's shaking their house. So he would disagree with Plan B because it's closer to the road and it will disturb them more. **Public hearing is closed.** Sanden asked if the utility company had been contacted to verify the information. Holst stated usually with a utility they will contact you if you break a line. Mr. Bechel stated they came out and contacted Steve. Sanden asked if Plan B violates any County 100 foot setback from property lines since it's going all the way to the road. Lund stated they are 70 feet and we have a 100 foot setback. Kleinhans stated the last line of our policy states setbacks should be set based on site specific criteria. The 100 foot is a guide. Holst stated when you drive by that property it's a better use of the land to slope it with the same slope from the road right-of-way. Sanden asked is it more of a ditch along the road. Mr. Bechel stated it was a hump. Holst stated they are taking it off and it looks pretty good. If they continue along that route, it would be beneficial to the public as well. Sanden asked about a screening plan per Chapter 240-31, if we were to require that would it be an independent plan or rolled into the reclamation plan done after-the-fact. Kleinhans stated if the committee wants to see something to screen it along the road then it should be made a condition. Pichotta stated the screening would be more during active operations rather than after their done mining. It's intended to mitigate the impacts from the activity from neighboring properties. As far as setbacks, the 100 feet to property lines, what that is intended for is to make sure someone doesn't have a smaller acreage lot and have high walls right up to the edge of their property lines. So if someone steps off their property they don't fall in a hole and the 3:1 is so they will roll down instead of falling down. Aubart asked if staff favored one plan over the other. Lund stated no. Pichotta stated the Town favored Plan B and the Town has a representative here. John Krings, Town of Union, stated Norbert Kannel favored Plan B also. Mr. Bechel stated they hope to be done in a year and they don't need to operate at night. They hope not to be back in the winter time. Chairperson Fetzer asked if the committee would like to discuss hours. Sanden suggested 6:00am to 10:00pm. He asked if property line setback is 70 feet? Kleinhans stated they are already at the road right-of-way. Lund stated that would be a zero foot setback then. Holst noted that the setbacks are site specific so you don't have to worry about setting precedence. Sanden asked if there are any residences within 200 feet. There are two of them one at 155 feet and one at 145 feet. **Sanden moved to approve the conditional use permit for nonmetallic mining for Norbert Kannel, owner, Greg Bechel, agent with conditions #1 - #10, with hours of operation 6:00am – 10:00pm, property line setbacks shall be zero feet, setbacks from existing residences shall be 140 feet not including Mr. Kannel's residence, with Plan B due to the fact this is not contrary to the public interest, nor detrimental or injurious to the public health, public safety or character of the surrounding area/Holst seconded. All in favor. Passed.**

Public hearing to consider amendments to Chapter 238 of the Pierce County Floodplain Ordinance.

Staff Report – Jim Kleinhans: In 2004 we adopted the model floodplain ordinance and since then there have been some minor amendments to that code. When we submitted our text amendments for adopting the new digital flood insurance rate maps, DNR folks said we needed to do some more changes in order for them to certify the ordinance. This should all be done before November 16, 2011. We have identified the list of things they wanted to see changed. Some are just a couple words, change chapter to ordinance and statute references that have changed, added a section about platting to list the floodplain, standards for development of floodway areas we've restructured some of the sentences, standards for development in flood-fringe areas we've talked about a dollar figure and square footage size, I don't know if it's real popular with Zoning offices around the state. We do typically have dollar figure limitations in floodplain buildings for modifications. It limits folks on the amount of work they can do on their homes. The next section talks about modification in additions to nonconforming structures, reworking the language. For nonconforming structures, getting into structural damage and substantial damage claims, they want offices around the State to do this. Chapter 238-33A talks about Floodway areas, there is some language added there to deal with the foundations of flood protection and modifications they would like to see to buildings to lessen the impact on foundations; also using the bottom of buildings for parking and limited amount of storage to reduce property damage. Flood fringe area, changed the language to "equals or exceeds". They are asking the Zoning Administrators to do some damage assessments after we do have a flooding event. That will be a good thing to have in the code. We can go out to a property that has established some damage; we can state we are authorized by the code. Land Use Permits, they want us to reference North American Vertical Datum instead of National Geodetic Vertical Datum because the new floodplain maps are going to be based on the North American Vertical Datum from 1988. Under floodproofing, they had us eliminate a section because it's covered under Section 238-32B(4). On violations, they want us to reduce the value of the violations if we write tickets to be consistent with state statutes. On the last page they want us to change and add a couple definitions: camping unit, deck, mobile recreational vehicle, North American Vertical Datum and Subdivision.

Staff Recommendation: Staff recommends the Land Management Committee approve proposed amendments to Chapter 238 and forward a recommendation to the County Board of Supervisors.

Chairperson Fetzer opened the hearing to the public. Bill Herbison, lives on Plum Creek and totally opposes the map amendment; it includes part of his heifer shed which will require them to take out flood insurance on the entire home site. The farm has been in the family since 1836 and it has never flooded. The road, 330th Avenue was brought up about 6 feet in about 1930 and the creek has never even gotten to the bottom of the road. They have another place that is also now in the floodplain. He asked about nonconforming and if something happened to the heifer shed if they could replace it. Kleinhans stated he would be limited in the amount of money that could be put into the building. Fifty percent of the current equalized assessed value. Kleinhans stated he wrote letters to the property owners that are now in the floodplain explaining that they could either get preferred risk policies prior to the map being adopted or do a Letter of Map Amendment (LOMA). We have sent letters with the discrepancies and they wouldn't fix them. It's going to take a surveyor to fix it. The part that Mr. Herbison is looking at is mapping and that has been approved at a previous meeting, this is text amendments. It's a mandated program. John Krings, Union Supervisor, we have a problem with the mapping. Nuggett Lake was built in 1973 and there has never been any flooding. Holst stated this is typical of the State to dictate what we adopt and leave us in a hands tied situation. We put the rest of the County at risk if we don't adopt it. **Public hearing closed. Holst moved to approve proposed amendments to Chapter 238 of Pierce County Floodplain ordinance and forward a recommendation to the Pierce County Board of Supervisors/Sanden seconded. All in favor. Passed.**

Discuss take action on renewal of a conditional use permit for filling and grading in the floodplain Theresa Sullivan, owner on property located in the NE ¼ of the SE ¼ of Section 24, T24N, R16W, Town of Maiden Rock, Pierce County, WI. Chairperson Fetzer invited Ms Sullivan forward: Ms Sullivan stated she was here two years ago and was granted the conditional use permit. She intended to do

it this summer but it got too late to do the driveway so she is hoping to extend it a couple years. She intends to do it next year but would like to extend it for two years just in case.

Staff Report – Jim Kleinhans: Ms Sullivan contacted our office knowing the permit was going to expire. She gave a brief narrative and based on economic conditions, she requested we extend her permit. I filled in what the permit was all about and listed the conditions #1 - #6 of the committee approval from 2009.

Staff Recommendation: Staff recommends a 2 year extension with the same conditions.

Holst moved to approve the renewal of the conditional use permit for filling and grading in the shoreland floodplain district for two years with the existing conditions/Sanden seconded. All in favor. Passed.

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

Departmental Update and Future Agenda Items

Public hearing request for expansion of a nonconforming structure in the Town of Martell

Public hearing request for an accessory residence in the Town of Trimbelle

Pichotta noted that Chippewa Valley Energy had deviated from the stormwater plan that was submitted; the consultant didn't take into consideration a 24inch pipe under Hwy 72, the contractor made some adjustments that aren't going to work. We need to see a new plan submitted that will keep the water that comes under the road in the ditch and move it offsite. The water on the site itself will go into a settling pond. Holst questioned why it has to come back to the committee. Pichotta stated that it wouldn't necessarily have to come back to the committee. Pichotta noted that the primary purpose is identify strategies to mitigate offsite impacts. He stated he is looking for guidance from the committee as to whether they want to see this again, noting that the DNR and Land Conservation Department, as well as our Department will be involved. Chairperson Fetzer stated they should know what they are doing, as long as it's done to DNR standards, we should be fine.

Motion to adjourn at 08:15pm by Holst/Sanden seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, October 5, 2011 – 7:00 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: October 19 th , November 2 nd & 16 th , all in 2011.	Chair
3	Approve minutes of the September 7, 2011 Land Management Committee meeting.	Chair
4	Public hearing to consider a request for a conditional use permit for Nonmetallic mining in the Agriculture Residential District for Norbert Kannel, owner, by Greg Bechel, agent on property located in the NW ¼ of the NE ¼ and the NE ¼ of the NE ¼, of Section 24, T25N, R15W, Town of Union, Pierce County, WI.	Roy
5	Public hearing to consider a request for a conditional use permit for sludge disposal in the Agriculture Residential District for Nestle Purina Pet Care Co, applicant by Cedar Corporation, agent on properties owned by Roger & Ronnie Dosdall, Kemmerer FMTR, Brad & Brian Kemmerer, Troy Kemmerer, Stanley & Catherine Kemmerer, Holst Farms Inc, MOAP LLC and Troll King LLC located in the NW ¼ and the W ½ of the SW ¼ of Section 6, E ½ and the SW ¼ of the SE ¼ and the SW ¼ of the SW ¼ of Section 7, the W ½ of the NW ¼ of Section 17, the E ½ and the SW ¼ of the NE ¼, N ½ and the SE ¼ of the SE ¼ of Section 18, T25N, R18W, all in the Town of Diamond Bluff and the E ½ of the NE ¼, the SE ¼ and the SW ¼ of Section 2, the W ½ of the NE ¼, the NW ¼, the N ½ of the SW ¼ and the N ½ of the SE ¼ of Section 11, the E ½ of the SE ¼ of Section 12, T25N, R19W, all in the Town of Diamond Bluff, Pierce County, WI.	Lund
6	Public hearing to consider amendments to Chapter 238 of the Pierce County Floodplain Ordinance.	Kleinhans
7	Discuss take action on renewal of a conditional use permit for filling and grading in the floodplain Theresa Sullivan, owner on property located in the NE ¼ of the SE ¼ of Section 24, T24N, R16W, Town of Maiden Rock, Pierce County, WI.	Kleinhans
8	Discuss take action on Travel/Training Requests	Pichotta
9	Future agenda items and departmental update.	Pichotta
10	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.

(9/23/11)

PIERCE COUNTY WISCONSIN
DEPARTMENT OF LAND MANAGEMENT & RECORDS
Pierce County Courthouse
414 W. Main Street P.O. BOX 647
Ellsworth, Wisconsin 54011
ZONING OFFICE 715-273-6747
PLANNING OFFICE 715-273-6746
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MINUTES - Pierce County Land Management Committee Meeting, September 7, 2011
Present: Joe Fetzer, Paul Barkla, Jeff Holst, Don Rohl and Eric Sanden
Others: Andy Pichotta, Jim Kleinhans, Emily Lund and Shari Hartung
Chairperson Fetzer called the Pierce County Land Management Committee meeting to order at 7:00 pm in the County Board Room, Ellsworth, Wisconsin.
Next meeting dates: September 21st, October 5th & 19th, all in 2011.
Approve Minutes: **Barkla moved to approve the August 17, 2011 LMC minutes/Rohl seconded. All in favor. Passed with Joe Fetzer not voting because of absence at the last meeting.**

Public hearing to consider a request for a conditional use permit for expansion of a nonconforming structure in the Agriculture Residential District for John & Karmen Freund, owners on property located in the NW ¼ of the NW ¼ in Section 8, T25N, R15W, Town of Union, Pierce County, WI. Chairperson Fetzer invited Mr. & Mrs. Freund forward: Mr. Freund explained that they would like to add a deck onto the east side of the house. It will be 8 feet further back than the house already is from the setback.

Staff Report – Emily Lund: The applicants propose to add a 14ft x 16ft deck to the east side of the house. It won't be encroaching the road any closer. The property is located in Section 8 in the Town of Union and is zoned Agriculture Residential. There is information regarding Pierce County Code on Highway setbacks and additions or extensions for existing nonconforming structures, also conditional use permit requirements in the staff report. The Town of Union recommended approval of this request on 8-8-11 without specific conditions. The Town has not adopted a Comprehensive Plan. The septic system is to the east side of the house, but the deck construction will not encroach on the septic system. No renewal would be necessary for this request.

Staff Recommendation: Staff recommends the Land Management Committee determine whether the construction of the proposed addition would be 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 approve this conditional use permit with the following conditions:

1. The applicant shall work with the local building inspector, Todd Dolan, to determine whether a permit from the town is needed and to ensure compliance with the Uniform Dwelling Code (UDC) requirements.

Chairperson Fetzer opened the hearing to the public. No public comment. Public hearing closed. Holst moved to approve the conditional use permit for expansion of a nonconforming structure for John & Karmen Freund, due to the fact this request is not found to be contrary to the public interest, nor detrimental or injurious to the public health, public safety or the character of the surrounding area, with condition #1/Sanden seconded. All in favor. Passed.

Public hearing to consider a request for a conditional use permit for expansion of a nonconforming structure in the Rural Residential 20 District for Patrick & Kristin Lynner, owners on property located in the NE ¼ of the NE ¼ of Section 1, T24N, R18W, Town of Trenton, Pierce County, WI. Chairperson Fetzer invited Mr. & Mrs. Lynner forward: Mr. Lynner explained they have a 14 foot by 23 foot attached garage they would like to expand to 30 foot by 31 foot double car garage and 8 foot by 16 foot mudroom. It encroaches on Cty Rd C by 13 feet and the Town Rd by 8 feet. Sanden asked if the expansion is in width and length and not in height. Mr. Lynner stated not in height.

Staff Report – Emily Lund: They will be encroaching on the vision clearance triangle also which their house currently is not in. The property is located in Lot 11, Block G, Webergs Pine View Addition in Section 1, Town of Trenton and is zoned Rural Residential 20. Pierce County Code, Highway setback and Vision Clearance Triangle background information is provided in the staff report. Holst asked if there is a stop sign on 161st St. Mr. Lynner stated yes. Lund explained Pierce County Code Attachment 2: Table of Dimensional Requirements of impervious surface is 40%. The current impervious area is approximately 33.7%, with the addition the impervious area would be 36.1%. They are still under that requirement. The Town of Trenton Plan Commission recommended approval of this request on 8-4-11. The Trenton Town Board approved this request on 8-10-11 without specific conditions. The Town did not reference its Comprehensive Plan, so it is assumed that the plan is silent on this request. The septic tank and drainfield are located on the southwest portion of the lot. The shared well is located on the northwest part of the lot. Both the septic and well are not located near the proposed addition. No renewal would be necessary for this request.

Staff Recommendation: Staff recommends the Land Management Committee determine whether the construction of the proposed addition at the proposed location would be 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 approve this CUP with the following conditions:

1. The applicant shall work with the local building inspector, Galen Seipel, to determine whether a permit from the town is needed and to ensure compliance with the Uniform Dwelling Code (UDC) requirements.

Chairperson Fetzer opened the hearing to the public. No public comment. **Public hearing closed.** Sanden asked if the County has any precedence on encroaching on the vision clearance triangle of a County Hwy. Kleinhans stated that in this case the building will not be out near the highway. There is a wooded area near the intersection and a controlled access. Chairperson Fetzer asked if there is a speed limit on that road. Mr. Lynner stated it is 45mph. **Barkla moved to approve the expansion for a nonconforming structure for Patrick & Kristin Lynner, due to the fact this request is not found to be contrary to the public interest, nor detrimental or injurious to the public health, public safety or the character of the surrounding area, with condition #1/Rohl seconded. All in favor. Passed.**

Public hearing to consider a request for a rezone from Agriculture Residential to Industrial by Greg Bechel, owner on property located in Lot 1 of Certified Survey Map (CSM) V4, P165, in the SE ¼ of the SW ¼ of Section 7, T25N, R15W, Town of Union, Pierce County, WI. Chairperson Fetzer invited Mr. Bechel forward: Mr. Bechel presented a newer map to each of the committee members. They would like to rezone the east side of the property to Industrial to match the west portion so they can expand a washing and screening facility there. Most of the buildings will be on the west side of the property but the parking area, stormwater ponds are on the same property, and it should be included in the Industrial District.

Staff Report – Jim Kleinhans: The property has been utilized for residential, wood saw mill and implement dealer since the early 1990's. The property had been zoned commercial prior to 1998. In 1993 the property owner requested a map amendment to remove the commercial zoning on the east half of the lot in order to permit the existing residence. In 1998, the Town of Union supported the west half of the property being zoned Industrial. Mr. Bechel recently purchased the property with the intent to process sand from his nonmetallic mining facility in Pepin County. The residential building will be relocated to

another property. Because the east half of the property will provide support and parking for the Industrial processes a map amendment was recommended. The property is along Highway 10. It has two addresses; one is for the dwelling and one for the industrial use. There is a well, septic system, dwelling and industrial buildings on it. Adjacent zoning districts are Industrial and Agriculture Residential. Pierce County Comprehensive Plan states: The County will approve rezonings 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. In such cases, Pierce County will solicit a non-binding town recommendation regarding the proposed rezone. The Town of Union Board of Supervisors recommended approval of this request to change the zoning from Agriculture Residential to Industrial. The Town of Union does not have a plan so we will refer to the County's Plan to lend support for this rezone. Things that we consider include Goals, Objectives and Policies: Encourage industrial development in appropriate locations within Heavy Transportation Corridors, Encourage the location of commercial and industrial development in accordance with sound land use principles, Encourage the preservation and function of existing business districts, Encourage the use of land that adjoins or is in proximity to significant transportation facilities to association with and benefit from these facilities. The map that was presented was put together by staff from Short Elliot and Hendrickson (SEH). Consultants are in the room and can respond to any issues you have with the layout. After the rezone request, we will entertain a conditional use permit request for development of that site. The soils are silt loam on slopes ranging from 2 to 12 percent. The Department of Transportation's comments regarding the driveway access to the site include a type B1 intersection based on the proposed use.

Staff Recommendation: Staff recommends the Land Management Committee determine whether this rezone request is consistent with Pierce County's comprehensive plan. Staff suggests that the Town of Union's support for the request be taken into consideration when determining consistency. If it is determined to be consistent, staff recommends the LMC approve this proposed rezone and forward a recommendation to the County Board of Supervisors.

Chairperson Fetzer opened the hearing to the public. Lalia Martin, neighbor behind the property stated she wasn't notified. She has concerns about the safety and pollution issues and feels it will take away from the scenery. Sanden asked if she lives within 300 feet of the property. Ms Martin stated no. John Krings, Union Town Supervisor, stated it was on the agenda and posted in three places. Ms Martin asked about the water table and how much water is this going to take. Kleinhans stated the next agenda item will address those issues. We will be looking more at the site and the high capacity wells. There is going to be a large building, some transfer and some stockpile. There will be site plan review after the rezone is complete. Ms Martin asked about the traffic, wear and tear on the roads. Kleinhans stated we wouldn't rezone a site to industrial that isn't along a state highway because those roads are designed to handle the traffic. The truck traffic will increase for this facility from Pepin County. What our committee has to look at is what our comprehensive plan states about rezones and deal with that. Then in the next public hearing we look at how the conditional use permit will be reviewed under our code and try to protect public health, safety and welfare of the surrounding citizens and character of the area.

Chairperson Fetzer closed the public hearing. Sanden asked Jim, it's along a state highway, it's adjacent to an already existing industrial zone, seems like it fits very well, have there been any complaints about the current industrial operations. Kleinhans stated no, the wood mill has been slowly going by the wayside. They use to have a kiln there drying wood and that would have produced some smoke. He measured the closest residence to this facility and its 1500 feet away. Under our conditional use permit we have to have a minimum separation of 1000 feet. So this exceeds the minimum of our ordinance. **Sanden moved to approve the rezone request from Agriculture Residential to Industrial for Greg Becheland forward a recommendation to the County Board of Supervisors, determining that it is consistent with the Pierce County Comprehensive Plan and has the support of the Town of Union/Barkla seconded. All in favor. Passed.**

Public hearing to consider a request for a conditional use permit for Mining, accessory uses, for Greg Bechel, owner on property located in Lot 1, Certified Survey Map (CSM) V4, P165, in the SE ¼ of the SW ¼ of Section 7, T25N, R15W, Town of Union, Pierce County, WI. Chairperson Fetzer invited Mr. Bechel forward:Mr. Bechel stated that they want to try and enclose everything they can. It will look like a big building with a blacktop driveway. Mike Swoboda and Dan Hedrington are here from SEH. We would like to set the bar on how an industrial property should look on a state highway. The outside sand storage pile will be at its largest during the time of road restrictions in the spring. The pile won't be that big during the summer. Sanden stated this isn't actually expanding the mining it will just be processing. Mr. Bechel stated yes, it's just the processing facility. Once it's all landscaped and done, they won't be moving any dirt except the sand coming in and going out. Holst stated the stockpile is approximately where the old woodchip pile was. Mr. Bechel stated yes. We want to keep it as far back on the property as we can. We will be bringing raw material in on quad-axle trucks and will be using semis to haul the dry product out. Holst stated it's an 80,000 pound road, and asked why are he is concerned about road restrictions. Mr. Bechel stated the restrictions would impact him in Pepin County where the mine site is. There will be a drive-over ramp to dump into and it will go inside to process. It will be for frac and industrial use.

Staff Report – Jim Kleinhans: Greg recently purchased this property in the Town of Union for which he is pursuing a map amendment and a conditional use permit for a sand processing facility. It's to support a nonmetallic mine facility located in Pepin County. He chose the location based on its availability, location along a state highway corridor and the existing site conditions. The Town of Union Board of Supervisors has recommended approval of this request. The Town has not adopted a Comprehensive Plan so the Town's recommendation should be considered advisory. Adjacent land uses include agriculture, woodlands and several residences located in excess of 1500 feet from the proposed facility, which will meet our separation distance for nonmetallic mining accessory uses. The home is intended to be moved to another location in the Town. Jim estimated the adjacent woods on the east side of this facility has trees exceeding 60 feet in height which provides a fair buffer. The proposed use is a nonmetallic mineral processing facility. Sand will be trucked to the site, off-loaded, conveyed to a raw sand stockpile, then dried and processed for sale. The sand will be moved through a building and loaded on a truck and hauled to Eau Claire or Nelson. An updated plan view of the facility was provided by Short Elliot and Hendrickson with some modifications made. A high capacity well would be needed and they will be putting in some water-use facilities. There are two such sand mine processing plants in Pierce County; one in Maiden Rock and one in Hager City. The one in Hager City was zoned industrial and went through this process with a conditional use permit. There is an issue with the building height. It will exceed 60 feet which is a limitation from this committee so they will need to go to the Board of Adjustment for a variance for the height of the building and the conveying system for sand. Proposed hours of operation are expected to be 12 hours per day generally 6:00am to 6:00pm for quad-axle truck traffic. Then semi-trucks that haul the final product will spread out over 20 hours per day. The application was unclear if trucking operations would be six or seven days a week. The committee can take a look at this. The Department of Transportation has determined the driveway access will need to be modified to a class B1 intersection at the entrance to provide a turn lane from the east to the west. The Department of Safety and Professional Services will need to review building plans due to the size of the processing plant. The Department of Natural Resources will be responsible for permitting the high capacity well and issuing storm water permit for the development of the site.

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

1. A site development plan shall be approved by the LMC to verify compliance with zoning regulations.
2. The high capacity well and grading/stormwater permit shall be permitted by Department of Natural Resources prior to construction.

3. Approval of a commercial driveway access shall be obtained from Department of Transportation and installed prior to the use being established.
4. Buildings shall be approved by the Department of Safety and Professional Services prior to construction.
5. Any proposed onsite sanitary facilities shall comply with state and county sanitary regulations.
6. The use shall be established within 12 months of approval.
7. The conditional use permit shall be renewed in 2 years and may be completed administratively if no complaints are reported.
8. Activities shall be conducted consistent with the submitted application.
9. Applicant understands that expansion or intensification for this use will require modification to this conditional use permit.
10. Raw product and load out stockpiles shall be limited to 35 feet in height above grade.

Chairperson Fetzer opened the hearing to the public. John Krings, Supervisor for Town of Union stated he has a question about the wind, in Chippewa County they have to wet down the stockpiles. Will that happen here? Mr. Bechel stated there are wells on the property so water is available and on the conveyors that pile it up you can put a canon on it, so it sprays the piles. Mr. Krings asked how many weeks they would have it piled. Mr. Bechel stated in the spring of the year it would be at full capacity. In the summer, we would probably only have a weeks worth there to keep ahead. It's not processed yet so it won't blow away like the dry stuff does. Holst asked about the by-product. Mr. Bechel stated trucks will haul it back to the site. Holst asked if they would be hauling wet by-product or dry by-product. Mr. Bechel stated it will be semi-wet but not water running out of it. Mr. Swoboda stated the way this deposit lays it will come out of the ground at 3-4% moisture so the waste product will be wetter than that because it's going to have gone through a wash process already. If it takes a week to haul out of there it will have drained to 5-6%, not dripping. Mr. Hedrington stated it goes through a dewatering process before it goes out in that bin. Holst asked if the site is internally drained. Mr. Hedrington stated everything goes to the storm water pond. Sanden stated addressing the wind issue, south of Spring Valley they had an issue where their conveyor wasn't adjustable. Would yours be? Mr. Swoboda stated all the equipment hasn't been purchased yet. Sanden stated that would be a way to avoid any potential complaints. Mr. Hedrington suggested that the conveying system is going to be at an angle; maybe it could be a tube or sock that could control it and drop it to the pile. If you could recommend a drop sock or equivalent equipment to control the dust, then we have an opportunity to fit the equipment to the best situation. Mr. Freund stated he was at the Town meeting, he had asked if the neighbors had been notified and Mr. Bechel said they had not. It was brought up these people were not closer than 300 feet. So he is concerned about something with the size and scope of this operation, there are a group of people that are going to be affected by it but not within 300 feet. His second concern is the air quality, not so much the wind or dust but what's in it. Nothing has been offered to the local community, the people that are going to be breathing this in, as to how safe it is. Mr. Hedrington stated the air permits are required for this facility at the wet end and at the dry end. The permits themselves will encompass cumulative dust from access roads, stockpiling, loading ports, the equipment itself. Part of the reason the Bechel's have decided to put it all inside is because you can control it that much easier. The DNR does have full authority and approval jurisdiction over the discharge permits. The DNR does watch it very tightly. Mr. Freund asked if they are involved with other issues like this and if there have been any complaints. Mr. Hedrington stated he will answer to the best of his ability. Every one of the projects in Wisconsin that is being constructed passed easily within the emissions controls and the requirement of discharge. The DNR has said in some cases, because of very close proximity to houses, let's do on-site monitoring. All of the plants are still operating and haven't had any discharge issues that he is aware of. Sanden state if the conditional use permit is granted it will be up for renewal in two years so the public can be our eyes and ears. If there is an issue, make it known to the County and the committee. Mr. Freund stated we are still not being told the parts per billion that we are putting in the air; this is a safe level, this is a dangerous level. Mr. Hedrington stated that the DNR watches us. They are telling us what our limits are. On this facility DNR is all over air discharge. Chairperson Fetzer asked if they come out and do air quality tests. Mr. Hedrington stated the

permitting process involves us modeling it with the exact equipment that is being utilized and the exact procedures that are being completed in order to process it. Then they will model it and say whether they agree with our discharge calculations. They have an opportunity to do public hearings again. Mr. Freund stated that you have no plans to share that information with the community right now? Mr. Hedrington stated that if this wasn't on the safe side the DNR wouldn't have approved it now. The models haven't been done, the way this process works, in order for Greg and their company to move forward in this process; we have to take certain steps first. If they don't get the conditional use permit or the rezoning, why take the next step. We haven't applied for the air permit yet. But there is no justification for doing it. Chairperson Fetzer stated he has been to the Maiden Rock plant, the DNR or whoever sets the standards for the amount of particulate or the fugitive dust that's allowed out there, they are at a minuscule point to what's actually allowed. Mr. Freund asked when that information would be available. Mr. Hedrington stated when the DNR is reviewing the air permits you will be given the same opportunity to speak. They will have a public notice and the whole thing. Chairperson Fetzer asked Mr. Bechel if they would be willing to touch base with the Grange Hall area. It would be great to be open. John Krings, Union Township Supervisor, stated that was brought up about the neighbors. Kleinhans stated we have a minimum separation of 1000 feet from the facility. Based on what he measured, everyone meets that and exceeds that. We notified everyone within 300 feet. Holst stated we've had other instances where people didn't understand the process, it's advantageous for Mr. Bechel to keep his neighbors happy and well informed. The community would form a group that would talk to Mr. Bechel about issues that arose and he could cut them off at the pass. An educated community is usually a well informed and happy community. It's beneficial to all parties to have an open line of communication. Kleinhans stated to Mr. Freund that the Dept of Natural Resources just released a study on the affects of silica sand. He can include it with the approval of his conditional use permit and Mr. Freund can share it with his neighbors. **Public hearing closed. Sanden moved to approve the conditional use permit for mining, accessory uses for Greg Bechel with conditions #1 - #10, adding condition #11 Drop sock or equivalent equipment to reduce potential of blowing dust will be included on conveyor system, due to the fact this is not found to be contrary to the public interest, nor detrimental or injurious to the public health, public safety or the character of the surrounding area/Holst seconded and amended condition #2 to add "and air discharge permits" along with the well, grading/stormwater permits. All in favor. Passed.**

Public hearing to consider adoption of new Flood Insurance Rate Maps (FIRM) for the unincorporated areas of Pierce County along with corresponding amendments to Chapter 238 of the Pierce County Floodplain Ordinance. Staff Report – Jim Kleinhans: For several years we have been looking at revising our floodplain maps. If we accomplish the adoption of the maps by November 16th, we will be in good standing with the Federal Emergency Management Agency (FEMA). Staff has reviewed these maps; we identified some problems and tried to work out the issues to the best of our ability based on FEMA's standards. We are proposing some text amendments to adopt the new digital floodplain maps. One item in the folder this evening is the items that were changed. Added were the range of the digital maps under Chapter 238.6 and the community panel number 550330 for the City of River Falls. After talking to the DNR, Gary Hinrichs will help review our ordinance. What we're doing is minimal, adopting new maps and making necessary adjustments to Chapter 238 to adopt upgraded studies, also to incorporate the studies done to Plum Creek #2 and Bay City dam structure #1. Dan Rooney is here and his property was mapped floodplain. There are about 15 – 20 other properties where they included residential structures in the floodplain. The way staff intends to deal with this is to advise those folks, before the new maps are adopted, that they can apply for discounted flood insurance or wait until they are mapped floodplain and apply for a letter of map amendment. There are two methods to deal with this if your home is being financed under a federal insurance program; you can do a preferred risk policy where you can save on premiums or go through a grandfathering process three years after the maps are adopted. We will be sending letters to the property owners we have identified, between now and the time the maps are adopted, to take a pro-active approach.

Staff Recommendation: Staff recommends the Land Management Committee approve proposed amendments to Chapter 238 and the adoption of the DFIRM and forward a recommendation to the County Board of Supervisors to continue this process.

Chairperson Fetzer opened the hearing to the public. Dan Rooney, Oak Grove Township and owns a house in Trimbelle Township. In the spring his septic system failed there, Jim mentioned he was fortunate that it failed then because after this ordinance he wouldn't be able to issue a permit once the floodplain map was adopted. Mr. Rooney stated it's important to clarify now because this is an error. Holst stated they have places in his township that were 50 – 75 feet above floodplain and they were corrected. Staff worked diligently to get this corrected and it fell on deaf ears at FEMA. We have fought for years to get things changed. We have improved many, many things with the floodplain ordinance in Pierce County. We have been a leader in the State. Mr. Rooney stated he appreciates the efforts of Jim, Andy and Paul. He said what they told him he could do was a LOMA by hiring a surveyor and get this certificate to take to insurance agents. A number of property owners are going to incur this expense and if he ever wants to sell this place the buyers will have to have flood insurance. There are 22 properties that are likely going to be worth less because if you are in a floodplain he would think you would be assessed less. He wondered whether the county attorney, on behalf of the property owners, could sue FEMA. Paul Barkla stated the county attorney who is overworked with other projects and to take on litigation against the federal government would not be reasonable. If you want to raise your taxes, we could engage a couple attorneys. County government is cutting back on needed services; law enforcement, highway, human services, public health, etc and for the county to take on an open-ended commitment would be irresponsible for a county board member to support something like that. Kleinhans stated there were four pages, on the summary of map action, of properties listed. With a number of these, they didn't correct the map to include the LOMAs. They just said as long as you have a LOMA and it's on this list, you won't need flood insurance. Staff questioned it and asked how much more it would take to exclude these homes. They said they are on the summary of map action so they are OK, so they are not nonconforming. In your case Dan, we know based on that vertical elevation from that bridge that you are above, we can do permitting there. That's part of living next to a stream corridor or a lake, they are subject to regulations. **Public hearing closed. Holst moved to approve adoption of new flood insurance rate maps for the unincorporated areas in Pierce County along with corresponding amendments to Chapter 238 of Pierce County Floodplain ordinance/Barkla seconded. All in favor. Passed.**

8:10pm Chairperson Fetzer calls for a short recess.

8:16pm Chairperson Fetzer resumed the meeting.

Discuss take action on proposed 2012 Land Management Department Budget - Andy Pichotta: As a whole this budget is -1.8% under the 2011 budget. The County Planner budget: increase in salaries, there is a decrease to retirement due to the employees paying retirement; the only increase is our copier Sundry Repair & Maintenance is up 2.4%. That budget is under a -0.5% from last year. Under Zoning: increase in salaries, decrease in retirement for the employee, personnel subtotals are -2.1% under 2011. All of the individual line items are proposed at the same level as last year so overall that budget is -2.0% under last year. County Surveyor: salaries went up, retirement went up on one side and down on the other. Personnel subtotal is down -3.0% from the year before, operational costs are proposed at the same level as last year. That budget is proposed to come in at -2.7% under current levels. Holst questioned whether there is enough budgeted for gasoline & diesel fuel. Pichotta stated yes, he believes so. County Planner – GIS: slight bump up in salary, increase and decrease in retirement, no health insurance in this budget, -2.0% under for personnel, Professional Services same level as last year, as a whole -1.9% under last year. Park Development Fund: There will be some park development funds proposed through Parks Departments Budget, Barkla asked how much, Pichotta stated he thought around \$350,000. He stated we have gotten the DOT to agree to sell us the Trenton boat launch for a \$1. We own the property around it and will tear out the launch and put in a much nicer four lane launch. It will be a fairly substantial revenue generator for the County, somewhere in the amount of \$40,000 - \$50,000 a year just at minimal levels of use. Part

of the goal is to make the Parks Department a bit more self sufficient in the revenue game. WI Fund-Zoning Aids: This fluctuates a bit, generally we budget \$15,000 and it's usually slightly below or above. Land Information Grant: looks like we're going to get a little less than we had anticipated. We're down to about \$6,000, this grant is if the amount the County takes in for fees for recording in the Register of Deeds Office falls below a certain level then we are eligible for grants. Our estimation for 2012 will be somewhere around \$6,000. Land Records Modernization is the fund that \$8.00 for every deed recorded goes into, whose purpose is to implement the Land Records Modernization Plan. New this year is the Land Information Council, which is the gate keeper for that particular fund. That group convened to give a recommendation regarding expenditures out of that fund prior to my putting it in the budget. That group met a couple weeks ago and approved \$25,000 expenditures. Barkla asked what those expenditures are for. Pichotta explained; Arc 10 Server for \$6,000, Migrate to ArcMap for \$6,000, GIS Maintenance (road/boundary/zoning changes) for \$1,500 and COGO Trenton for \$11,500 and we plan to use the Land Information Grant in 2012 also. Barkla asked what is in the fund. Pichotta stated roughly \$36,000 or \$38,000. There have been some expenses out of that fund prior to 2012 like the fiddler system. That will no longer be able to be used for that. That is not a sustainable use for the fund. Next budget is Revenues: It looks like we will see about the same amount of revenue that we have for the last couple years. Capital Improvements: for the last three, four or five years we've just been bumping vehicles out another year. As long as repairs and maintenance doesn't become excessive, if it does then we will have to replace them. Barkla stated that you have been doing this for seven years, as long as he has been on this committee. We need to serve notice that you may have to come to the County Board to replace the 1998 Jeep. Pichotta stated the one that is starting to cost the most for repairs is the 2001 Chevy. We'll just keep bumping it out until we get to that point but like Paul said we may need to come in with an unbudgeted expenditure. Also the surveying equipment is getting old and starting to break. They are able to utilize it and get the job done. It may be more cost effective to lease than to buy. That would be an annual cost that we would have to put it under operational costs. The three-year budget and staffing summary; I'm anticipating the same levels of staff and a modest increase each year, hoping to increase revenue over the next few years. **Barkla moved to adopt the proposed 2012 Budget/Rohl seconded. All in favor.Passed.**

Discuss take action on Travel/Training Requests.Pichotta stated there is one request for Emily Lund to attend the Wisconsin County Code Administrators in Ladysmith on October 12th through the 14th.**Barkla moved to approve the travel/training request for Emily Lund for October 12th through the 14th for the WCCA Conference in Ladysmith/Rohl seconded. All in favor. Passed.**

Departmental Update and Future Agenda Items

We have no public hearings or renewals of conditional use permit's unless something substantial comes in, there is the issue with the baseball field in Trenton which could wait until the first meeting in October. We also have filling and grading in the Town of Maiden Rock.Pichotta suggested that the LMC probably would not meet until the 5th of October.

Motion to adjourn at 08:32pm by Holst/Rohl seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, September 7, 2011 – 7:00 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: September 21 st , October 5 th & 19 th , all in 2011.	Chair
3	Approve minutes of the August 17, 2011 Land Management Committee meeting.	Chair
4	Public hearing to consider a request for a conditional use permit for expansion of a nonconforming structure in the Agriculture Residential District by John & Karmen Freund, owners on property located in the NW ¼ of the NW ¼, in Section 8, T25N, R15W, Town of Union, Pierce County, WI.	Lund
5	Public hearing to consider a request for a conditional use permit for expansion of a nonconforming structure in the Rural Residential 20 District by Patrick & Kristin Lynner, owners on property located in the NE ¼ of the NE ¼ of Section 1, T24N, R18W, Town of Trenton, Pierce County, WI.	Lund
6	Public hearing to consider a request for a rezoning from Agriculture Residential to Industrial by Greg Bechel, owner on property located in Lot 1 of Certified Survey Map (CSM) V4, P165, in the SE ¼ of the SW ¼ of Section 7, T25N, R15W, Town of Union, Pierce County, WI.	Kleinhans
7	Public hearing to consider a request for a conditional use permit for Mining, accessory uses, by Greg Bechel, owner on property located in Lot 1, Certified Survey Map (CSM) V4, P165, in the SE ¼ of the SW ¼ of Section 7, T25N, R15W, Town of Union, Pierce County, WI.	Kleinhans
8	Public hearing to consider adoption of new Flood Insurance Rate Maps (FIRM) for the unincorporated areas of Pierce County along with corresponding amendments to Chapter 238 of the Pierce County Floodplain Ordinance.	Kleinhans
9	Discuss take action on proposed 2012 Land Management Department Budget	Pichotta
10	Discuss take action on Travel/Training Requests	Pichotta
11	Future agenda items and departmental update.	Pichotta
12	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.

(8/26/11)

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



MINUTES - Pierce County Land Management Committee Meeting, August 17, 2011

Present: Paul Barkla, Jeff Holst, Don Rohland, Eric Sanden

Others: Andy Pichotta, Emily Lund, and Shari Hartung

Absent: Joe Fetzer

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

Next meeting dates: September 7th & 21st, October 5th & 19th, all in 2011.

Approve Minutes: **Holst moved to approve the August 3, 2011 LMC minutes/Rohl seconded. All in favor. Passed with Paul Barkla not voting because of absence at the last meeting.**

Public hearing to consider a request for a conditional use permit for expansion of a nonconforming structure in the General Rural Flexible 8 District by Dennis & Carol Ireland, owners on property located in the NW ¼ of the NW ¼ in Section 14, T26N, R19W, Town of Oak Grove, Pierce County, WI. Chairperson Barkla invited Mr. & Mrs. Ireland forward: Mrs. Ireland explained that they would like to build a porch on the front of their home to enhance the curb appeal. They found out through their contractor that they didn't meet the 75 foot setback. They contacted the County and Oak Grove Township. They attended the township meeting and received approval. It will be an open sided covered porch.

Staff Report – Emily Lund: The applicants are requesting a conditional use permit to expand the existing residence on their property. The house is 73 feet from the centerline of 560th Ave. The applicants propose to add an 8' x 28' open sided porch to the southeast side (front) of the house. The resultant porch would be 65 feet from the centerline of 560th Avenue. The addition is intended to create a cover over the front entrance of the home. The property is located in Section 14, Town of Oak Grove and is zoned General Rural Flexible 8. The Town of Oak Grove recommended approval of this request on 7-18-11 without specific conditions. The Town did not reference its Comprehensive Plan, so it is assumed that the plan is silent on this request. The septic system was replaced 7-8-2010. The septic tank is located 15 feet south of the house and the drainfield is located >100 feet north of the house. No renewal would be necessary for this request.

Staff Recommendation: Staff recommends the Land Management Committee determine whether the construction of the proposed addition would be 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 approve this conditional use permit with the following conditions:

1. The applicant shall work with the local building inspector, Todd Dolan, to determine whether a permit from the town is needed and to ensure compliance with the Uniform Dwelling Code (UDC) requirements.

Chairperson Barkla opened the hearing to the public. No public comment. Public hearing closed. Holst moved to approve the conditional use permit for expansion of a nonconforming

structure for Dennis & Carol Ireland, due to the fact this request is not found to be contrary to the public interest, nor detrimental or injurious to the public health, public safety or the character of the surrounding area, with condition #1/Sanden seconded. Sanden asked about condition #1 the issue with the Uniform Dwelling Code. Lund explained after 2005, the State required local Towns to issue building permits for new homes, some towns have adopted to add accessory structures, additions, etc. Holst stated some towns have chosen to waive that up to a certain dollar amount. **All in favor. Passed.**

Public hearing to consider a request for a conditional use permit for a Dog Kennel in the General Rural Flexible 8 District by Joshua & Lucille Blanch, owners on property located in the SE ¼ of the SW ¼ of Section 11, T25N, R17W, Town of Hartland, Pierce County, WI. Chairperson Barkla invited Mr. & Mrs. Lucille Blanch forward: Mrs. Blanch explained they are working with Hartland Township and would like to use a pre-existing building or build a new building for a kennel for their dogs. They do not want to board dogs. They raise, breed and sell Springer's. They would have ten dogs at the most possibly 15 dogs. As their females get older they have them spayed and sometimes adopt them out but don't want to be forced to adopt them so that is why they would possibly have the 10 to 15 dogs. The closest neighbor, Ruth & Ray Carlson, were at the Town meeting and did sign a statement that they are OK with the kennel. Sanden asked if they have plans of breeding the dogs for commercial sales. They do breed their dogs once a year. Mrs. Blanch stated they run it as a business, collect sales tax and pay taxes on earnings.

Staff Report – Emily Lund: The applicants currently have 7 dogs but eventually hope to have up to 10 to 15 dogs. They have submitted two plans for the Land Management Committee's (LMC) consideration. Plan A involves modifying an existing building (40 ft by 60 ft) to create runs, kennels and a lean-to structure on the west side of the building. Two interior walls would also be added as well as new concrete floors with in-floor heat. Plan B would require the construction of a new building. The parcel is located in Section 11, Town of Hartland. The property is zoned General Rural Flexible 8, where dog kennels are conditionally permitted in the General Rural Flexible district subject to the provisions in Pierce County Code §240-36I. Per Pierce County Code §240-36I:

- A. All dogs are to be housed indoors within the hours of 9:00pm to 6:00am.
The narrative states dogs will be kept indoors from 9:00pm to 8:00am.
- B. Minimum side and rear yards for all structures associated with kennels shall be 200 feet.
Please see attached plan A and B.
- C. Except as exempted here, all kennels shall be screened from public highways by vegetative screening as described in Section 240-31D. Structures located at least 200 feet from the centerline of public roads are exempt from the screening requirement.
Please see attached plan A and B.
- D. There shall be no more than 2 adult dogs in any single enclosure unit.
The applicants plan to house no more than two dogs per kennel.

Pierce County Code §240-88 defines 'kennel' as "any establishment wherein or whereon eight or more dogs over the age of five months are kept."

The LMC adopted a policy relating to landscaping requirements on 2/7/2007 which states, "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. One proposed kennel location (Plan A) is 493 feet from the neighboring residence. Ray & Ruth Carlson signed a release letter that is attached to this report and their property along 550th Street. The breed of dogs to be housed in the kennel is English Springer Spaniels. The dimension of individual kennels will be 5 ft. by 10 ft. inside and outside the building with a 14 foot lean-to roof. The minimum separation distance from a well to a kennel is 50 feet per WI Administrative Code NR 812.08. The onsite well is 62 feet from the proposed Plan A. Dog waste will be disposed of in a manure pit on the farm. The Town of Hartland Supervisors

recommended approval of this request on July 26, 2011, noting that their comprehensive plan is silent on this issue. However, kennels and dog registration within the Town appear to be regulated under the Town's Animal Control Ordinance. Requirements differ for a private kennel versus a commercial kennel and depend upon the number of dogs over the age of 5 months to be kept at the facility. The Town of Hartland Ordinance appears to require that a private kennel be at least 300 feet from adjacent property lines and that commercial kennels be located a minimum of 700 feet from adjacent property lines. The Town's Ordinance does not appear to contain variance provisions. The Town Board Chair has indicated that the Town's Ordinance was intended only to apply within the borders of Esdaile. Ultimately, the applicability of the Town's Ordinance will be up to the Town of Hartland.

Staff Recommendation: Given that the applicability of the Town's Animal Control Ordinance is unclear, staff suggests that the LMC consider both potential sites when determining suitability for the proposed use. Recommended conditions were drafted to be applicable to either site.

Staff recommends the LMC determine whether the establishment of the proposed use at the proposed location would be 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 approve this CUP for a dog kennel with the following conditions:

1. Activities shall be conducted as presented in the application, including hours of operation.
2. Any advertising signs shall comply with the zoning code standards and any necessary permits shall be secured prior to sign installation on property.
3. All new structures shall be located at least 75 feet from the centerline of 550th Street.
4. A vegetative buffer shall be required for any kennel not located more than 200 feet from a public road. Such screening shall be consistent with the LMC's policy regarding landscaping requirements.
5. Ordinances of the Town of Hartland shall be adhered to, if determined by the Town to be applicable.
6. The facility shall be established within 12 months of approval.
7. The CUP shall be renewed every 2 years. Renewal may be completed administratively if no complaints or compliance issues arise. Renewal shall be referred to the Land Management Committee if complaints or compliance issues arise.
8. Applicant understands that expansion or intensification of this use will require modification to this conditional use permit.

Chairperson Barkla opened the hearing to the public. Dave Esterby, Town of Hartland Chairperson, stated the Town did approve this. Two of the closest neighbors were present and they didn't have a problem with it. He stated the dog ordinance doesn't apply to this case it was meant for the Town of Esdaile. He feels the project is a good one. **Public hearing closed. Sanden moved to approve the dog kennel for Joshua & Lucille Blanch, due to the fact this request is not found to be contrary to the public interest, nor detrimental or injurious to the public health, public safety or the character of the surrounding area, with conditions #1 - #8/Rohl seconded. All in favor. Passed.**

7:20pm Chairperson Barkla calls for a short recess.

7:23pm Chairperson Barkla resumed the meeting.

Discuss take action on a request for a rule exception to the required ten foot side yard setback for an existing building per §237-26H for Gloria E. Knight Revocable Trust on property located in the NW ¼ of the NW ¼ of Section 6, T26N, R18W, Town of Trimble, Pierce County, WI.

Chairperson Barkla invited Scott and Gloria Knight forward: Scott, son of Gloria Knight, explained that his father passed away and his mom would like to sell the house on the farm. He discovered they do not have enough property between the buildings and the only way around this is to

tear down the Harvester; which was built by his mom and dad. He would like to continue to use it. It's a 16,000 bushel grain bin. He talked to someone at Brave Harvester and they want \$26,000 to move it or \$6,000 to lay it down. The only other thing they could do is shift the lot line but it would lower the monetary value of the house. Also by shifting the lot line it takes away from some of the nicest class one crop land.

Staff Report – Emily Lund: The applicants are requesting a rule exception to the required 10 foot side yard setback for an existing building per Pierce County Subdivision Code §237-26H. The applicant owns 78.80 acres that is used primarily for farming. The structures located on the property include: 3 silos, 4 sheds, a barn and a house with an attached garage. In July 2011, a Certified Survey Map (CSM) was presented to the Land Management Department for review. The CSM included the house, attached garage and a barn on a 2.7 acre parcel that is planned to be auctioned off. The barn is situated 12 feet away from an existing silo. The survey shows the barn will be less than 5'8" away from the lot line; therefore, the silo would be 6'4" away from the lot line. If the CSM is approved, both the silo and barn would become non-conforming structures. If a rule exception to the side yard setback requirement is not granted, it will be necessary for Ms. Knight to move the lot line as well as remove a structure in order to achieve compliance with the Subdivision Code. The property is located in Section 6, Town of Trimble. The parcel is zoned Primary Agriculture. Pierce County Surveyor, Louie Filkins, has indicated that the CSM meets State Statue Chap. 236 requirements. Pierce County Code (PCC) Subdivision of Land §237-26H states: "There shall be ten-foot side and rear yard setback lines on each lot for all buildings unless a different setback is specified in the Pierce County Zoning Ordinance, where applicable." PCC §237 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.

Staff Recommendation: Staff recommends the Land Management Committee consider whether or not this situation warrants a rule exception. Sanden asked what the intent of the code with the ten-foot separation is meant to accomplish. Lund stated there is a fire barrier required if buildings are closer than 10 feet. It's a standard in the subdivision code. If you need to get around it with some vehicle, you should be able to. Pichotta stated part of the purpose is that if a structure is very close to a lot line there may be runoff issues created that would impact the adjoining property. A lot of times people don't know actually where their lot line is and if they build right up to the property lines, they may actually build over it. Holst stated this is a unique case here, because it will be surveyed so they will know where the lot lines are. Sanden stated it is a pretty stiff penalty to tear the harvester down. Holst stated there is sentimental value to the Knight family. Dale Hines asked Scott if there is plenty of room to fill it. Scott stated they can get in all the way around it. There is a feed lot that stays with the silo. Lund noted that on the Certified Survey Map, in the NE part they are proposing an easement on the backside of the barn to get to it. **Holst moved to approve the rule exception to the required ten foot side yard setback for an existing building for Gloria E. Knight Revocable Trust due to the fact the entire committee agreed this would not nullify the intent and purpose of the code/Rohl seconded. All in favor. Passed.**

Discuss take action on site plan review for a Utility Facility >1000 square feet in the Primary Agriculture District by Chippewa Valley Energy, Barry Hines, agent for Dale & Julie Hines and Dean & Rebecca Hines, owners on property located in the NE ¼ of the NE ¼ of Section 19, T26N, R16W, Town of El Paso, Pierce County, WI. Chairperson Barkla invited Mr. Hines and Mr. Alf forward: Staff Report – Emily Lund: Applicants are requesting site plan approval for a

utility facility >1000 square feet. On June 1, 2011, a conditional use permit for a Utility Facility >1000 square feet was approved by the Land Management Committee. On July 26, 2011, the County Board of Supervisors approved a rezone of the property from Primary Agriculture to Commercial. A Certified Survey Map (CSM) is currently being reviewed by Land Management staff for Chippewa Valley Energy to enable the purchase of 3.21 acres of a 28.270 acre parcel. This site plan review is for a propane storage and transfer facility. The property is located in Section 19, Town of El Paso and zoned Commercial. The surrounding area is primarily utilized for agriculture with two residences located immediately adjacent to the site across Highway 72. The parcel is currently in agricultural production as a soybean field. The Town of El Paso recommended approval of this issue on 5-9-11 and further recommended: “ No more than 2 – 30,000 tanks and no more than 40 small LP tanks stored at LP plant. Trees to be planted to screen neighbor’s view. Grass mowed as needed.” Site plan review is required for new construction or additions to existing structures for commercial uses under Pierce County Code (PCC) §240-75A(1). The purpose of such review is to assure site designs which promote compatibility between land uses, create safe and attractive site layouts and structures, provide proper access to streets and transportation, protect property values and contribute to efficient land use in Pierce County. Road access will be south on State Highway 72. WI DOT is requiring shared driveway access for both the utility and farm land. Driveway access approval is required from WI DOT prior to CSM approval and issuance of Uniform Address Number (UAN). Project location; site layout with vegetation screening; semi-truck turning radius layout; contour, grading and erosion control plan; construction detail maps were submitted for review. The applicant’s first submittal included the placement of trees for screening only to the south and east of the facility. The second submittal only included trees for screening to the north of the facility. The Land Management Committee (LMC) should review the screening plans to ensure that neighboring residential uses are adequately screened and buffered (required by 240-75 and a condition of Town of El Paso support). The LMC should stipulate the number of trees, their location, type and height necessary to adequately screen and buffer the facility from neighboring uses. The propane facility is to be 58.2’ and 46.2’ x 82’. The entire facility will be fenced for security and will be enclosed by a 7’ tall chain linked security fence and gate. Two 30,000 gallon bulk LP tanks and up to 40 residential sized tanks will be stored within the fence. The facility will supply 24 hour service 365 days per year for residential, agriculture and commercial users. Off-street parking is required per Pierce County Code §240-54. Staff suggests that two parking places, consistent with the requirement for manufacturing/trade or contractor establishments, would likely be sufficient. The site shall comply with National Fire Protection Association Code NFPA 58 Chap 6 and with WI Department of Commerce COMM 10 for storage of flammable substances. L.P. Gas Equipment Inc. will obtain approvals from the State review agencies. We just received Dept. of Commerce conditional approval dated 8-9-11. The soil tested area will need to be reserved for a private sanitary sewer system on site, if one would be needed in the future. No personnel will be permanently assigned to the site, so no well or sanitary sewer facility will be installed. Chippewa Valley Energy personnel will routinely monitor and maintain the facility. The site will be graded to maintain adequate drainage and accommodate access by utility and emergency vehicles.

Staff Recommendation: Staff recommends the Land Management Committee review this site plan to ensure that site layout and landscaping promotes compatibility between land uses, creates a safe and attractive layout, provides proper access to transportation, protects property values and contributes to the efficient use of land. Staff suggests the following issues be addressed and/or conditioned:

1. The number of trees, their location, type and height necessary to adequately screen the facility from neighboring residences should be established and included as a condition of approval.
2. Two parking spaces should be required for this facility and the applicant should delineate their location.
3. The area in which a soil test identified a suitable site for a POWTS shall be reserved for potential future use.

4. Applicant shall follow NFPA and COMM code requirements for storage and handling of flammable substances.
5. Applicant shall obtain all necessary WI DNR approvals for erosion control and site grading.
6. Driveway access should be reviewed to ensure adequacy for shared use (commercial and agricultural).
7. Site layout and landscaping shall be established consistent with submitted plans as modified by the Land Management Committee.

Lund asked if the committee could discuss conditions #1 regarding the trees and screening and #6 regarding the driveway access for commercial and agricultural uses. Lund had just been presented with the new engineering driveway access for both of the uses. The shaded area is for the truck access off of Hwy 72; also the agricultural would be coming off of this and going east. They were thinking of putting another culvert under the agricultural driveway. Sanden stated so the agriculture traffic and the facility traffic will be separated. Lund stated once they are off of Hwy 72. Sanden asked if there is a guideline to follow or a standard for screening. Pichotta stated there isn't a standard, as you recall in the vineyard out in the Town of Oak Grove, it was almost a negotiated thing to determine what was adequate for the neighbors and the applicant. Joe Alf stated they need to have some visibility from the highway for security purposes. They do not want to have a full barrier for someone to go back there and mess around with the tanks. Barry Hines stated they are going to use the signage from the tanks themselves and not have to put up a sign, that's part of the visibility of this. Pichotta stated the purpose of this isn't to necessarily screen it from view but to strategically screen from neighboring residential uses. Barry Hines stated at the Town meeting the neighbor, Brad Johnson, was present and asked for screening. We're ready to go forward. Sanden asked where the origin of the screening on the grading plan came from. Joe Alf stated he thinks that was the designer's architectural suggestion. Sanden stated it's conveniently located to screen from the neighbor to the northeast. Chairperson Barkla asked Richard Heschke his comments. He stated he would like to see the screening go all the way to his driveway. Barry Hines asked what kind of trees. There was discussion on placement of trees for screening. Mr. Heschke stated he doesn't want it at all and has a petition according to Chapter 59.69(5)(G) to try and stop it. The safety and well-being of our families, the decline of our property values, semi-truck traffic 24 hours a day, 365 days a year and no 24-hour staffing to ensure problems. Dale Hines stated there is a possibility that your land value could escalate because of commercial property on both sides of your property. Barry Hines asked about the tree height. Holst stated spruce trees at 6 foot height. Mr. Alf stated there are numerous LP facilities, incident wise, those sites are proven to be safe. There have not been any major incidences at any of those. Their Eau Claire facility has been there since the early 1980's and they have never had an incident at that site. Dept. of Commerce COMM 10 and COMM 11 for LP Storage, adequately address these sites. Pierce County contains several locations that store fireworks. Fireworks contain black powder which is extremely volatile and subject to static electric discharge. Historically there have been more incidences involving fireworks than LP storage. Committee discussion of tree placement. Pichotta suggested 10 trees plus whatever they put in the neighbor's property, 6 foot tall, spruce planted at 20 foot intervals. Holst stated that will give them the softening affect they are looking for. Dale Hines asked if it could be a variety of spruce not just blue spruce. Holst stated we aren't going to make a decision on the neighbor's property. They can agree between themselves. **Holst moved to approve the site plan review as presented on exhibit A, 10 trees, some form of spruce, 6 foot tall and planted at 20 foot intervals, with conditions #1 - #7/Sanden seconded. All in favor. Passed.**

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

Departmental Update and Future Agenda Items

Conditional use permit for expansion of a nonconforming structure in the Town of Union
 Conditional use permit for expansion of a nonconforming structure in the Town of Trenton

Rezone request from Agriculture Residential to Industrial in the Town of Union

Conditional use permit for mining, accessory uses in the Town of Union

Code amendments to Chapter 238, Floodplain

Budget

The Natural Resource Board has pushed out implementation of NR115 Shoreland standards for two years. We got a grant and the timeframe on that grant is also pushed out two years.

Pichotta stated that he had met with representatives of the City of Red Wing about the Red Wing Airport. They are moving forward with the effort to establish a zoning overlay district and also moving forward with other activities. We had some discussion about what constitutes intensification or expansion of that use. They intend to respond to my letter where we expressed concerns about the airport at their meeting on September 7th. They have stated that they will provide a copy of their attorney's response to us prior to that time.

Motion to adjourn at 08:03pm by Holst/Rohl seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, August 17, 2011 – 7:00 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: September 7 th & 21 st , October 5 th & 19 th , all in 2011.	Chair
3	Approve minutes of the August 3, 2011 Land Management Committee meeting.	Chair
4	Public hearing to consider a request for a conditional use permit for expansion of a nonconforming structure in the General Rural Flexible 8 District by Dennis & Carol Ireland, owners on property located in the NW ¼ of the NW ¼, in Section 14, T26N, R19W, Town of Oak Grove, Pierce County, WI.	Lund
5	Public hearing to consider a request for a conditional use permit for a Dog Kennel in the General Rural Flexible 8 District by Joshua & Lucille Blanch, owners on property located in the SE ¼ of the SW ¼ of Section 11, T25N, R17W, Town of Hartland, Pierce County, WI.	Lund
6	Discuss take action on a request for a rule exception to the required ten foot side yard setback for an existing building per §237-26(H) for Gloria E. Knight Revocable Trust on property located in the NW ¼ of the NW ¼ of Section 6, T26N, R18W, Town of Trimbelle, Pierce County, WI.	Lund
7	Discuss take action on site plan review for a Utility Facility >1000 square feet in the Primary Agriculture District by Chippewa Valley Energy, Barry Hines, agent for Dale & Julie Hines and Dean & Rebecca Hines, owners on property located in the NE ¼ of the NE ¼ of Section 19, T26N, R16W, Town of El Paso, Pierce County, WI.	Lund
8	Discuss take action on Travel/Training Requests	Pichotta
9	Future agenda items and departmental update.	Pichotta
10	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.

(8/5/11)

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MINUTES - Pierce County Land Management Committee Meeting, August 3, 2011

Present: Joe Fetzer, Jeff Holst, Don Rohland, Eric Sanden

Others: Jim Kleinhans and Shari Hartung

Absent: Paul Barkla

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

Next meeting dates: August 17th, September 7th & 21st, all in 2011.

Approve Minutes: **Rohl moved to approve the July 20, 2011 LMC minutes/Sanden seconded. All in favor. Passed.**

Public hearing to consider a request for a conditional use permit for a Utility Facility > 1000 square feet for a natural gas meter station in the Exclusive Agriculture District by Northern Natural Gas Company, agent for Gail Collett, owner on property located in the NE ¼ of the SE ¼ in Section 1, T25N, R16W, Town of Salem, Pierce County, WI. Chairperson Fetzer invited Tom Dixon forward: Mr. Dixon, agent for Northern Natural Gas Co. explained the purpose of the project is to construct a meter facility to serve the Maiden Rock area with natural gas service that would be provided by Excel Energy, who is represented here also. Rohl asked if the gas is piped to the user. Mr. Dixon stated currently there is an eight inch line that runs through the property and they would pipe that off to feed the station. From the location of the station itself, Excel Energy would tie on and they would pipe off to the businesses and residences. Sanden asked what the timeframe of the construction is. Mr. Dixon stated they hope to begin in mid October and finish by mid November unless the weather plays a factor.

Staff Report – Jim Kleinhans: Tom contacted our office several weeks ago about establishing this facility in the Town of Salem. The Town of Salem is going through comprehensive rezone right now. So the zoning will change on it but the Utility Facility is conditionally permitted in the existing Exclusive Agriculture Zoning and the future Primary Agriculture Zoning as well. The Town of Salem recommended approval of this request. The Town will have to approve the access to the facility. Right now there is a field access. We want to make sure they issue approval for a utility access so we can issue a uniform address number for the site. Preliminary drawings for the site have been provided to show where they are coming in off the eight inch line and metering it down, heading back out to the road right-of-way that will extend to County Road CC where Excel Energy will transmit the natural gas. The site will be surface rocked and fenced up to the road right-of-way and gated for security. Approximately 2.2 acres will be leased from Mr. Collett. There are a couple buildings showing on the site plan. The site is approximately 6 miles from the Plum City Fire Department. Several residences and a large dairy farm are located within 1000 feet of the facility. Jay Richardson called staff today. He owns the homes and dairy next to the facility. He could not be here this evening but supports the request.

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

1. The security fence shall be constructed to a height of 10 feet.
2. The Plum City Fire Department shall be provided information specific to this facility to ensure appropriate emergency response.
3. Access approval shall be secured from the Town of Salem and a Uniform Address Number (UAN) obtained from the Land Management Department.
4. Any proposed signage shall comply with Pierce County Code standards.
5. Construction shall not occur until after the Town of Salem comprehensive rezone has been approved.
6. Any parcel, if created, shall comply with County subdivision regulations (Ch 237).

Chairperson Fetzer opened the hearing to the public. Mr. Collett stated he thinks it's the Ellsworth Fire Department district for that area. Mr. Dixon stated the field operation staff, when there is work taking place, always gets in touch with the police and fire departments. Mr. Collett stated he talked to Tom about the driveway. He told them he would like to have it west of the driveway because that is prime farmland. Jay Richardson said he didn't want it near the house. The pipeline is just on the edge of the south side of the house. **Public hearing closed.** Rohl asked how big an area is this facility. Holst stated it is 100ft x 100 ft. Sanden stated natural gas is an up and coming fuel in this country especially with the recent discovery in the Marcellus Shale and he is pleased to see it occurring. It will be competitively priced and help surrounding communities. Chairperson Fetzer asked how far they can feed? Tom Buchmeier, Excel Energy, stated it goes through a cost and justification process. What is driving this project is the sand mine down in the Village of Maiden Rock. Their load goes a long way as far as credit and there is a fairly large contribution toward the project too. All of the customers along the route, Cty Rd CC and Cty Rd S and everybody in the Village will have an opportunity to hook up to it. Our extension rules are basically, we will give them 100 ft free of service. Everybody along the route should benefit. It just depends on the demand, the load how far they can extend. **Holst moved to approve the conditional use permit for a Utility Facility >1000 square feet for a natural gas meter station for Northern Natural Gas Co, agent for Gail Collett, owner, due to the fact this request is not found to be contrary to the public interest, nor detrimental or injurious to the public health, public safety or the character of the surrounding area, with conditions #1 - #6 amending condition #2 to read Ellsworth Fire Department instead of Plum City Fire Department/Sanden seconded. All in favor. Passed.**

Discuss proposed amendments to Pierce County Floodplain Code Chapter 238 and adoption of new floodplain maps provided by Federal Emergency Management Agency (FEMA).

Staff Report – Jim Kleinhans: The map amendments have been in the works since 2009. We conducted an open house and had a comment period due to the issues with the maps. The last time our maps were updated was in the '90's. In 1993 and 1994 our Floodplain maps were adopted. Some new studies have been developed since that time. Some studies that we submitted were adopted and up to FEMA standards and some were determined not to be. We had updated our Floodplain Code in 2004 but some additional changes are needed to adopt new maps and new studies. Proposed changes to the existing Floodplain ordinance include; changing the dates of Flood Insurance studies, including Plum Creek No 2 and the Bay City structure No 1. The reason we didn't include that that previously is because there was a road project on County Rd C that the Highway Department was doing and it would have conflicted. In Plum Creek No 2, there were three items that needed to be done at the Nugget Lake Dam, it took a little more time to get the emergency response system installed but that is installed now so we can proceed with including that study. The study done by Ayres on Plum Creek No 2 was not approved by FEMA. FEMA went ahead and used 20 foot contour intervals to figure out their Floodplain which, based on the detail done by Ayres & Associates, has some errors. Jim would

still like to adopt that study from Ayres because of the detail and it gives better information. In the staff report it talks about how they are going to utilize the information. There are some examples of what the new maps are going to look like. You can see that it is at a similar scale but the detail is lacking. Since the last maps, a number of folks have done a Letter of Map Amendment (LOMA) to remove their homes from the floodplain. There are about 10 homes for which people did LOMA's and on the final map they are still shown as being in the floodplain. We pointed this out and submitted 50 examples of things we wanted corrected and it was really discouraging that they wouldn't take the time to put that detail in the map. After looking at the final product, you can't really utilize this map for permitting purposes. You can't see anything. We're going to use the shape files on our GIS platform, that's where you can see some detail. The lending institutions are going to be using these maps to figure out who is in the floodplain and who isn't. There are going to be some problems so we would like to be a little proactive and send some letters to a dozen people or so that we know were included in the floodplain that we feel aren't. We would like to send the letters prior to the adoption of these maps so people know what is coming. We sent Louie and Barry out to characterize the areas where the homes and farms are. We looked at the contour maps and aerial photos. We were able to be successful on about ten of them. **Chairperson Fetzer directed staff to hold a public hearing on September 7, 2011 for text amendments and the adoption of the new floodplain maps provided by Federal Emergency Management Agency (FEMA).**

Discuss take action on Travel/Training Requests. Kleinahns stated there are no travel/training requests at this time.

Departmental Update and Future Agenda Items

A public hearing for expansion of a nonconforming structure in the Town of Oak Grove

A public hearing for a dog kennel in the Town of Hartland

A rule exception for proposed Certified Survey Map in the Town of Trimble

Site plan review for Chippewa Valley Energy

Motion to adjourn at 07:29pm by Holst/Rohl seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, August 3, 2011 – 7:00 p.m.
County Board Room, Pierce County Courthouse,
414 W. Main St. Ellsworth, WI54011**

#	Action	Presenter
1	Call to order	Chair
2	Next meeting dates: August 3 rd & 17 th , September 7 th & 21 st , all in 2011.	Chair
3	Approve minutes of the July 20, 2011 Land Management Committee meeting.	Chair
4	Public hearing to consider a request for a conditional use permit for a Utility Facility >1000 square feet for a natural gas meter station in the Exclusive Agriculture District by Northern Natural Gas Company, agent for Gail Collett, owner on property located in the NE ¼ of the SE ¼, in Section 1, T25N, R16W, Town of Salem, Pierce County, WI.	Kleinhans
5	Discuss proposed amendments to Pierce County Floodplain Code Chapter 238 and adoption of new floodplain maps provided by Federal Emergency Management Agency (FEMA).	Kleinhans
7	Discuss take action on Travel/Training Requests	Pichotta
8	Future agenda items and departmental update.	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.

(7/22/11)

PIERCE COUNTY WISCONSIN
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MINUTES - Pierce County Land Management Committee Meeting, July 20, 2011

Present: Paul Barkla, Don Rohl and Eric Sanden

Others: Andy Pichotta, Jim Kleinhans, Brad Roy and Shari Hartung

Absent: Joe Fetzer & Jeff Holst

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

Next meeting dates: August 3rd & 17th, September 7th & 21st, all in 2011.

Approve Minutes: **Sanden moved to approve the July 6, 2011 LMC minutes/Rohl seconded. All in favor. Passed.**

Discuss take action on a status report and potential modification of a conditional use permit for a nonmetallic mining operation for County Materials, agent for BS Construction and Steve Schoeder Properties, owners on property located in the SE ¼ of Section 15 and the NE ¼ of Section 22, T26N, R15W, Town of Rock Elm, Pierce County, WI.

Staff Report – Brad Roy: The Zoning Office has recently received complaints regarding the blasting at the Rock Elm Quarry. The blasts were reported to have exceeded the peak particle velocity limits established in the Conditional Use Permit. Staff visited the site on May 18, 2011 to witness the blast and to verify the peak particle velocity. The blast had a peak particle velocity of .41 in/sec, the limit established in the conditional use permit is 0.35 in/sec. Brian LaRue of Olson Explosives, Inc stated at that time all blasts in the previous week had exceeded the limit. It was later confirmed that 2 of the 3 previous blasts exceeded the limit. On May 24, 2011 staff requested the following information from BS Construction and County Materials:

- The future mining plans at the Schoeder Rock Elm Quarry
- An estimate of the number of blasts before mining in the quarry will be completed
- An explanation of the recent blasts from Olson Explosives, Inc along with their opinion as to whether future blasts can be completed within the 0.35 in/sec limit.
- The readings of all blasts at the Schoeder Rock Elm quarry within the last two years taken from the Sylla and Huebel property.

County Materials informed staff that their lease at the quarry continues until 2015 and they intend to mine the property until the lease expires. Any mining after that will be at the discretion of BS Construction. The CUP requires a 400' mining setback from all existing residences. It is estimated that 35 blasts will be needed to bring the quarry to the 400' setback. (Blasting is done in sets of 4 or 5 shots; approximately 7 sets of 5 shots will be needed to complete the mining.) The response included a letter from the site blaster Kurt Oakes from Olson Explosives which describes the site conditions and blasting techniques that have been used at the site and alternative techniques that can be implemented for future blasts with the goal limiting the peak particle velocity to 0.35. The letter also states, "Moving forward I do firmly believe that we can continue to Safely and Securely Blast at this quarry without creating an unsafe environment." The letter does not state definitely whether it is possible to ensure

that all future blasts will be within the peak particle velocity limit established. (The complete letter is attached to the staff report.) The existing conditions #1 - #12 are listed in the report. Condition #6 is the condition in question.

Staff Recommendation: Staff recommends the Land Management Committee determine whether established conditions continue to be adequate to protect the public health, public safety and the character of the surrounding area or whether additions or modifications are necessary. Staff suggests that the addition of the following condition should be considered:

13. Blast readings shall be provided to all adjoining land owners upon request.

Sanden asked about the origin of the 0.35 in/sec limit. Roy stated that was an agreed upon limit dealing with a lot of factors between County Materials and the neighboring property owners. It was an agenda item dealing with the expansion of this mine. The original mine was permitted in the late 70's. Sanden asked with the expansion being closer to the neighbors; that was an issue taken up at that time. Roy stated yes. Rohl asked about the expansion getting the blasting closer to the property. Roy stated what triggered staff to notice the expansion was they were mining on additional property outside the original permit not close to the residence but the way the mining is progressing it is moving closer to the residence. Bill Sylla stated some of the blasts have exceeded the limit that was established; roughly 12 of 28 blasts. There have been a fair amount of blasts that were within the limits. One of the things brought up is different techniques to limit the particle velocities. It might mean more blasts and they are in favor of that because of the shaking of the house. They talked earlier today with County Materials about some of the options. It is his understanding the original blast takes a chunk and that gets boxed in on three sides. Maybe on that set they could do a smaller charge and take off less block and do a few more blasts to get started. They're in favor of that. Benching has been brought up in the past, not sure what that is or how it works or if it's even been tried. They're in favor of anything that maintains the conditions of the CUP. There are some other issues regarding fly rock on the property once in a while. They are in favor of the way the CUP reads right now. Jim Small stated County Materials is fine with the recommendation of a condition #13. The 0.35 was an arbitrary number that was decided on and we have asked Olson Explosives to try to keep it under that number but once that shot is off, there is no forcing it to be under the 0.35 in/sec. Kurt Oakes, Olson Explosives, stated there are some options they can incorporate in an effort to achieve a reliable consistent maintenance under the 0.35 in/sec. He had an opportunity to compile blasts data this morning from the Sylla and Huebel residences for this year. A report with this data was handed out. Mr. Oakes explained the z-curve from the US Bureau of Mines safe blasting vibration criteria in relation to the data. Sanden asked where distance factors in, particle velocity and frequency were mentioned but it would seem that a blast from one quarter mile away versus five miles away would have a different potential for damage. Mr. Oakes stated distance from the blast isn't a function because damage occurs to a structure where the wave forms are going through that object. When they are talking about distance they use a formula called scaled distance factor. They use that in the design but that doesn't have anything to do with what their vibrations are going to be at that given point. It does affect the pounds per delay that they can shoot in order to stay under a given limit. They can do a prediction but even that is site specific and you have to take 30 data sets. Sanden stated so the frequency doesn't change with distance and it would be the same at the site versus a mile away. Mr. Oakes stated no the frequency would actually go lower the further away you are. Through all the geological unconformities, a joint set, a mud seam or different bedding plain, it will attenuate out into the lowest common denominator of a frequency. Sanden asked if there is any other way than electronic detonator to increase the frequency of the blast. Mr. Oakes stated one of the things that can come into play is benching the box cut and then going full depth on the free face. In the Oneota Formation around here there are cavities in the rock itself. Where the blast hole comes through and intersects that cavity you're going to get more pounds in that region. That comes into play at this quarry. That was one of the basis he has on benching the box cut, take it in two shots, one up top and one below. Get that material excavated out and then you can shoot full face. Sanden stated the electronic detonator doesn't affect the velocity but the frequency. When you used the electronic detonator in the last two, it's closer to the limit than the earlier shots. Mr. Oakes stated every

shot this year at the quarry has actually been done with the electronic detonator. When he saw the results and how tight they were he was really pleased. The results at the Huebel residence are totally different. When they are shooting, they design everything to the Sylla residence. Sanden asked what the idea behind the 0.35 in/sec was. Mr. Oakes stated that Olson Explosives wasn't at that meeting. Mr. Small stated that County Materials wanted a higher number and Sylla's wanted a lower number so this is what was agreed upon. Bill Sylla stated that first meeting was contentious on several points and concessions were made on both sides and to look at one part when there were compromises on a variety of issues isn't fair. They are happy with the conditions and just want County Materials to adhere to them. Roy stated as staff, this is the first time we have seen multiple shots go over and we're looking for direction if this were to continue. Sanden stated it wouldn't be cheaper or efficient to have the 0.35 in/sec cap but given the nature of the compromises that were made to continue to monitor it and if it continues to exceed it consider taking action at that time. Rohl agreed with Dr. Sanden. **Sanden moved to add a condition #13 "Blast readings shall be provided to all adjoining land owners upon request"/Rohl seconded. All in favor. Passed.**

Discuss take action on a status report and potential modification of a conditional use permit for Ellsworth Baseball Association Inc, owners on property located in the NW ¼ of the NW ¼ of Section 2, T24N, R18W, Town of Trenton, Pierce County, WI. Staff Report – Jim Kleinhans: Leon Brown obtained a conditional use permit (CUP) to create an outdoor recreational sports facility in 2003. In 2007 the property was deeded to the Ellsworth Baseball Association Inc. In September 2009 lights, financed by Mr. Brown, were added to the facility as well and the Land Management Department started to receive complaints on the use of the facility. The original conditions are listed in the staff report for 2003. The conditions were modified in 2009. The conditional use permit will be renewed in September of 2011 for a two year renewal but I wanted to bring this in before the committee because of the complaints we are getting and possibly throw out some options for remedies. Since the lights were added there are night games scheduled so the committee established some evening hours of operation. Some of the complaints are about the lights being on too late and foul balls. Staff attended a game on June 29 and noticed that during a weekday the hours of operation were exceeded and the lights were still on after the game was over and still on at 11:30pm. I also observed what was going on with the foul balls and looked at the facility. I have been talking with Bill Green and he told me earlier this year the lighting was adjusted. There were some problems with some bolts being loose and they came out of adjustment. They were adjusted to maximize the candle power on the field. However, I documented the adjacent properties where the homes were well lit up and shadows were cast on the inside of the homes when their lights were shut off. I looked at the number of lights on the towers and the height of the towers. I tried to assess what other ball diamonds were like, that have night games. As stated earlier, I was there until 11:30pm, the game ended at 10:50pm and some lights were turned off at 11:03pm while infield maintenance was being done. Third base lights were turned off at 11:19pm and the first base lights were still visible from Highway 63 and 35. These towers are very tall. I've had some reports of the lights causing glare onto Hwy 63 for motorists. Some of the industry in the area has security lights, a different kind of lighting and they point those lights down on their facility. As far as foul balls, I observed seven foul balls to the end of the game; two of the balls went into neighboring property and that has been an issue with the neighbors about people trespassing into their yards and potential damage to their property. The distance to the setbacks and the backstop to the property lines; one was 70 feet and the bar is about 90 feet. I've suggested some possibilities the committee could consider to address the problems before the conditional use permit renewal in September; including shielding the lighting, possible lowering the tower heights, arrange for the lights to be turned off by a responsible party, and to possibly modify the backstop to contain foul balls. The backstop is approximately 20 feet in height and some others in the area are higher, possibly modify hours of operation or scheduling games to comply with the conditions and post hours of operation. **Staff Recommendation:** Staff recommends the Land Management Committee consider the options out there and consider the discussion from the folks in the audience to rectify some of the issues that have

been generating complaints and hopefully we can implement some of the adjustments at the renewal in September before all the games are over.

Heather Flueger, a neighbor to the ball field, stated when the ball field first went in there was some discrepancy with the lot lines but that was taken care of. At first it was little kids playing soccer and little league. Then it was a backstop 20 feet closer to her house. It isn't just little league now but a minor league playing ball there. They don't even use their front yard when a game is going on because of the foul balls coming in the yard. When they are there they give the balls back. But it is an inconvenience, while they are eating dinner, people are hollering for them to throw the balls back. They have had people coming in the yard and they have two dogs and have them fenced in. Mr. Flueger has video of the lights in the house, they have skylights in their bedroom and it shines right in. Mrs. Flueger stated occasionally they have people urinating on their fence and harassing them. They just want peace of mind and their safe house back. Bill Green, president of the baseball association, Leon Brown decided to build the park in Hager City and give it to Trenton Township but they didn't want it because of the upkeep, they tried to give it to the Ellsworth School District but they didn't want it because of the upkeep. Mr. Green called Mr. Brown's granddaughter, Sabrina Welsch, and asked if she would consider giving it to the Ellsworth Baseball Association which they agreed to. He still manages it for the baseball association. They have 8th grade, high school, legion ball and an amateur league that play there. Chairperson Barkla asked how many games they play there. Mr. Green stated the junior legion has eight regular games and a tournament, probably ten games this year for the legion. This year the 8th grade didn't play there. Right now the junior legion and the Hager City Skeeters play there. Mr. Green stated he has talked with some of the property owners and they haven't had a problem with the field, the owner of the Border Lounge, the next family down is the Brown Family, then Dorris Gardas, Mr. Morris and Hager City Glass. The measurement from the fence is 80 feet to the adjacent property owner's fence. It is 125 feet from the batter's box. They did increase the fence from 16 feet to 20 feet. Mr. Green stated if he understands it correctly there are two issues; the foul balls and overflow lighting. Kleinhans stated also the hours of operation. Mr. Green stated Jim had suggested Musco Lighting and they do not have the means to bring in the shielding for the lights. There are two 60 ft light poles, one left of home plate, one right of home plate and the rest are 80 ft poles. The two poles around home are fixed and aren't able to be lowered at this point. The other two were twisted into place with friction. Mike Salaski out of St. Cloud, MN was contracted by the family to put the lights in. When they put the lights in there was a problem at the manufacturer, it's an aluminum box that holds the transformer that illuminates the bulbs. The shoulder on the bolt was too long. The wind blew them out of direction and they brought in another contractor to replace the shoulder bolts, corrected them and repositioned them. The lights are set up to give the maximum illumination of the field by a computer engineer. As far as the foul balls go, we could go up and out with netting to try to alleviate the balls that go out. The hours of operation, the Skeeters had an umpire that was late so that game started late, the other was a rescheduled legion game so they were forced to start later, the third issue was an extra innings game that went 14 innings. As far as the box being locked, he wasn't aware that was an issue. He leaves it open so that he doesn't have to drive down to turn them off. There are locks on there and he can lock them up. They do control the power at their storage area and if there was a fire they wouldn't be able to turn the power off. One option he thought of is there are two very large trees there that they could string a cable with a product that diffuses the light and would limit the overflow lighting and keep foul balls from going in. There are a couple options of putting in poles and using ¾ inch black landscape underlayment that would block everything from going in. Hours of operation, he can assure the board that wouldn't happen again. Chairperson Barkla stated the games would be called? Mr. Green stated "yes sir". Kleinhans stated we are reacting to a facility that expanded into evening hours. In 2009 the committee established those hours for weekdays and weekends so the neighbors understood what they were going to be dealing with. He gets complaints so he has to deal with them and found out there was compliance issues as well so that is why this is on the agenda tonight. He talked to the neighbors as well and didn't get negative responses from everyone. We need to make it fit with the local community. Mr. Green stated there are four variances; legion, 8th

grade, high school and the amateur team, is it all the teams that the complaints are about or one specific one. Mr. Flueger stated they don't have any complaints about the team, it's about the field and they just want it to be in compliance. He asked if the lights were added without approval. Kleinhans stated yes and we reacted to that issue. Mr. FluegerThe conditional use permit states #10 Alleviate lighting overflow problem for adjacent property owner. It doesn't state that if the majority of the owners don't have a problem and one person who complains will just have to deal with it. He doesn't feel the netting is going to work with their skylight and then they will have the netting and not be able to watch the games. Mrs. Flueger asked how much the shielding would cost. Looking at other fields, they have those caps on the lighting and the backstops have the curved top. Sanden stated in 2009, the condition #10 Alleviate lighting overflow problem for adjacent property owner. What has been done since September 16, 2009 to correct that overflow problem? Mr. Green stated the adjustment of the lights after they were initially installed, they found those shoulder bolts weren't to spec, they came in replaced all the shoulder bolts, adjusted all the lights to the engineers diagram. Sanden asked Jim if condition #7 Operation and maintenance plan be submitted, has that been submitted yet. Kleinhans stated we established hours in 2009, weekday hours are different than weekend hours. Maybe they were conservative but that was what the neighbors were informed of and they are running over from time to time. Sanden stated this committee is always in the unenviable position having to deal with good intentions that have unintended consequences. In the time that he has been on this committee, they have been very active towards trying to provide as much leniency as possible; whether it be to respect peoples private property rights or to encourage economic growth in the County. In response we tend to put a lot of conditions on. All those conditions, as with the last group with the mining, are not just suggestions, those are conditions and if they aren't met then those are grounds for repealing the CUP. The hours of operation are something well within someone's control. When we see things like that being violated, these are the letter of the law. We try to be as accommodating as possible to every different use within the County and the way we do that to protect the neighbors is to put these conditions on. We take these conditions very seriously. Rohl stated he agrees with Dr. Sanden and that someone has to take responsibility to discipline the hours of operation and directing the light down so it doesn't annoy the neighbors. **Sanden moved to add condition #11 "A plan drawn up in conjunction with the neighboring land owners to address overflow lighting and the foul ball issue to be submitted by the conditional use permit renewal in September 2011"/Rohl seconded. All in favor. Passed.**

Discuss take action on request by City of Red Wing to join in creation of a Joint Airport Zoning Board. Staff Report – Andy Pichotta:As you are aware the City of Red Wing is pursuing the creation of a Joint Airport Zoning Board. The purpose of said board is to develop a zoning overlay district that would restrict uses, densities and heights of structures located within 3 miles of the Red Wing Regional Airport. It appears that the Joint Board would determine what regulations and restrictions to include above and beyond the minimum standards mandated by Minnesota statutes. The proposed Joint Airport Zoning Board would be made up of two representatives from the following entities: Pierce and Goodhue Counties, the Towns of Hartland, Trenton, Isabelle and Wacouta, the Village of Bay City and the City of Red Wing. Correspondence received from the City of Red Wing regarding the creation of the Joint Airport Zoning Board is attached to the staff report. Basically there is a letter in your packets that deal with some of the issues identified with what the Red Wing Airport wants to do with the establishment of the Joint Zoning Board. There are a couple issues; one being interstate reciprocity. Given that MN and WI statutes treat municipalities from adjoining States differently, WI Statutes specifically say that their reciprocity doesn't extend to an adjoining State if that adjoining State doesn't have reciprocity that extends to Wisconsin's municipalities. Arguably interstate reciprocity doesn't apply and arguably they may or may not have the right to own and operate an airport in the State of Wisconsin. If it is determined that they do have interstate reciprocity there are some other issues – one being the use of MN Statutes instead of WI Statutes for issues not relating to the financing of said project. Another issue is in the section that deals with protection of airspace, with the establishment of

zoning, a strong argument can be made that there is not the ability granted to WI municipalities to regulate land uses in another State. Another issue, City of Red Wing wants to zone the area as if it's already got a 7000 foot runway versus a 5000 foot runway. Given the relationship between conditional use permits and Town Comprehensive Plans and also the consistency requirement as of January 1, 2010 all land use decisions made by a WI Municipality needs to be consistent with its comprehensive plan. We couldn't approve a rezone which would be necessary as part of the expansion of the airport unless it was consistent with the Town of Trenton's Comprehensive Plan which it's not nor is the granting of a conditional use permit for expansion of the airport consistent so I don't foresee a circumstance where we could approve a 7000 foot runway unless the Towns were in favor of it. I'm still in consultation with legal staff and we feel it's prudent to move a resolution forward on the chance that they try to establish this board despite the concerns that were raised just to ensure we have a place at the table.

Staff Recommendation: Staff recommends the LMC direct staff to draft a resolution authorizing Pierce County's participation in the Joint Airport Zoning Board. Said resolution would be forwarded to the Finance and Personnel Committee and ultimately to the County Board of Supervisors for adoption. This issue is on the Finance and Personnel Board agenda for next Monday and it's on the County Board agenda for Tuesday. Given that the City of Red Wing has indicated that failure to adopt a resolution within 60 days may result in their proceeding without the participation of the invited entity, a recommendation that the resolution be adopted by the County Board on the first reading may be warranted.

David Esterby, Hartland Town Chairman, stated they are one of two other townships, Isabelle and Trenton, none of the airport zoning is in Hartland but if they expand it would reach up. We will have two representatives on that board. If they expanded, Thomas & Betts would have to move where they test their poles, homes would have to be moved, Bill Schoeder's facility and the cabinet shop would have to go. It's going to get very expensive. Maybe it won't happen when they find out how many dollars it's going to take. The letter from the City of Red Wings sounded threatening to him, if you don't respond in 60 days you will have no representation. Chairperson Barkla asked Andy to explain what attempts are being made to limit what the Townships or the County can do to appoint people to this committee. Pichotta stated in the correspondence from the City of Red Wing stated that none of the representatives appointed to the joint Airport Board could be actual elected officials. Based on my review of Minnesota and Wisconsin law, that appears to be an arbitrary requirement that they have come up with. Pichotta stated that he had contacted Mr. Moskwa with the City of Red Wing and asked under what authority they were limiting membership. No response to that question has yet been received. Wendy Schommer, Town of Trenton Planning Commission, asked why they are going ahead with a zoning board when they haven't even gotten the rezone yet. Pichotta stated Minnesota and Wisconsin Statutes do not mesh very well. There is a portion of Minnesota Statutes that suggests that if an airport facility is in another state, it should be governed as if it is in Minnesota which is clearly contrary to what our statutes say. They believe eventually they are going to grow to 7000 feet. They want to deal with the zoning issue once and for all. What we have been told is that the zoning may be a requirement for funding in the future. Ms. Schommer stated it's her understanding that the zoning board is just an advisory board. Pichotta stated he would agree that is probably the case. They believe there are minimum standards established in Minnesota Statutes and this board would determine what standards in addition to those minimum standards will be added on to the zoning ordinance. Ms. Schommer stated they can't do a comprehensive plan, it's a zoning board? Pichotta stated for all WI Municipalities all land use decisions need to be consistent with their comprehensive plan effective January 1, 2010. It's a different zoning ordinance done in conjunction with a comprehensive plan as authorized under 59.69 which is the power granted to Counties and Cities to regulate uses which is different than a public health and safety ordinance much like a nuisance ordinance. They would put that in place under a different mechanism so that consistency with a comprehensive plan wouldn't be required. Ms. Schommer asked if the board here has been informed of how this is going to fall with the three mile zone. Pichotta stated that they are aware. He suggested that it may take a change in

Minnesota Statutes. Chairperson Barkla stated that several members have taken a long look at what the impactsto Pierce County would be. MsSchommer asked if this is granted, anything in that three mile area would go through the airport zoning board? Pichotta stated basically they would be an overlay district that they would administer. We would still administer the underlying zoning and not all issues would come before this board. We had some compliance issues with some trees they were supposed to plant and it took some effort to get them to comply with conditions that were in place but they have complied. The letter stating our concerns went out today and it will be interesting to see what their response is. If they try to push forward to create the Joint Zoning Board it may be we would present a legal challenge. Such action would likely start with this committee.

Sanden moved to direct staff to draft a resolution authorizing Pierce County's participation in the Joint Airport Zoning Board and forward a recommendation to the Finance and Personnel Committee and to the County Board of Supervisors for adoption on the first reading, due to the fact the City of Red Wing has indicated that failure to adopt a resolution within 60 days may result in their proceeding without the participation of the invited entity/Rohl seconded. All in favor. Passed.

Discuss take action on Travel/Training Requests.Pichotta statedthere are no travel/training requests at this time.

Departmental Update and Future Agenda Items

A conditional use permit for a natural gas meter station in the Town of Salem
Amendments to the Floodplain Maps

Motion to adjourn at 08:26pm by Rohl/Sanden seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, July 20, 2011 – 7:00 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 3 rd & 17 th , September 7 th & 21 st , all in 2011.	Chair
3	Approve minutes of the July 6, 2011 Land Management Committee meeting.	Chair
4	Discuss take action on a status report and potential modification of a conditional use permit for a nonmetallic mining operation for County Materials, agent for BS Construction and Steve Schoeder Properties on parcels located in the SE ¼ of Section 15 and the NE ¼ of Section 22, T26N, R15W, Town of Rock Elm, Pierce County, WI.	Roy
5	Discuss take action on status report and potential modification of a conditional use permit for Ellsworth Baseball Association Inc, owners on property located in the NW ¼ of the NW ¼ of Section 2, T24N, R18W, Town of Trenton, Pierce County, WI.	Kleinhans
6	Discuss take action on request by City of Red Wing to join in creation of a Joint Airport Zoning Board	Pichotta
7	Discuss take action on Travel/Training Requests	Pichotta
8	Future agenda items and departmental update.	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.

(7/08/11)

PIERCE COUNTY WISCONSIN
DEPARTMENT OF LAND MANAGEMENT & RECORDS

Pierce County Courthouse
414 W. Main Street P.O. BOX 647
Ellsworth, Wisconsin 54011
ZONING OFFICE 715-273-6747
PLANNING OFFICE 715-273-6746
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MINUTES - Pierce County Land Management Committee Meeting, July 6, 2011

Present: Joe Fetzer, Jeff Holst, Don Rohl and Eric Sanden

Others: Andy Pichotta, Jim Kleinhans, Emily Lund and Shari Hartung

Absent: Paul Barkla

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

Next meeting dates: July 20th, August 3rd & 17th, all in 2011.

Approve Minutes: **Holst moved to approve the June 15, 2011 LMC minutes/Rohl seconded. All in favor. Passed.**

Public hearing to consider amending the Pierce County Zoning Ordinance to include proposed comprehensive zoning map changes as submitted by the Town of Salem, Pierce County, State of Wisconsin. Said map changes include amending the town zoning map to include Primary Agriculture. A map is available for viewing at the Pierce County Department of Land Management Office and at the Pierce County Herald Office. Chairperson Fetzer invited Mike Graham forward: Mr. Graham, Town of Salem Planning Commission Chairperson, stated they have been working on this for the past 8 to 10 years on comprehensive changes to their zoning; working closely with Land Management and Andy Pichotta particularly. DATCP got involved and slowed them down. They are finally ready to go forward with a comprehensive rezone of the town based on criteria they predetermined; primarily steep slopes where ag land wasn't and couldn't be used as such. They feel their comprehensive rezone will be more consistent with the actual land use in their comprehensive plan. Holst stated this has been going on for a long time.

Staff Report – Andy Pichotta: This is a public hearing to consider proposed comprehensive revision to the Town of Salem zoning map. Land Management staff has been working with the Town of Salem since approximately 2002. In 2005, a public hearing to consider proposed changes was scheduled but was ultimately canceled when DATCP representatives raised last minute concerns about the percentage of land that was to be removed from Exclusive Agriculture. DATCP had, prior to that point, been involved in multiple discussions with staff and Town of Salem representatives in an attempt to identify a strategy that provided the flexibility that the town desired as well as meet DATCP standards and concerns. DATCP, in 2010, notified the Department of Land Management that the certification of the portion of the Pierce County Code relating to Exclusive Agriculture zoning had expired two years prior. DATCP representatives who had been involved in the Towns efforts noted that this afforded the Town an opportunity to move away from Exclusive Agriculture zoning, and that their approval of any such changes was no longer required. A substantial portion of the Town of Salem is currently zoned Exclusive Agriculture despite being largely wooded and, in many cases, never used for agricultural production. Due to this fact, there has long been a desire by the Town Board to institute a more flexible zoning scheme based on the actual characteristics of the land. The proposed zoning scheme primarily utilizes the Primary Agriculture (2 density points per 40) and General Rural

(4 density points per 40) zoning districts. A limited amount of Industrial Zoned property is also present in the town and no additional Industrial zoning is proposed. The Town, 5 or 6 years ago, developed specific criteria (based on cropland, steep slopes and parcel size) with which to determine which land should qualify for conversion to General Rural. Several town meetings were held at which individuals owning land which qualified for conversion to General Rural (GR) were invited and made aware of their options. Land not eligible for conversion to GR is proposed to default to Primary Agriculture (PA).

240-15 The purpose and Intent of Zoning Districts:

Primary Agriculture (PA) This 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 so as to maintain the rural characteristics of the district.

General Rural (GR) This district is established to maintain and enhance agricultural operations in the county. The district also provides for low-density residential development which is consistent with a generally rural environment and allows for nonresidential uses which require relatively large land area and/or are compatible with surrounding rural land.

Pierce County adopted a “Smart Growth” compliant comprehensive plan in 2009. Therefore, effective January 1, 2010 all land use decisions made by Pierce County must be consistent with that adopted plan. The Pierce County Comprehensive Plan states that:

- **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 Salem also adopted a “Smart Growth” compliant comprehensive plan, with which all of their land use decisions must be consistent. Their Land Use Element (attached in its entirety for your information) includes the following goal statement:

- Goal:** Transition from Exclusive Agriculture based zoning to Primary Agriculture based zoning.
- Objective:** Establish a zoning scheme that ensures the continued viability of agriculture within the town while recognizing landowners need for flexibility in the management of their land holdings.
- Policy:** Pursue the rezoning of land zoned Exclusive Agriculture to Primary Agriculture and General Rural consistent with the cropland and steep slope criteria previously developed by the Town.

The Town, in their comprehensive plan, also states its intent to develop and adopt a Town Subdivision Ordinance that will minimize the fragmentation of agricultural land and ensure that their rural character is maintained. Said ordinance will likely restrict residential density on a 40 acre basis and limit lot creation to 4 lots every 5 years.

Staff Recommendation: Given that the comprehensive zoning map revision proposed by the Town of Salem is consistent with their adopted Comprehensive Plan; staff recommends the Land Management Committee support the proposed comprehensive map revisions and recommend adoption by the Pierce County Board of Supervisors.

Chairperson Fetzer opened the hearing to the public. No public comment. Public hearing closed. Holst stated he believes Mr. Graham and his cohorts have worked strenuously for a long time. They have taken a great deal of time and thought, put a lot of effort into coming up with a plan that was a viable alternative to what they had and would meet the needs and desires of the residents of their Township as well as all entities involved. **Holst moved to approve the proposed comprehensive**

map revisions for the Town of Salem and recommend adoption by the Pierce County Board of Supervisors/Rohl seconded. All in favor. Passed.

Public hearing to consider a request for a conditional use permit for a Farm & Home Based Business, Construction Design Mgmt, in the General Rural Flexible 8 District by Kevin G. Peterson, owner on property located in Lot 5, in the E ½ of the SE ¼ and the NE ¼ of the SE ¼, in Section 20, T27N, R19W, Town of Clifton, Pierce County, WI. Chairperson Fetzer invited Mr. Peterson forward:

Mr. Peterson stated he is here to come into compliance. He does internet sales of erosion control products, sells some equipment and has storage in the shed (the old Tegeler Cattle Auction Barn). They are not expanding, just bringing the business into compliance. We have a sign on the outside. They make and distribute erosion control socks, all generally inside the building.

Staff Report – Emily Lund: This request is for a conditional use permit for a farm & home based business. This property is Lot 5 of Mesa Ridge, Section 20 in the Town of Clifton and is zoned General Rural Flexible 8. The lot size is 6.782 acres. The Clifton Town Board recommended approval on 6-1-2010. The Town did not reference its comprehensive plan; therefore it is assumed that their plan is silent regarding this request. Pierce County Zoning Code Section 240-36(E) allows farm and home based businesses as accessory to single family residential uses subject to the conditions listed in the staff report. The applicant has already established his business on the site and currently has no employees. The business is named Construction Design Management (CDM). There is an existing Quonset storage shed that is 40 ft by 120 ft with an addition that is 16 ft by 90 ft. Half the shed is used for business activities (storing equipment and erosion control products) and the other half is used for general storage. The applicant makes erosion control logs that are used for construction site stabilization. He utilizes special bagging equipment to fill bags with wood and corn stalks. The wood used in the bags is procured from John Rohl, who was granted a CUP for a Farm & Home Business/wood processing plant in May 2005. Equipment utilized for this business includes: trucks, trailers, skid steers and erosion control equipment. All of the equipment will be stored in the shed except that trailers will be parked outside. Pierce County Code Ch. 240-54(A) Parking Requirements – requires two off-street spaces for contractor establishments. There is one service door and the site has more than two parking spots currently available. Hours of operation are 8am to 5pm, Monday thru Friday, closed on Saturday and Sunday. The applicant currently has two wall signs present on the property (photo attached). After review, both signs were determined to be compliant.

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

1. Activities shall be conducted as presented in the application, including hours of operation.
2. Any proposed advertising signs shall comply with the zoning code standards and any necessary permits secured.
3. No more than 8 persons not residing on the site shall be employed in the business.
4. The entire business area shall not exceed 5,000 square feet in an accessory structure.
5. The CUP shall be renewed every 2 years. Renewal may be completed administratively if no complaints or compliance issues arise. Renewal shall be referred to the Land Management Committee if complaints or compliance issues arise.
6. Applicant understands that expansion or intensification of this use will require modification to this conditional use permit.

Chairperson Fetzer opened the hearing to the public. No public comment. Public hearing closed. Rohl, asked if they had any intention of expanding? Mr. Peterson stated no at this time with the economy and construction the way it is. He doesn't see it coming back for a period of time. **Rohl moved to approve the request for a conditional use permit for a farm and home based business, Construction Design Mgmt, for Kevin G. Peterson with conditions #1 - #6, due to the fact this**

request is not contrary to the public interest, nor detrimental or injurious to the public health, public safety or the character of the surrounding area/Holst seconded. All in favor. Passed.

Public hearing to consider a request for a conditional use permit for an accessory residence in the General Rural District for Chris & Linda Tyler, owners on property located in the NE ¼ of the SE ¼ of Section 8, T26N, R18W, Town of Trimbelle, Pierce County, WI. Chairperson Fetzer invited Mr. Tyler forward: Mr. Tyler explained the accessory residence will be a 16 ft x 16 ft addition to an existing building; a bedroom and a bathroom. It will not be seen from the road, at least in the summer and they will have the same number of residents that they have now as when the original sewer was put in.

Staff Report – Emily Lund: The property is located in Section 8, Town of Trimbelle and is zoned General Rural. The address is N5865 Cty Rd O. The Trimbelle Town Board recommended approval of this request on 6-14-2011. The Town Board submitted a letter to the Land Management Committee (attached to staff report) in support of this request. The Board Chair indicated that the Town’s plan is silent on this request. The applicant owns 120 acres, but the proposed use will be on the 40 acre parcel that has an existing residence, detached garage, barn, four storage buildings and a cottage. The proposed accessory residence will be established in the existing cottage. The issuance of this CUP will eliminate the need for Land Use Permit for said expansion. The applicants would like to have a separate Uniform Address Number (UAN) for the accessory residence. The proposed addition to the existing cottage would include a bathroom and will require a connection to the existing septic system. The applicants have hired Charlie Webster, Master Plumber, to obtain a Pierce County Sanitary Permit to complete this task. The applicants recorded a “Per Capita Flow Statement” on their deed because the same number of people will be residing on the property as is allowable for the size of the existing septic system. Also recorded is an “Affidavit regarding Common Private Sewage System” on their deed that notifies future property owners that the septic system is not only connected to the house but also to another building on the property. Pierce County Code (PCC) Ch 240-40(A) allows accessory residences, which are accessory to single family homes in the General Rural District with the issuance of a conditional use permit. PCC Ch 240-88 defines Accessory Residence, the definition is listed in the staff report. No renewal of this request will be necessary. Pierce County Code Ch 240-76(G) states that “all conditional use permits shall expire 12 months from the date of issuance where no action has commenced to establish the authorized use.”

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

1. The applicant shall obtain a Pierce County Sanitary permit in order to connect the existing septic system to the cottage.
2. The applicants shall work with the Town of Trimbelle’s building inspector to determine whether a Town building permit is needed for this remodel and addition and to have the building inspected to ensure that it meets the Uniform Dwelling Code.
3. A Uniform Address Number shall be acquired for the accessory residence.
4. Construction of the addition to the cottage shall be completed within 12 months of CUP approval.

Chairperson Fetzer opened the hearing to the public. No public comment. Public hearing closed. Holst moved to approve the conditional use permit for an accessory residence for Chris & Linda Tyler with conditions #1 - #4, due to the fact this request is not contrary to the public interest, nor detrimental or injurious to the public health, public safety or the character of the surrounding area/Rohl seconded. All in favor. Passed.

Discuss take action on a request for concept plan approval for Diamond Ridge Addition for William F. Holst III, owner by Brad Bohlen, agent on the parcel located in the NE ¼ of the NW ¼ and the SE ¼ of the NW ¼ and the SW ¼ of the NE ¼, all in Section 19, T25N, R18W, Town of Diamond Bluff, Pierce County, WI. Chairperson Fetzer invited Mr. Bohlen and Ms Beeler

forward: Mr. Bohlen, representing Bill Holst and Nancy Beeler, stated the concept plan was approved in 2005 but because of a historic site it was placed on hold. After the historic evaluation was done and nothing was found on the site, time lapsed so we need to go back through the process to get this done.

Jeff Holst recused himself from discussion and voting because of possible conflict of interest.

Staff Report – Emily Lund: This is a request for Diamond Ridge Addition concept plan approval. A concept plan for Diamond Ridge Addition was originally approved by the LMC on 10-5-2005. Subsequent to that approval, the WI DNR reviewed the applicants Notice of Intent (NOI) Permit application. Their records indicated a number of archaeological sites lie within the footprint of the project area and they requested that the applicant complete an archaeological study of the site prior to site disturbance permit issuance. For two years, no progress on the project was evident. In April 2008, a road and other improvements were found to have been constructed on the property. This was determined to be a violation of the WI DNR rules regarding site disturbance. On December 18, 2008, an enforcement conference took place among the owners, the WI DNR and the County. In 2011, the WI DNR and owners settled out of court with stipulations and orders that the project be carried through to fruition. Because condition #3 of the original concept plan approval was not followed; concept approval was revoked. Condition #3 stipulated that; “ Applicant shall secure preliminary plat approval prior to beginning construction of roads or installation of erosion control and stormwater measures.” Two archaeological studies have been completed on the site and no Native American artifacts, human remains or features were found. The applicant is now requesting concept plan approval for a 79.62 acre, 28-lot subdivision in the Town of Diamond Bluff. The property is located in Section 19, Town of Diamond Bluff. Surrounding land uses include a cemetery, a residential land division and agriculture. This land is not in the Farmland Preservation program. Zoning is Agriculture Residential. Density calculation shows $(79.62ac) \times (1 \text{ d.u./1 ac}) = 79.62 \cong 79$ density units. However, only 28 lots will be created. The Town of Diamond Bluff approved the concept plan on 9/15/2005 and 6/9/2011. The applicant deeded an adjoining property owner in Marissa’s Addition Outlot G. The land within Outlots A-D contain floodplain. The cul-de-sac near Lots 7-9 will not be extended in the future because the Diamond Bluff Cemetery borders this property. A Conditional Use Permit (CUP) for this site was approved on 4/19/2006 with conditions that allowed for the creation of two storm water retention ponds within 300 feet of navigable waters. That work was not completed and the CUP has since expired.

Staff Recommendation: Staff recommends the Land Management Committee approve this concept plan with the following conditions:

1. Applicant shall include private road numbers consistent with the Pierce County Uniform Numbering System on the Preliminary Plat.
2. Applicant shall secure a conditional use permit for filling and grading in the shoreland district prior to preliminary plat approval.
3. Applicant shall secure preliminary plat approval prior to beginning construction of any additional roads or installation of erosion control and stormwater measures.
4. Applicant shall obtain all necessary sign permits.

Mr. Bohlen stated there are 28 lots, they eliminated A – D but they are considering Outlots E & F. He just wants to make it clear that there are more than 28 lots. Lund stated the plan she has shows all the outlots. Mr. Bohlen stated he just wants to verify that the road is an outlot and included. Lund, The whole area is included, just 28 buildable lots. **Rohl moved to approve the concept plan for Diamond Ridge Addition for William F. Holst III with conditions #1 - #4/Sanden seconded. All in favor. Passed with Holst not voting.**

Discuss take action on a request for renewal of a conditional use permit to complete the road construction project in the floodplain to Lock & Dam #3 for Park Construction Co, agent for Thomas & Pauline Jurgensen Trust, owners on property located in the SW ¼ of the NW ¼ of Section 19, T25N, R18W, Town of Diamond Bluff, Pierce County, WI. Chairperson Fetzer invited Marc Allen forward: Mr. Allen, here on behalf of Park Construction, Coastal Environmental and the Corp of Engineers with a request to extend our conditional use permit for the project known as Lock & Dam #3, upper embankments. The project is approximately 85% complete and we have about five to six weeks left to complete the project. All the sheet pile walls and wiers are all installed. We have to tune them up a little bit. We have to finish armoring the embankment with rip rapping. They need to complete the road and build a box cover.

Staff Report – Jim Kleinhans: Marc was here to obtain a conditional use permit in July last year. No one could foresee having this amount of high water. They were running in conjunction with another project running through Town of Diamond Bluff. We did not have any complaints. A conditional use permit was approved with six conditions listed in the staff report. Sand fill was placed over the protected archeological features in the road in 2010. Staff verified the erosion control elements were installed on the site in 2010. Silt fence needs to be maintained. There is a tree down over the lane. You probably haven't been down there. The water is still high right to the base of the slope. Jim recommends the committee approve an extension for about six months. He asked Mr. Allen how long the Corp gave them for completion. Mr. Allen stated until January 2012. Jim would like to emphasize that the erosion control fencing needs to be maintained consistent with condition #5 and that we approve it for another six months. **Holst moved to approve the conditional use permit extension for 12 months with original conditions #1 - #6, adding condition #7 to read, Erosion control fencing shall be inspected and maintained as soon as practical/Rohl seconded. All in favor. Passed.**

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

Departmental Update and Future Agenda Items

Request for a rule exception request in the Town of Diamond Bluff

Status report and potential modification of a conditional use permit for County Materials in the Town of Rock Elm

Conditional use permit renewal and compliance issues for Ellsworth Baseball Association

Red Wing Regional Airport is forming a joint zoning committee, it will likely fall on this committee, we may want to appoint a couple members

Motion to adjourn at 07:40pm by Holst/Rohl seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, July 6, 2011 – 7:00 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 20 th , August 3 rd & 17 th , all in 2011.	Chair
3	Approve minutes of the June 15, 2011 Land Management Committee meeting.	Chair
4	Public hearing to consider amending the Pierce County Zoning Ordinance to include proposed comprehensive zoning map changes as submitted by the Town of Salem, Pierce County, State of Wisconsin. Said map changes include amending the town zoning map to include Primary Agriculture. A map is available for viewing at the Pierce County Department of Land Management Office and at the Pierce County Herald Office.	Pichotta
5	Public hearing to consider a request for a conditional use permit for Farm & Home Based Business, Construction Design Mgmt, in the General Rural Flexible 8 District by Kevin G. Peterson, owner on property located in Lot 5, in the E ½ of the SE ¼ and the NE ¼ of the SE ¼, in Section 20, T27N, R19W, Town of Clifton, Pierce County, WI.	Lund
6	Public hearing to consider a request for a conditional use permit for an accessory residence in the General Rural District for Chris & Linda Tyler, owners on property located in the NE ¼ of the SE ¼ of Section 8, T26N, R18W, Town of Trimbelle, Pierce County, WI.	Lund
7	Discuss take action on request for concept plan approval for Diamond Ridge Addition for William F. Holst III, owner by Brad Bohlen, agent on the parcel located in the NE ¼ of the NW ¼ and the SE ¼ of the NW ¼ and the SW ¼ of the NE ¼, all in Section 19, T25N, R18W, Town of Diamond Bluff, Pierce County, WI.	Lund
8	Discuss take action on a request for renewal of a conditional use permit to complete the road construction project in the floodplain to Lock & Dam #3 for Park Construction Co, agent for Thomas & Pauline Jurgensen Trust, owners on property located in the SW ¼ of the NW ¼ of Section 19, T25N, R18W, Town of Diamond Bluff, Pierce County, WI.	Kleinhans
9	Discuss take action on Travel/Training Requests	Pichotta
10	Future agenda items and departmental update.	Pichotta
11	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.

(6/17/11)

PIERCE COUNTY WISCONSIN
DEPARTMENT OF LAND MANAGEMENT & RECORDS
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MINUTES - Pierce County Land Management Committee Meeting, June 15, 2011

Present: Joe Fetzer, Jeff Holst, Don Rohl and Eric Sanden

Others: Jim Kleinhans and Shari Hartung

Absent: Paul Barkla

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

Next meeting dates: July 6th & 20th, August 3rd & 17th, all in 2011.

Approve Minutes: **Holst moved to approve the June 1, 2011 LMC minutes/Rohl seconded. All in favor. Passed with Sanden abstaining from voting because of absence at the last meeting.**

Public hearing to consider a request for a conditional use permit for a Farm and Home Based Business for a fishing tackle business (Fin-Tech Tackle Co) in the General Rural Flexible District by Mikel R. Huppert, agent for Douglas Hartle, owner on property located in the SW ¼ of the NE ¼ of Section 1, T25N, R18W, Town of Trenton, Pierce County, WI. Chairperson Fetzer invited Mikel Huppert forward: Mr. Huppert stated he is here to get a conditional use permit. He went to the Town Planning Board and they approved this. Holst asked what kind of lures they make. Mr. Huppert stated jigs, spoons, rigs and stuff but the business is just distribution and shipping, they don't manufacture anything there.

Staff Report – Jim Kleinhans: This parcel was created in 2004 before the owner purchased the property in 2008. The parcel is 5.6 acres and zoned General Rural Flexible. Staff was made aware of this use of the building so we've been working with Mr. Hartle and Mr. Huppert to try to correct the zoning so here we are for a Farm & Home Based Business application. They purchased a mobile home to install on the property to qualify for this permit. The facility is a 50 ft x 100 ft building that will comply with the Farm and Home Based Business requirement. Mr. Hartle lives in Canada so it was agreed that the home wouldn't be used for anybody else or for rental. Mr. Hartle will use it when he is here traveling from Canada. The building is used as a warehouse and office. Fishing tackle is packaged and shipped by employees from this location. Several semi trucks deliver materials to the facility and staff disperses the materials. Additional parking spaces are available along the driveway and in front of the mobile home. The property is surrounded by agriculture operations and several residences. Approximately four acres are rented for farming. One complaint was received in 2008 so we've been working on coming to a resolution ever since. There are no advertising signs on the business. Typical hours of operation are 8:00am to 5:00pm, occasionally earlier during the winter. The Town of Trenton recommended approval of this conditional use permit request without any specific concerns. The Town did not reference its Comprehensive Plan, so it is assumed that their plan is silent regarding this request. Jim had some discussion with Dick Bunce and they feel if the Farm & Home Based Business is approved it should be the principle residence of the land owner but our ordinance doesn't state that so we follow the County ordinance but they suggested we look into that in the future. **Staff**

Recommendation: Staff recommends the Land Management Committee determine whether or not this

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

1. The residence shall be occupied by the business owner.
2. Any proposed advertising signs shall comply with the zoning code standards.
3. This business permit shall be renewed again in 2 years. Renewal may be done administratively unless compliance issues exist.
4. Applicant understands that expansion or intensification of this use will require modification to this conditional use permit.
5. Solid waste shall be disposed of in compliance with Chapter 201 of the Pierce County Code.

Jim stated he would like to add an additional condition:

6. The building be approved by Dept of Commerce and inspected for commercial building code standards per Comm 61.20 of WI Statutes Chapter 101.2 and approval required within four months.

Chairperson Fetzer opened the hearing to the public. No public comment. Public hearing closed.

Holst asked how much of the building is occupied by people. Mr. Huppert stated they have one employee that is in an office 10 ft x 20 ft. and the rest is all pallet racking and inventory. Holst stated to build this to code would put these people at a hardship. It was built as an ag structure. They have been operating. If the employee is in an office it's shored up and has stud walls. Mr. Huppert stated it was a post and frame building. Holst stated he doesn't want to make this into more than it needs to be. Rohl stated we wouldn't require that the owner reside there. Holst stated we can require whatever we want, that's just his opinion. Mr. Huppert stated that's why we're out there. If we ever outgrow that area we would probably be able to afford to go to commercial. Holst stated but you can't afford it now. Mr. Huppert stated no, the mobile home created a lot of excess expense while we're trying to build a business and keep an employee. Holst stated he understands Jim's concern also but he doesn't want to put someone out of business. Mr. Huppert stated they spend a lot of money to keep it looking nice and keep it mowed.

Holst moved to approve the conditional use permit for a Farm and Home Based Business for a fishing tackle business (Fin-Tech Tackle Co) in the General Rural Flexible District by Mikel R. Huppert, agent for Douglas Hartle, owner, with conditions #1 - #5 due to the fact this request is not contrary to the public interest nor detrimental or injurious to public health, public safety or the character of the surrounding area/Rohl seconded. All in favor. Passed.

Public hearing to consider a request for a conditional use permit for expansion of a nonconforming structure in the Rural Residential 20 District by Robert Buroker, agent for Amis Farms LLC, owner on property located in Lots 1, 2 15 & 16 in Block 3 Diamond Bluff Plat, in Section 13, T25N, R19W, Town of Diamond Bluff, Pierce County, WI. Chairperson Fetzer invited Mike Dorricott forward: Mr. Dorricott, local carpenter, stated Mr. Buroker couldn't be here tonight and asked him to appear. The house needs improvements. He has already done a lot of work for Bob. At the Town meeting, there was an issue with the vision clearance triangle. The conclusion was that the bottom deck would be 8 ft x 20 ft with no bottom railing. The upstairs deck will meet code and the retaining wall will stay, everything has to follow code.

Staff Report – Jim Kleinhans: This property was recently purchased by Amis Farms, they are from the central part of the state. They would like to put a deck out front to enjoy the river. The building is entirely in the vision clearance triangle and within both town road setbacks. Included in the staff report is the Pierce County Code for additions to nonconforming structures and included is a map of the encroachments and the proposed deck footprint. The deck will be 20 ft x 8ft. It would be a two story deck with a railing on top. The local building inspector would ensure it meets code. The sanitary system is on the backside of the building so it's not in the encroachment. There is a retaining wall around the outside of this building that is in poor repair. That may be from the big cottonwood trees out in front. Their roots may have caused pressure on them. The retaining wall does surround what

they are proposing to do. They want to make some improvements on the front of the building, maybe a picture window. The Town of Diamond Bluff did consider this request at their May meeting and did not reference their Comp Plan so it is assumed their plan is silent regarding this request. So their recommendation was advisory but they did recommend to approve.

Staff Recommendation: Staff recommends the Land Management Committee determine whether this request is contrary to the public interest, or 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 with the following condition:

1. The applicant or agent shall work with the local building inspector to ensure compliance with uniform dwelling code requirements (UCD).

Chairperson Fetzer opened the hearing to the public. No public comment. Public hearing closed.

Rohl, if any additional construction would be done that would have to be approved? Mr. Dorricott stated in the footprint. There was an old stone type footing and it was either torn down or fell down. Kleinhans stated we are coming out two feet beyond that old footing. In the Town of Diamond Bluff the roads are 70 feet wide as platted, which isn't typical. But we are coming out into that platted area a little bit but the Committee decides if this meets the intent of our code for safety. Holst stated due to the fact that the retaining wall is there, that keeps them from bouncing off too hard. Kleinhans stated any expansion would require committee approval because it's so close to the road. Holst stated any expansion but if he stays within the existing footprint he can remodel. **Holst moved to approve the request for a conditional use permit for expansion of a nonconforming structure in the Rural Residential 20 District by Robert Buroker, agent for Amis Farms LLC, owner with condition #1 due to the fact this request is not contrary to the public interest, nor detrimental or injurious to the public health, public safety or the character of the surrounding area/Rohl seconded. All in favor. Passed.**

Discuss take action on Travel/Training Requests. Kleinhans stated there are no travel/training requests at this time.

Departmental Update and Future Agenda Items

Conditional use permit request for an accessory residence in the Town of Trimbelle

Comprehensive rezone for the Town of Salem, entire zoning map

Conditional use permit request for a Farm & Home Based Business in the Town of Clifton

Concept Plat approval for Bill Holst in Diamond Ridge Addition in the Town of Diamond Bluff

Park Construction who started a road project at Lock & Dam #3 has been held up by the high water.

They are coming back for an extension.

Last Friday we got the final maps for the Floodplain, we're trying to get accurate maps and trying to work with FEMA. They have to be adopted by November 12th. Holst asked what happens if we don't adopt them. Kleinhans stated then the people trying to get flood insurance won't be eligible. It will be a bad deal for the community if we don't adopt them.

Motion to adjourn at 07:23pm by Rohl/Sanden seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, June 15, 2011 – 7:00 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 6 th & 20 th , August 3 rd & 17 th , all in 2011.	Chair
3	Approve minutes of the June 1, 2011 Land Management Committee meeting.	Chair
4	Public hearing to consider a request for a conditional use permit for a Farm and Home Based Business for a fishing tackle business (Fin-Tech Tackle Co) in the General Rural Flexible District by Mikel R. Huppert, agent for Douglas Hartle, owner on property located in the SW ¼ of the NE ¼ of Section 1, T25N, R18W, Town of Trenton, Pierce County, WI.	Kleinhans
5	Public hearing to consider a request for a conditional use permit for expansion of a nonconforming structure in the Rural Residential 20 District by Robert Buroker, agent for Amis Farms LLC, owner on property located in Lots 1, 2, 15 & 16 in Block 3 Diamond Bluff Plat, in Section 13, T25N, R19W, Town of Diamond Bluff, Pierce County, WI.	Kleinhans
6	Discuss take action on Travel/Training Requests	Kleinhans
7	Future agenda items and departmental update.	Kleinhans
8	Adjourn	Members
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A quorum of County Board supervisors may be present.

(6/3/11)

PIERCE COUNTY WISCONSIN
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MINUTES - Pierce County Land Management Committee Meeting, June 1, 2011

Present: Joe Fetzer, Paul Barkla, Jeff Holst and Don Rohl

Others: Andy Pichotta, Jim Kleinhans, Brad Roy and Shari Hartung

Absent: Eric Sanden

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

Next meeting dates: June 15th, July 6th & 20th, all in 2011.

Approve Minutes: **Barkla moved to approve the May 18, 2011 LMC minutes/Holst seconded. All in favor. Passed.**

Public hearing to consider a request for a rezone from Primary Agriculture to Commercial District by Chippewa Valley Energy, Barry Hines, agent for Dale & Julie Hines and Dean & Rebecca Hines, owners on property located in the NE ¼ of the NE ¼ of Section 19, T26N, R16W, Town of El Paso, Pierce County, WI. Chairperson Fetzer invited Mr. Hines forward: Mr. Hines stated they would like to move into the area for business with propane tanks.

Staff Report – Jim Kleinhans: Barry Hines contacted us about putting a propane facility in the County. He has contacted Dale Hines about purchasing some property across from the El Paso Town Hall which is zoned Primary Agriculture. He approached the Town of El Paso and they indicated they would like to see that zoned Commercial. He is also going to pursue a conditional use permit but the big hurdle is the rezone. They are looking at purchasing approximately 2.9 acres. It is pretty much all in agricultural production right now. The Town of El Paso has a Comprehensive Plan and they reference that plan. The request is consistent with what the plan states for development along Hwy 72. It is a high access corridor in an area they have identified as suitable for commercial development. The Town Board did recommend approval of this request. Mr. Hines approached the Dept of Transportation for changing the agricultural access to commercial access. At some point there would be site plan review by this committee. The commercial district has a one acre minimum and this would exceed that. The soils shown on the site map show that not all the soils are prime for agriculture so it's probably a good candidate from Primary Agriculture to Commercial. There are a couple residences in the area along with the Town Hall. We will probably have to address these issues during the conditional use permit. A rezone to commercial would allow for retail and services based on the purpose and intent of the zoning code.

Staff Recommendation: Given that this rezone request is consistent with the Town of El Paso's Comprehensive Plan; staff recommends the Land Management Committee forward a recommendation to the Pierce County Board of Supervisors in support of this rezone from Primary Agriculture to Commercial.

Chairperson Fetzer opened the hearing to the public. Richard Heschke, Town of El Paso, lives right across from the site, is concerned about his family's safety and isn't in favor of this. He is concerned his property value will drop also. Scott Jones, Town of El Paso, lives three-quarter's of a

mile away, he is also concerned about his property value and safety. He asked what kind of back-up plan is in place if something goes wrong. **Public hearing closed.**

Holst asked the applicant if their safety and contingency plans follow State and Federal regulations and also asked what the average distance between a residential structure and these types of structures is? Joe Alf, from Chippewa Valley Energy, stated that the basic clearance of a 30,000 gallon LP tank and the next nearest structure on the same property is a minimum of 50 feet per the NFPA, National Fire Protection Association. The State of Wisconsin, Dept of Commerce will be inspecting the site. A qualified contractor will be installing it. Everything will be to the National Fire Protection Code. There are safety features built-in for excessive flow so if a pipe does break there are automatic shut-off's. We have a listing of safety procedures for the local fire department, in the event there is an emergency, until we arrive on scene.

Barkla moved to forward a recommendation to the Pierce County Board of Supervisors in support of this rezone from Primary Agriculture to Commercial for Dale & Julie Hines and Dean & Rebecca Hines, owners/Rohl seconded. All in favor. Passed.

Public hearing to consider a request for a conditional use permit for a Utility Facility >1000 square feet in the Primary Agriculture District by Chippewa Valley Energy, Barry Hines, agent for Dale & Julie Hines and Dean & Rebecca Hines, owners on property located in the NE ¼ of the NE ¼ of Section 19, T26N, R16W, Town of El Paso, Pierce County, WI. Chairperson Fetzer invited Mr. Hines forward: Mr. Hines stated that this relates to the same request for LP storage.

Staff Report – Jim Kleinhans: Without the rezone, this won't happen but Barry requested that we go through both processes at one time. There are proposed to be two 30,000 gallon tanks and also smaller tanks for residential and commercial use. The Town recommendation included requiring additional screening and also that the site is maintained and mowed. Adjacent lands include agriculture and several residences and the Town shop. The entire facility will be fenced for security. There are several propane facilities in the County right now, Pierce-Pepin has one and there is one in the Town of Martell approximately 7 miles northwest. The facility would supply 24 hour service 365 days per year for residential, agriculture and commercial users. So the location along the State Hwy is desirable because there wouldn't be load restrictions for trucks coming in to service the facility. The Dept of Transportation responded to this request a little different than they did for the proposed rezone. They responded with a requirement that sufficient internal traffic circulation must be established so that no vehicle has to back into the facility from Hwy 72. Right now there is an existing agriculture access. That access will have to be improved and upgraded to get to a commercial access. Eventually the Land Management Committee will review a site plan for this development if it gets to be zoned commercial. We will need more information than what is here, specifically regarding vegetative screening. There is a tree line along the west property right now and I think they would also want to see something along the north property line at a minimum. They will need to comply with National Fire Protection Association Code NFPA 58 Chapter 6 and WI Dept of Commerce Administrative Code COMM 10 for storage of flammable substances. Barry said that LP Gas Equipment will work with the Dept of Commerce to get all necessary approvals to establish the facility.

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

1. A site development plan shall be submitted and reviewed by the LMC to verify compliance with the Town of El Paso concerns, zoning regulations and Department of Commerce siting standards.
2. Any proposed advertising signs must comply with Department of Transportation and County zoning regulations.
3. Approval of a commercial driveway access shall be obtained from Department of Transportation.

4. Any proposed onsite sanitary facilities shall comply with county sanitary regulations.
5. Grading for site development shall comply with county sanitary regulations.
6. The use shall be established within 12 months of approval.
7. The conditional use permit shall be renewed in 2 years and may be completed administratively if no complaints or compliance issues are reported.
8. A Uniform Address Number (UAN) shall be obtained from the Land Management Department.
9. The local fire department shall be provided information specific to the facility to ensure appropriate emergency response.
10. No more than two 30,000 gallon fuel storage tanks and no more than 40 small LP tanks shall be stored on this facility.

Chairperson Fetzer opened the hearing to the public. No public comment. Public hearing closed.

Barkla asked about screening requirements, what is being suggested? Kleinhans stated that the Town recommends that some additional screening be established between the facility and the residential structures. We'll ask the company to put together a vegetative plan. The map shows they are proposing a 6" high chain link fence, I think we want to see a 6' high chain link fence. The fenced in compound is smaller than the actual lot so we want to see exactly where that's going to be located on that 2.9 acre parcel. That will help determine the view from adjacent properties. That will come with site plan review but first the rezone will need to go through at the County Board level. Holst stated the things he is interested in will come during the site plan review; the screening and the placement of the 30,000 gallon tanks so they are most favorable to the area. **Barkla moved that the committee determined this request is not contrary to public interest, nor detrimental or injurious to public health, public safety or the character of the surrounding area/Holst seconded. Holst also moved to approve the conditional use permit for a Utility Facility >1000 square feet for Chippewa Valley Energy, Barry Hines, agent for Dale & Julie Hines and Dean & Rebecca Hines with conditions #1 - #11, condition #11 stating that it is contingent on the rezone being approved by the County Board of Supervisors/Barkla seconded. All in favor. Passed.**

Discuss take action on review and potential modification of a conditional use permit for a Farm and Home Based Business – Valley Vineyard Ltd, located in the SW ¼ of the NW ¼ of Section 23, T26N, R19W, Town of Oak Grove, Pierce County, WI. Chairperson Fetzer invited Mr.

Jungwirth forward: Mr. Jungwirth stated he was before the committee on May 4th and there was an item that was not clear on the original conditions of putting in trees or screening. He had 13 dots on the property line and they were actually fence posts. He would have been glad to put trees in the 13 dots but that night he stated he wanted to check with his neighbor to see if he has anything better in mind. He has looked into two different kinds of trees, one is a hybrid willow that lives up to 70 years and gets 30 feet tall. He was talking to Mr. Roy and he stated he didn't think it was necessary to screen the vineyard. So he is asking what he is supposed to be screening. Barkla asked Mr. Roy what he is suggesting. Roy stated a lot of the property is the grapes and suggested that there may not be a need to screen the agricultural use from the surrounding properties, maybe just the commercial activities. He stated that is a question for the committee to decide with input from the neighbors. Chairperson Fetzer asked the neighbors for their input. Ben Huppert, neighbor to the northeast, indicated that he had called Digger's Hotline. He also thought the dots represented trees. He presented several pictures with the flags from Digger's Hotline. Chairperson Fetzer asked if he would appreciate seeing trees there and if the willow trees would be alright with him. Mr. Huppert stated yes to having the trees there but absolutely not to the willow trees. He would like to see spruce trees. There are existing spruce trees there and would provide a good screen with no mess. Chairperson Fetzer stated willows are a pretty weak tree. Mr. Jungwirth stated that is what he thought too until he looked into these hybrid willows that are germ free, bug free and no mess. He also noted that on Lot 1 that you see on your plan, he had shown that there would be about 16 or 18 parking places there. After they put in the driveway there is room for 22 parking spaces in Lot 2. So Lot 1 will probably only be used twice a year when they have their two annual events. He is moving six of the Fraser Firs that he does have. Going down the new

driveway there are 14 trees that are 14 – 16 feet tall. He is moving two of those down to the buildings so Mr. Huppert won't even be able to see a parked car. They are also putting three up on the northeast corner of the Lot 1 parking lot to block that view in the future. Those trees get up to 15 - 20 feet wide when they are mature. Chairperson Fetzer asked Brad if he had anything to add. Roy stated that we are looking for clarity on the size, type and location of vegetation needed to adequately screen the property and a timeline for the planting.

Staff Recommendation: Staff recommends the Land Management Committee amend condition #10 to establish the type, size, location of and timeline for planting vegetation adequate to ensure that commercial activities are appropriately screened from neighboring residential uses. An additional condition that stipulates that the applicant's failure to comply with approved conditions and established dates shall result in the immediate suspension of the conditional use permit and that all commercial activities must cease until such time as the permit is reinstated by the LMC should also be considered. Barkla stated he didn't feel it was this committee's responsibility to determine the size and the location of these things. The time would be better served if staff met with Mr. Jungwirth and the interested parties. Holst stated that this is a part of site plan review and that it is our responsibility and would alleviate a situation that has been ongoing for years. Barkla stated he would like to see Mr. Jungwirth before this committee on a regular basis so we don't have to deal with these kinds of issues. Like the issue in Spring Lake Township. Holst stated this isn't as contentious an issue as that, it doesn't effect as many people and can be resolved tonight if we so choose. Chairperson Fetzer stated as he recalls the last meeting when Mr. Jungwirth suggested he would work with the neighbors and coming up with a plan for trees. The neighbors would be happy with spruce trees. Mr. Jungwirth stated that they are not on my property. Chairperson Fetzer said he was just stating what Mr. Jungwirth said. So you are trying to keep your neighbors happy and work with your neighbors. That's an olive branch, that's what I'm suggesting. Work with your neighbors and we can come up with something right now. Mr. Jungwirth stated he talked with Mr. Nesbitt and Mr. Huppert one evening. Mr. Nesbitt said it wouldn't be a good thing to put the trees on his property because it's too low, it's better to put them on Mr. Huppert's property. Mr. Huppert stated he asked Mr. Nesbitt about planting the trees. Mr. Nesbitt stated they can plant them in the lower water way below the driveway and the cable lines. They might succeed and some might get wet feet from having their roots saturated and then they may rot. Mr. Jungwirth asked what we are trying to screen. He has 34 trees planted on the property; most are 8 -10 years old. Mr. Huppert stated he would like the whole thing screened because to him it's a commercial business. Mike LaCasse, next door neighbor to Ben, stated that willows are a messy tree and the business would not be screened 12 months out of the year. Mr. Huppert stated there would be some negatives of trees being planted in the waterway. When they get bigger they may shadow upon his driveway which might be a problem for people coming in and drifting also in the winter. Chairperson Fetzer asked how much room there was along the driveway. Mr. Jungwirth stated about 35 feet. He was planning on planting the trees five feet off the property line. Chairperson Fetzer asked if they were talking about planting where the 13 dots are on the map. Mr. Jungwirth stated yes, he wouldn't put any trees on the bottom four because that would shadow the spruce trees. It would just be the north line. Mr. Huppert suggested they start from the top of the L of his spruce trees and do a staggered row for the best screening all the way to the transformer box and then put an additional 3 or 4 on the bottom of the L on the backside. **Holst moved to add a condition requiring the applicant to provide screening by planting nine trees along the North/South property line and then three trees on the East/West property line, 9 foot tall spruce trees planted within six months/Rohl seconded. All in favor. Passed.**

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

Departmental Update and Future Agenda Items

Conditional use permit request for a Farm & Home Based Business in the Town of Trenton

Conditional use permit request for an expansion of nonconforming structure in the Town of Diamond Bluff

Amendments are being made to the County Flood Plain maps; we provided a lot of information trying to ensure a better product. We put together 50 plus areas where we thought the information was incorrect. Basically they didn't accept any information provided to them stating that the information didn't meet their standards. So we are ending up with a product that is possibly worse than what we had to begin with. Kleinhans stated except that we'll have air photos with the FIRM maps. Our letter of final determination is running and the new maps will have to be adopted by November 12th.

Barkla informed the committee that Mr. Pichotta had volunteered to take on two more budget matters; the Mississippi River Regional Planning Commission and the Historical Society budget.

Motion to adjourn at 07:49pm by Barkla/Holst seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

LAND MANAGEMENT COMMITTEE
REVISED MEETING AGENDA
Wednesday, June 1, 2011 – 7:00 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: June 15 th , July 6 th & 20 th , all in 2011.	Chair
3	Approve minutes of the May 18, 2011 Land Management Committee meeting.	Chair
4	Public hearing to consider a request for a rezone from Primary Agriculture to Commercial by Chippewa Valley Energy, Barry Hines, agent for Dale & Julie Hines and Dean & Rebecca Hines, owners on property located in the NE ¼ of the NE ¼ of Section 19, T26N, R16W, Town of El Paso, Pierce County, WI.	Kleinhans
5	Public hearing to consider a request for a conditional use permit for a Utility Facility >1000 square feet in the Primary Agriculture District by Chippewa Valley Energy, Barry Hines, agent for Dale & Julie Hines and Dean & Rebecca Hines, owners on property located in the NE ¼ of the NE ¼ of Section 19, T26N, R16W, Town of El Paso, Pierce County, WI.	Kleinhans
6	Discuss take action on review and potential modification of a Conditional Use Permit for a Farm and Home Based Business – Valley Vineyard Ltd., located in the SW ¼ of the NW ¼ of Section 23, T26N, R19W, Town of Oak Grove.	Roy
7	Discuss take action on Travel/Training Requests	Pichotta
8	Future agenda items and departmental update.	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.

(5/20/11)

***Revised 5/26/11 at 12:13 p.m.**

PIERCE COUNTY WISCONSIN
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MINUTES - Pierce County Land Management Committee Meeting, May 18, 2011

Present: Paul Barkla, Jeff Holst, Don Rohl and Eric Sanden

Others: Andy Pichotta, Jim Kleinhans and Shari Hartung

Absent: Joe Fetzer

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

Next meeting dates: June 1st & 15th, July 6th & 20th, all in 2011.

Approve Minutes: **Sanden moved to approve the May 4, 2011 LMC minutes/Rohl seconded. All in favor. Passed with Jeff Holst abstaining from voting because of absence at the last meeting.**

Election of Officers: Holst nominated Joe Fetzer for Chairperson. **Rohl moved to close nominations and cast a unanimous vote to elect Joe Fetzer as Chairperson. All in favor. Passed.** Holst nominated Paul Barkla as Vice Chairperson. **Rohl moved to close nominations and cast a unanimous vote to elect Paul Barkla as Vice Chairperson. All in favor. Passed with Barkla abstaining from voting.**

Discuss take action on a status report/update on the Red Wing Regional Airport, by City of Red Wing, owner on property located in Section 1, Town of Trenton and Sections 5 & 6, Town of Isabelle, Pierce County, WI. Rick Moskwa, City of Red Wing Public Works Director, along with Tammie Dougherty, Assistant Airport Manager, Megan Stritchko from the WI Bureau of Aeronautics, Ryan Gaug and Kathy Vesely from the MN Bureau of Aeronautics, Mike Schultz, Council Member for the Airport Board, Jim McCowrath, Harold Henn and former Airport Board Member Tim Hendel are present tonight. Mr. Moskwa stated there will be a presentation from the State people that are here from both Wisconsin and Minnesota. He will explain some of the procedural events that have taken place. The Council has approved the appointment of a zoning board to begin the process of zoning the Red Wing Airport. The Council has also approved a contract with Consultant Short Elliot Hendrickson (SEH) to help us through the process. In 2008, the past Public Works Director came before this group to have this same discussion. We, as a municipality, have held township meetings and have met with all the groups and are now ready to move forward with this. We will try to get the people from the local units of government at a meeting and start the process moving. We look forward to meeting with everyone and encourage all participants to come to the table with a true spirit of cooperation to accomplish a difficult task. Megan Stritchko, WI Bureau of Aeronautics, started with a power point presentation about what the Wisconsin Statutes allow for airports, Extraterritorial Zoning Authority and Land Use Zoning in Wisconsin. The Bureau of Aeronautics strongly encourages airports to work with the surrounding municipalities. The State will fund reimbursement for 80% of cost of the ordinance adoption, up to \$50,000. Lastly, Ms Stritchko explained the Wisconsin-Minnesota Relationship: Wisconsin statutes grant zoning rights to airport owners in adjoining states. Kathy Vesely, MN Office of Aeronautics presented information on the history of aviation, establishing clear

zones or runway protection zones, now regulated by the FAA and establishing complimentary effective zoning laws. Minnesota also has reciprocity; the laws only apply if the states agree. The Joint Airport Zoning Board has a big job; they need to think in terms of what the community needs as well as what the airport needs and focus on airports as an essential part of the larger community of people, businesses and jobs. Zoning should be tied to the municipal comprehensive plan. Red Wing has an existing, around 5000 foot runway and in the future they are planning on a larger runway. We want them to zone for both so they only have to go through the process once. We suggest you have an airport zone influence area disclosure statement on property titles, although this is not a requirement and you may want to revise your variance ordinance to allow for technical input from our office; if there is a question about a use, whether it would have an impact on the aviation environment. The local authorities maintain the decision making authority on those. There are ten steps the Joint Airport Zoning Board will have to go through and the last one is filing with the County Recorder so that every land owner and potential land owners would understand the restrictions on the property as a result of the ordinance. There would be two public hearings on this as well. The airspace is also a component of the zoning ordinance and Megan talked earlier about how Wisconsin has height restrictions already in place. The airspace component of our ordinance is the compliment of that. Pichotta asked to verify that Wisconsin has a height requirement versus a land use ordinance requirement. Ms Stritchko stated that was correct they specifically require public airports have a height ordinance. We strongly recommend and the statutes allow for land use. Pichotta asked whether the model ordinance being discussed is a Minnesota model ordinance. Ms Vesely stated that it is a Minnesota model ordinance because the Red Wing Airport, even though it exists in Wisconsin, is actually part of the Minnesota system because of the sponsorship of the City. Holst asked how many WI airports are in MN, versus MN airports in WI? Ms Vesely stated she believes there are zero WI airports in MN and one MN airport in WI. Holst stated so we are talking about a site specific State Statute? Ms Vesely stated we also have an airport that is International at Pine Creek where half of the runway is in MN and the other half is in Canada. Sanden asked Ms Stritchko about the ETZ model that will be used in this case; is it advisory or does it have various vote requirements, has to be unanimous or a majority vote? Ms Stritchko stated that MN requires a joint zoning board. Ms Vesely stated there are two options in MN but the most affective is to have the sponsor invite everyone to participate in a Joint Airport Zoning Board and if the invitees decline to participate, they may move ahead without that participation. Alternatively, each municipality can create their own zoning ordinance. In this case, I think there are seven jurisdictions that would have to go through the whole process on their own. It's much more affective when there are many jurisdictions affected by the airport safety area to us the Joint Airport Zoning Board model in MN. Ms Stritchko stated WI doesn't specify how it has to look. All the statutes say are that you can go up to three miles and zone that much. Whether a municipality wants to involve the surrounding municipalities or if they want to act autonomously; it's up to the municipality that owns the airport. Sanden asked assuming that one model with one board with this jurisdiction, are decisions made by majority vote, unanimous consensus and is that ruling then enforced or is it advisory. Ms Vesely stated the zoning board would establish it's own rules of operation, there is nothing prescribed by statute that says how they have to count votes, the piece that is prescribed by statute is who has to be invited. How the zoning board comes to their model is on them. An early meeting would be about agreeing on procedure. The ten things on the list are set in statute, how they get to that point is defined by the group and there has to be a person elected as the chair. Holst asked if they could list the municipalities involved. Mr. Moskwa stated on the MN side, it's the City of Red Wing, Goodhue County, Wacouta Township, in WI, Pierce County, Bay City, Hartland, Isabelle and Trenton. There are eight communities with the statutes stating two members from each unit of government. Pichotta asked if the decisions made by the Joint Zoning Board are binding or could the City overrule a decision made by that board? Ms Vesely stated that the Joint Zoning Boards task is limited to protecting the plan of the airport. The question is kind of about can we decide to change the plan of the airport. That's already been signed, sealed, delivered and approved by the FAA so the task is really about protecting that plan. Pichotta stated the model ordinance imposes minimum standards and you can't go below the minimum

standards anyway - so it's going to be the model ordinance plus whatever the joint group agrees to add to it? Ms Vesely stated the statutes allow for the Joint Airport Zoning Board to be more restrictive than the model in cases where it benefits the community. There are two cases when the statutes allow for it to be less restrictive than the model; when there is an established residential neighborhood and there are special exceptions for that in our model language and when the social and economic impact of the zoning is substantially different. We encourage the Joint Zoning Board to work with us early and often so we can check the draft against the standards and let them know where it meets or doesn't meet. The bluff land to the east is an issue, looking at St. Paul, they proposed a model that was less than standard, in the Zone C, the big oval traffic pattern, they made the big oval but when they got to the bluff line the line followed the bluff. They worked very closely with the FAA to establish airspace clearance height at whatever the local authority building height is. It's a mitigation technique that they have accepted in other airports. Pichotta asked if there would be additional studies necessary in order to justify any deviation from the model. Who would pay for that? Ms Vesely stated the FAA is a partner and she didn't think they would be charging you anything for that. Holst asked about the timeframe and expediency. Ms Vesely stated that if you go through all the steps in the MN process and figure out the legal requirements, it takes about 120 – 180 days, depending on whether or not there is an established residential neighborhood involved. It's not uncommon for the Joint Zoning Board to meet for a period of about two years by the time they finish their second public hearing. Carol Graske, neighbor to the airport, asked about the three mile radius and by-passing the bluff area, would it be over Red Wing or the river. Ms Vesely stated the three mile radius is a WI Statutes and they can go up to that. Ms Stritchko stated, up to three miles from the boundary of the airport. Ms Graske stated so they can circle over the City of Red Wing if the bluff area doesn't meet the height restriction. Ms Vesely stated the ordinance that would be crafted would be about land use controls not pilot operations. The pilots need to circle the runway and generally it's left-hand traffic so the pilot can always see the runway. It's a safety issue. Ms Graske asked about the expansion of the runway, she stated the runway is at 5000 ft now. Mr. Moskwa stated that it's at 5100 ft now. Ms Graske asked what the plan is - that has been approved to expand too? Ms Vesely stated it's planned to be around 7000 ft. The master plan is their idea of where they want to be in the far future. In order to build that plan they would have to have the justification. They would have to have enough landings by an aircraft substantially larger than is based at Red Wing today. In order to qualify for State or Federal funding on the MN side and Federal funding on the WI side, the need for that airport would have to be justified so there is a study they would have to do well ahead of construction to prove that there is enough increase of traffic to warrant that size of an investment in the infrastructure. There is competition with other airports. Tim Hendel asked if they were to expand to the 7000 ft, would there be any consideration for the local residents at that point. Ms Vesely stated there is a picture here and the expansion would be to the west. Some additional property would have to be acquired. Before an airport can even start to expand they have to be justified and prioritized for funding. Then they have to start acquiring the land they need because they have to have a bigger clear zone. If there are homes in the future area, they have to have an environmental document prepared to show what the ramifications would be. They must provide fair market value and residents are entitled to their own appraisal. Mr. Hendel asked about the rest of the residents that won't have property bought out. Would they have any say or being that it's rezoned at that point does it just move forward? Ms Vesely stated that their opportunity for public input would come as part of the environmental documentation phase. Doug Whaley asked on a 7000 ft runway, what size aircraft are you talking about; a CRJ? Ms Vesely stated yes, a CRJ, probably a 20-30 passenger plane. Sue Moldenhauer asked what the people in the three mile zone can do with their houses? Ms Vesely stated that is a limitation in the State of WI. In the MN model, we base everything on the runway length. Zone C would be 10,000 ft from the end of the runway; it's the least restrictive. Ms Moldenhauer stated Thomas & Betts would be in that area. Ms Vesely stated they would be fine. Mr. Moskwa stated at 7000 ft they wouldn't be fine but at the 5000 ft they are fine. Ms Vesely stated we lowered the poles with the last expansion. Pichotta asked is it your position that this is a zoning overlay district or does it replace existing zoning? Ms Vesely stated it would amend existing zoning

but it is a good comparison. It's somewhat like the DNR Shoreland District, it's an airport overlay district. Pichotta so underlying zoning remains in effect also. Ms Vesely stated yes and the most restrictive of the two applies. Chairperson Barkla thanked everyone for the presentations and information.

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

Departmental Update and Future Agenda Items

Rezone request in the Town of El Paso from Primary Agriculture to Commercial
Conditional use permit request for Utility Facility >1000 square feet in the Town of El Paso

Motion to adjourn at 07:57pm by Holst/Rohl seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, May 18, 2011 – 7:00 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: June 1 st & 15 th , July 6 th & 20 th , all in 2011.	Chair
3	Approve minutes of the May 4, 2011 Land Management Committee meeting.	Chair
4	Election of Officers	Pichotta
5	Discuss take action on a status report/update on the Red Wing Regional Airport, by City of Red Wing, owner on property located in Section 1, Town of Trenton and Sections 5 & 6 Town of Isabelle, Pierce County, WI.	Pichotta
6	Discuss take action on Travel/Training Requests	Pichotta
7	Future agenda items and departmental update.	Pichotta
8	Adjourn	Members
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A quorum of County Board supervisors may be present.

(5/6/11)

PIERCE COUNTY WISCONSIN
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MINUTES - Pierce County Land Management Committee Meeting, May 4, 2011

Present: Paul Barkla, Don Rohl, Eric Sanden and Joe Fetzer

Others: Andy Pichotta, Jim Kleinhans, Emily Lund, Brad Roy and Shari Hartung

Absent: Jeff Holst

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

Next meeting dates: May 18th, June 1st & 15th, all in 2011.

Approve Minutes: **Sanden moved to approve the April 20, 2011 LMC minutes/Fetzer seconded. All in favor. Passed with Paul Barkla abstaining from voting due to his absence from the last meeting.**

Public hearing to consider a request for a conditional use permit for mining, accessory uses (ready mix plant) in the General Rural Flexible District for William Holst III, owner on property located in the SE ¼ of the NE ¼ of Section 33, T25N, R18W, Town of Trenton, Pierce County, WI. Chairperson Barkla invited Mr. Holst forward: Mr. Holst stated that he was here with Chris Hanke, owner of a ready mix plant, and explained that he wants to establish a ready mix plant operation and has approval from the Town of Trenton. It's a portable plant to set on a concrete foundation. He is 1500 ft from the nearest dwelling. This will be 200 – 300 yards east of the existing wash plant. He feels the area needs another ready mix plant to get some competition going. They already have water there and will bury another water line. They have three-phase power there as well.
Staff Report – Brad Roy: Mr. Holst is requesting to establish a Ready Mix Plant in his gravel pit in the Town of Trenton. The gravel pit is a preexisting nonconforming (grandfathered) mining operation. The entire site is approximately 250 acres with approximately 130 acres used for mining. The remaining land is predominantly used for agriculture. The Ready Mix Plant area will be 2 acres in size and will be placed on a mined portion of the site. Pierce County Code regulates Mining Accessory Uses in § 24-37B. Asphalt plants and accessory uses to nonmetallic mining.

- (1) Such uses shall be located a minimum distance of 1,000 feet from dwellings and 100 feet from all property lines.
- (2) Hot mix asphalt plants shall be licensed for air emissions by WI DNR.
- (3) Reclamation of sites and bonds required.

The area for the plant is currently used for stockpiling mining materials. The closest residence would be approximately 1100 feet from the plant. It's over the 1000 foot minimum. The proposed hours of operation are daylight hours, seven days a week. It should be noted that because of the preexisting nonconforming status of the quarry, the hours of operation are not regulated. A portable office and batch plant (see attached photo) will be placed in the plant area. Sand and gravel stockpiles will be situated near the plant. A loader will be used for the plant along with four concrete trucks. The Ready Mix plant will be near the wash plant for the mining operation. The plant will have 8 employees. A portable toilet will be placed onsite. The site is covered in the existing mining reclamation plan and

does not require a change to the plan. Bonds are required as part of the approved reclamation plan. Staff has determined that it is probably not necessary for an extra set of plans and bond, however the LMC could require them if determined to be necessary. The Town of Trenton recommended approval of this request on April 12, 2011 with no specific concerns identified or conditions suggested. The Town did not reference its Comprehensive Plan; therefore it is assumed that the plan is silent on this request. In cases where a Town's comprehensive plan does not provide guidance regarding a proposed use, the recommendation shall be advisory and non-binding.

Staff Recommendation: Staff recommends the Land Management Committee determine whether the establishment of this use at this 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 approve this conditional use permit with the following conditions:

1. Use shall be conducted consistent with submitted plans.
2. The CUP shall expire in 2 years or if compliance issues arise. Renewal may be completed administratively if no compliance issues arise.

Chairperson Barkla opened the hearing to the public. No public comment. Public hearing closed. Sanden asked Brad if it was because this is covered under a preexisting nonconforming status, we don't set hours of operation for this use. Isn't this an intensification of use? Roy stated it's technically a different use, an accessory use. We have a mining operation with no hour limit on it. So they can operate all day or all night and we wouldn't have anything to say about it. However, the committee could choose to put hours on this operation. Mr. Holst stated that we talked about this at the Planning Commission meeting. They could have set hours but chose not too. It's an advantage for the farmers on the weekends. Sanden asked what is the intent on the hours. Mr. Hanke stated 95% of the time will be Monday through Friday 7:00am to 3:30pm. But occasionally weekends or a late evening when someone needs materials. **Sanden moved to approve the conditional use permit for mining, accessory uses (ready mix plant) in the General Rural Flexible District for William Holst III, due to the fact it is not found to be contrary to the public interest or detrimental or injurious to the public health, public safety or the character of the surrounding area, with conditions #1 - #2/Fetzer seconded. All in Favor. Passed.**

Public hearing to consider a request for a conditional use permit for private outdoor recreation (motorcycle hill climbs) in the General Rural Flexible and Commercial Districts for Larry Gerdes, owner by Dean Gerdes, agent on property located in the E ½ of the SW ¼ and the W ½ of the SE ¼ of Section 28, T25N, R17W, Town of Hartland, Pierce County, WI. Chairperson Barkla invited Mr. Gerdes forward: Dean Gerdes explained they used to have the hill climbs from 1976 to 1991 but his father got tired of running it. They have now formed a club and want to do it again. The hill is still there and won't be much work to get it going again. Sanden asked what time of the year they are looking at. Mr. Gerdes stated September 4th, a one day event, 9:00am until dusk. Fetzer asked if they were looking on expanding at all. Mr. Gerdes stated that if it goes well, they would like to have one in the spring next year and one in the fall. Fetzer asked what the limit would be. Mr. Gerdes stated two events per year.

Staff Report – Emily Lund: Larry Gerdes, the father, owns 171.5 acres of land and has a business called Valley Springs Elk & Trout Farm. He has raised trout since 1965, elk since 1990, and recently acquired llamas and alpacas. Larry Gerdes applied for a CUP for motorcycle hill climbing events that was first approved 1-13-1977. The CUP was renewed 2-12-1979, 2-9-1981, 3-7-1983, 9-9-1985, 9-8-1987, and 9-20-1989. The attached photos show the applicant's site map and photos from 1986 and 1977. The Department sent correspondence on 12-1-1994 asking if he wanted to renew the CUP. Larry said they were not interested at that time. Now they are again interested in holding an American Motorcyclist Association (AMA) sanctioned motorcycle hill climbs, which was previously held thru 1992. The host will be the Valley Springs Motorcycle Club, an AMA District 16 Chartered Club. The property is located in Section 28, Town of Hartland. The property is zoned General Rural Flexible and

Commercial. Hartland Town Board recommended approval of this request on 4-12-2011. The Town did not reference its Comprehensive Plan; therefore it is assumed that the plan is silent on this request. In cases where a Town's comprehensive plan does not provide guidance regarding a proposed use, the recommendation shall be advisory and non-binding. Surrounding land uses include agriculture, woodland, and residential. Looking at the contour map and the topography of the land, it appears the sound from the motorcycle hill climbs would probably project to the south. There are 31 homes within 0.53 mile radius of the proposed use. The motorcycle hill climbers and spectators will enter Larry Gerdes' driveway and drive ~527 ft westerly into his property and past the buildings. The entrance is currently gated and locked, but will be open for the event. Parking is separated into two locations and covers an area ~ 4.4 acres. The spectator parking area is just west of the buildings and farther to the west is the rider's parking area. One ambulance will be on-site. Another ambulance will be on stand-by at the Ellsworth Ambulance station. If the on-site ambulance leaves, the stand-by will come to the site. This way the motorcycle hill climb may continue. Applicants propose one event this year, which is tentatively scheduled for September 4, 2011 and the rain date is September 5, 2011. If this event goes really well, they want to have a maximum of 2 events per year. The requested hours of operation are 9am to dusk. Applicants will not hire any employees. Everyone working at the event will be volunteers. The existing building on-site will not be used for the events. Participants and spectators would bring their own pop-up tents and trailers. Equipment to be used will be generators, skid steer, and miscellaneous small equipment. Concession stand(s), 5 portable restrooms, and trash cans will be provided and maintained for patrons. Applicants should contact the Department of Public Health to comply with their regulations, licenses, and/or permits. Applicants said that camping is not allowed for spectators and applicants for 2011. If camping is allowed for participants and spectators in the future, camping would be limited to day prior and day after the event. An adult and minor release and waiver of liability and indemnity agreement were submitted to the Department. Each individual entering the event will sign this waiver. The waiver documents will be forwarded to the Pierce County Corporation Counsel for review. Applicant indicated that they plan to secure a \$2 million year long general liability insurance plan through Northfield Insurance Company and a \$1 million public/spectator and participant legal liability insurance for the day of the event. A copy of the insurance plans will be submitted to the Department. If there are any changes to the plan, the new plan shall be re-submitted to the Department. Pierce County Corporation will be asked to review the liability insurance to determine adequacy. An admission fee will be charged \$10 per person. Alcohol will not be sold on-site. The applicants want to have seasonal signs for advertising banner signs. They also want to put up directional sandwich signs the day before the event that will be taken down the day after the event. Staff was notified of three advertisement signs up before the CUP was approved. The applicants indicated the signs were up to notify people during the Flood Run. One off-premise advertising sign was located 300 feet east of the intersection of 135th Avenue and St Hwy 35.

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

1. If any structures are built on-site, a land use permit shall be obtained for all future structures prior to construction.
2. Applicant shall also comply with all relevant local and state ordinances and regulations and secure all necessary permits and licenses (e.g. Department of Commerce, Department of Public Health).
3. Adequate portable satellite waste stations (1 per 50 people) shall be provided.
4. Solid waste dumpsters or waste containers shall be located on-site and maintained.
5. Activity approved for September 4, 2011 and the rain date is September 5, 2011. Request for additional dates to be approved by Land Management Committee.
6. Hours of operation shall be 9AM to dusk, or as otherwise established by LMC.

7. Any advertising signs shall comply with the zoning code standards and any necessary permits shall be secured prior to sign installation on property.
8. A copy of the insurance and any changes to the insurance shall be submitted to the Land Management Department.
9. If an emergency evacuation of injured riders will go through an adjoining property owner's property, applicants shall obtain written permission from the adjoining property owner prior to the event.
10. If camping is allowed for participants and spectators in the future, camping shall be limited to day prior and day after the event.
11. The CUP shall be renewed every 2 years. Renewal may be completed administratively if no complaints or compliance issues arise.
12. Applicant understands that expansion or intensification of this use may require modification to this conditional use permit, or potentially, the issuance of a new conditional use permit.

Chairperson Barkla opened the hearing to the public. Melissa Stogdill, representing the Stogdill Irrevocable Trust, the adjoining land owner, wants to see clarification on condition #9. What specifically they would be asking of neighbors and if there would be any monetary damage because that crop land is leased. Lund stated that she talked to Larry about the issue and he didn't see any reason they would need to access the adjoining property. Ms Stogdill stated she needs to make sure her lessee is covered if there is any crop loss. Pichotta suggested that if you are unwilling to allow them on your property, then they can't go on your property. Ms. Stogdill asked if they have confirmed with EMS that they would not do that in an emergency situation. She needs to know that if there is crop loss that it will be compensated. Lund indicated that Larry Gerdes had stated there is an area north of the hill for a helicopter to land. Dean Gerdes stated that if necessary the ambulance would be down in the valley where the spectators and visitors are. Mr. Gerdes stated there is a road that goes up the hill that would not be on her land. In the years that they have had hill climbs, they haven't even had to use an ambulance. Ms Stogdill asked if anyone had reached out to the wildlife services. There are migratory song birds and nesting bald eagles on the property. Would this in any way impact them? Kleinhans stated it's a one day event. If it were continuous, then they may be disturbed. The eagles wouldn't be nesting that time of year. Lund stated that they are not shaving down a hillside, it is the existing one and they will be doing some repairs. Kurt Funk, lives close to the property, stated that they have had hill climbs before there and they have always been good neighbors, it's positive for the area. **Public hearing closed.** Sanden asked how many people they are estimating to attend? Mr. Gerdes stated around 500 to 600 people. Sanden asked how many would be participants? Mr. Gerdes stated 300 - 350 participants at the most. Sanden asked Emily if in the past years if she was aware of any complaints. Lund, there were no complaints in the file and noted that the renewal was always approved on previous occasions. Sanden asked if there is anything in the code that covers this use. Lund stated it is classified as an Outdoor Recreation use and noted that she believes there was a motorcycle event proposed about five years ago. Kleinhans stated that there was a motocross track proposed and noted that it didn't get approved. Sanden asked if there is an erosion issue due to the fact it is close to Isabelle Creek. Mr. Gerdes stated they build it up again; it doesn't erode away. Lund stated there are four acres of flat land at the bottom of the hill. Fetzer asked if they strip the hill down or peel the grass back. It looks like there is grass with a hill up the middle in the pictures. Mr. Gerdes stated we seed it down after the event. Pichotta suggested the land owner could have a contingency agreement in place should the need arise to utilize the neighboring property in the case of an emergency. Rohl stated he thought the liability insurance should cover the issue. Chairperson Barkla asked Mr. Gerdes what type of insurance they are going to have. Mr. Gerdes stated Larry is going to have a \$2 million dollar liability policy and a \$1million for the riders. It's two different companies. Bill Holst stated that he has had a lot of insurance policies over the years and it won't cover her issue. I think if you would agree that if there is any damage to her crops you would pay for them and it could be settled. Ms Stogdill stated they could have a conversation about it but she is not going to commit to anything now. **Rohl moved to approve the conditional use permit for private outdoor recreation (motorcycle hill climbs) two**

climbs per year, for Larry Gerdes, owner by Dean Gerdes, agent, due to the fact this is not found to be contrary to the public interest or detrimental or injurious to the public health, public safety or the character of the surrounding area, with conditions #1 - #12. Fetzer seconded the motion.

Fetzer stated he is concerned about approving this without addressing the EMS and the other questions. Lund asked Ms Stogdill where her property is located. Ms Stogdill stated to the north. Fetzer asked if there is a lot of woods between them. Ms Stogdill stated there is a woods and then a field. Chairperson Barkla stated in taking a look, he is getting a different impression about the woods and the property line. Kurt Funk stated there are woods between the hill site and the field site that they own. His experience in working with injuries and being on First Responders with the County; it's not an easy way to get someone out. They are probably going to be injured on the hill, not if they make it to the top. Fetzer asked if a four-wheeler could get up the hill. Mr. Funk stated there is a road, a jeep could get up. If there is a major injury they are going to go back down the hill and not through the woods and to her field. Fetzer asked if there is a spot on top of the hill for a helicopter to land. Mr. Gerdes stated it would be in one of their fields and his dad owns a field up there that he leases out. **All in favor.**

Passed.

Public hearing to consider a request for a conditional use permit for expansion of a nonconforming use of land (motor freight transport) in the Primary Agriculture District for Paul Frandsen, owner on property located in the NW ¼ of the SW ¼ of Section 23, T27N, R17W, Town of Martell, Pierce County, WI. Chairperson Barkla invited Mr. Frandsen forward: Mr.

Frandsen stated he lives on Hwy 63 and has had trucks out there for years. They have 18 trucks and 18 drivers. He doesn't plan on having anymore. They have a blacktop driveway and they are right off of Hwy 63. They keep their place pretty neat and don't have junk lying around.

Staff Report – Jim Kleinhans: Mr. Frandsen has operated a motor freight transport business from his farm parcel since he moved there in 1970. He operates quite a few trucks and has 17 or 18 drivers. He's obtained a lot of permits for buildings. I wasn't aware of it until someone called me and we tried to establish whether he was grandfathered. There is another trucking company permitted with a conditional use permit 1.5 miles to the south along Hwy 63. A 10,000 gallon double wall fuel tank is set on a concrete slab along the north side of the driveway. The tank has been inspected and approved by the Dept of Commerce. The well is located behind their residence and more than 100 feet from the fuel storage tank. The main truck service building has a floor drain and a 10,000 gallon holding tank to capture wash water etc. Mr. Frandsen is currently applying it to his agriculture fields. Tanks installed for nondomestic wastewater should be registered with the Dept of Natural Resources and serviced by licensed wastewater haulers. I checked with a local environmental engineer on the operation of those tanks and he forwarded the forms to register with the State. There are two forms of disposing of the wastewater, Paul could either get certified to empty the tank himself or he could have the tank serviced by a wastewater hauler. The business maintains a portable satellite for use by employees near the main building. The trucking facility is located approximately 800 feet west of Hwy 63 and a lot farther from surrounding residences with the exception of one of his employees. The designated employee parking is on the north side of the shop along an agricultural field. No advertising signs are requested. The Town of Martell recommended approval of this conditional use permit without specific conditions on March 8, 2011. The Town did not reference its Comprehensive Plan; therefore it is assumed that the plan is silent on this request. In cases where a Town's comprehensive plan does not provide guidance regarding a proposed use, the recommendation shall be advisory and non-binding.

Staff Recommendation: Staff recommends the Land Management Committee determine whether the expansion of this use at this location is/was 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 approve this conditional use permit with the following conditions:

1. Applicant shall delineate adequate parking consistent with § 240-54.

2. Applicant shall secure all applicable permits and approvals from other state and/or local agencies.
3. Applicant shall continue to provide sanitary facilities (satellite toilet) for employee use.
4. Waste materials, parts, fluids recovery, wastewater etc. shall be disposed of according to appropriate solid waste disposal standards.
5. This conditional use permit shall be renewed every two years administratively to verify compliance with conditions. Compliance issues will be directed to the LMC.

Chairperson Barkla opened the hearing to the public. No comment. Public hearing closed.

Sanden asked about the wording on condition #4, wastewater shall be disposed of according to solid waste disposal standards, does wastewater fall under solid waste. Kleinhans stated no it wouldn't, just remove the word solid. **Sanden moved to approve the conditional use permit for expansion of a nonconforming use of land (motor freight transport) in the Primary Agriculture District for Paul Frandsen, due to the fact this location is not found to be contrary to the public interest or detrimental or injurious to the public health, public safety or the character of the surrounding area, with conditions #1 - #5, striking the word solid in condition #4/Rohl seconded. All in favor. Passed.**

Discuss take action on status report of a conditional use permit for a Farm and Home Based Business for Valley Vineyard in the General Rural Flexible 8 District for Rudy & Cathy Jungwirth, owners on lots 6, 7 & 8, located in the SW ¼ of the NW ¼ of Section 23, T26N, R19W, Town of Oak Grove, Pierce County, WI.

Staff Report – Brad Roy: The applicants operate Valley Vineyard LTD. They grow grapes, produce wine and also offer wine tastings, tours and sales of cheese, maple syrup, cookbooks and art work. Operations take place in an accessory structure. The CUP was renewed on November 17, 2010. Concerns were raised regarding parking and screening the operation from the surrounding landowners. The LMC requested the applicant return in six months with plans to address the concerns. The site has adequate parking space for 12 vehicles. The applicant will construct an additional parking area for 16 vehicles as soon as weather allows. A parking area for two buses has been constructed. The commercial activities take place in the accessory structure adjacent to the residence. The existing vegetation screens the structure from the south and west. The applicant would like to discuss screening options with the LMC regarding the neighbors to the north and east. The existing conditions of the permit are:

1. No more than 8 persons not residing on the site shall be employed in the business.
2. The entire business area shall not exceed 5,000 square feet in an accessory structure.
3. The applicant shall delineate 12 parking spaces that will be available for customer parking and there shall be no on-street parking.
4. Any proposed advertising signs shall comply with the zoning code standards and any necessary permits secured.
5. If the liquor license is not renewed annually, sales of wine need to cease.
6. The CUP shall expire in two years or if compliance issues arise. Renewal may be completed administratively if no compliance issues arise.
7. Applicant understands that expansion or intensification of this use will require modification to this conditional use permit.
8. Plans to screen the commercial activities shall be presented to the Land Management Committee.
9. All parking will be on site and adequate parking shall be delineated.

Staff Recommendation: Staff recommends the Land Management Committee determine whether modifications or additions to the conditional use permit are necessary to mitigate off site impacts. A parking plan is attached.

Rudy stated regarding the screening he would like to talk to the neighbor first. A fence isn't going to do it. It would have to be some kind of foliage but that would block a lot of view. Ben Huppert, the

neighbor Mr. Jungwirth was referring to, stated he is open to suggestions and hasn't heard any plans yet. He stated the trees on the drawing are not there. Mr. Jungwirth stated he doesn't want it but if Mr. Huppert wants it he can do that. Mike LaCasse, neighbor, stated he has been to every meeting and his concerns are traffic and increased traffic. It's a dead end road. What started out with two tour buses by appointment has grown to 30 – 40 cars a day on the weekend. It's only going to increase. This morning there were an 18-wheel truck and another truck blocking the road while unloading pallets. Valley Vineyard has done nothing good for him and he doesn't feel it's done anything good for the development. Sanden asked if the 12 parking spaces have ever been exceeded. Mr. Jungwirth stated there are at least three weekends a year that could have 30 – 40 cars. The new parking, turn around will eliminate the trucks in the road. Sanden asked when do you anticipate having the turn around in place. Mr. Jungwirth stated he talked to Mike Holst, who is doing the job, stated he doesn't want to ruin the driveway by hauling the breaker rock so probably the second or third week in June, maybe the end of May. **Sanden moved that no modifications are necessary at this time/Fetzer seconded.** Roy asked if the committee wants to clarify the screening issue with the two neighbors. **Sanden amends motion to include: Screening shall be provided to the north and east of the property, with appropriate planting of trees and Parking will be provided as presented and the truck turnaround put in place as soon as possible/Fetzer agreed to amendments. 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 per Chapter 237-26 (C) for Jason M. Boles on Lot 5 of a CSM, on property located in the SE ¼ of the SE ¼ of Section 19, T26N, R19W, Town of Oak Grove, Pierce County, WI. Staff Report – Emily Lund: In 2001, William Braun owned approximately 11.5 acres of land and Lot 2 & 4 CSM V1, P54, which gave this land parcel road frontage on 1180th St. Bill Holst then conveyed Mr. Braun Lot 38 Denlyn Second Addition, which is land to the east. Our office wrote Braun a letter describing the requirements and options for a land division. In 2002, a 33 ft easement was created across Lot 38, Denlyn Second Addition to access the NE ¼ of the NE ¼ of Section 19. In October 2002, the Braun's sold Lot 2 of CSM V1, P54 and Lot 38 Denlyn Addition. Jason Boles then bought Lot 4 of CSM V1, P54 and the property to the east. In March 2006, Jason conveyed Lot 4 CSM and some of the land to the east to Bill Holst, resulting in the property becoming land locked. Mr. Boles apparently inadvertently, violated provisions of Chapter 237 which require that a Certified Survey Map (CSM) be completed when a parcel is reduced below 15.00 acres. Mr. Boles has cooperated with our Department and has submitted a CSM for review and approval. Their proposed CSM contains a 33 feet easement to 1168th Street, which does not satisfy the 66 ft road frontage requirement. Mr. Boles does not own any other adjoining land with which to achieve frontage. If a rule exception to the frontage requirement is not granted, it will be necessary for Mr. Boles to purchase additional land with road frontage in order to achieve compliance with the Subdivision Code. The property is located in Section 19, Town of Oak Grove and is zoned General Rural Flexible 8. The Town Board of Oak Grove approved the CSM on 3/21/2011. Pierce County Surveyor, Louie Filkins, stated the CSM meets State Statute Ch 236 requirements. Pierce County Code (PCC) Subdivision of Land § 237-26 (C) 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."

PCC § 237 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.

Staff Recommendation: Staff recommends the Land Management Committee consider whether or not this situation warrants a rule exception.

Sanden asked when the Town of Oak Grove approved this in March were they aware that this was not in compliance or was this before the issue came to their attention. Pichotta stated he doesn't believe the Town of Oak Grove has a road frontage requirement in their subdivision code. They reviewed it for consistency with their subdivision code versus ours. Sanden asked Andy to refresh his memory regarding an issue similar to this, a flag lot, he thinks the committee required them to purchase more land adjacent to it. Pichotta stated we've seen a few of these, the one that you are thinking of would have resulted in additional lots being created. You would essentially intensify the use of a limited access by more car trips per day. That might be viewed differently from one would allow an existing circumstance to continue. Sanden asked in the past, has a similar issue been approved or allowed to continue. Pichotta stated that typically in the past, where it has not resulted in additional homes being created on the site and allowed an existing circumstance to continue; the committee has supported those. Jason Boles asked if anyone had questions for him. He stated to clarify Lot 5 is property he sold off to Mr. Holst. Its part of Lot 4, you never would have been able to get frontage out that way. Where the house sits on Lot 5, a 1000 ft or so it's a coulee and drops right off. The easement was there when he purchased the house. It's a shared driveway with the person that owns the property to the left of him. Right at the end of the easement is a cul-de-sac. There won't be any other homes built back there. **Fetzer moved to approve the rule exception to the requirement of every lot in a land division front or abut a public or private street for a distance of at least 66 feet per Chapter 237-26(C) for Jason Boles on Lot 5 of a CSM due to the fact the entire committee agreed this would not nullify the intent and purpose of the code/Sanden seconded. All in favor. Passed.**

Discuss take action on Travel/Training Requests. Pichotta stated there are no travel or training requests at this time.

Departmental Update and Future Agenda Items

Chairperson Barkla stated he is resigning as chair of the committee, so a new chair and potentially vice chairperson will need to be elected at the next meeting.

Status report/update for Red Wing Regional Airport, SEH, along with representatives from both Minnesota and Wisconsin Aeronautics, in the Towns of Trenton & Isabelle.

Motion to adjourn at 08:09pm by Rohl/Sanden seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, May 4, 2011 – 7:00 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: May 18 th , June 1 st & 15 th , all in 2011.	Chair
3	Approve minutes of the April 20, 2011 Land Management Committee meeting.	Chair
4	Public hearing to consider a request for a conditional use permit for mining, accessory uses (ready mix plant) in the General Rural Flexible District for William Holst III, owner on property located in the SE ¼ of the NE ¼ of Section 33, T25N, R18W, Town of Trenton, Pierce County, WI.	Roy
5	Public hearing to consider a request for a conditional use permit for private outdoor recreation (motorcycle hill climbs) in the General Rural Flexible and Commercial Districts for Larry Gerdes, owner by Dean Gerdes, agent on property located in the E ½ of the SW ¼ and the W ½ of the SE ¼ of Section 28, T25N, R17W, Town of Hartland, Pierce County, WI.	Lund
6	Public hearing to consider a request for a conditional use permit for expansion of a nonconforming use of land (motor freight transport) in the Primary Agriculture District for Paul Frandsen, owner on property located in the NW ¼ of the SW ¼ of Section 23, T27N, R17W, Town of Martell, Pierce County, WI.	Kleinhans
7	Discuss take action on status report of a conditional use permit for a Farm and Home Based Business for Valley Vineyard in the General Rural Flexible 8 District for Rudy & Cathy Jungwirth, owners on lots 6, 7 & 8, located in the SW ¼ of the NW ¼ of Section 23, T26N, R19W, Town of Oak Grove, Pierce County, WI.	Roy
8	Discuss take action on a request for a rule exception to the requirement of every lot in a land division front or abut a public or private street for a distance of at least 66 feet per Chapter 237-26(C) for Jason M. Boles on Lot 5 of a CSM, on property located in the SE ¼ of the SE ¼ of Section 19, T26N, R19W, Town of Oak Grove, Pierce County, WI.	Lund
9	Discuss take action on Travel/Training Requests	Pichotta
10	Future agenda items and departmental update.	Pichotta
11	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.

(4/22/11)

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



MINUTES - Pierce County Land Management Committee Meeting, April 20, 2011

Present: Jeff Holst, Don Rohl, Eric Sanden and Joe Fetzer

Others: Andy Pichotta and Shari Hartung

Absent: Paul Barkla

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

Next meeting dates: May 4th & 18th, June 1st & 15th, all in 2011.

Approve Minutes: **Rohl moved to approve the April 6, 2011 LMC minutes/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 per Chapter 237-26 (C) for Jason M. Boles on Lot 5 of a CSM, on property located in the SE ¼ of the SE ¼ of Section 19, T26N, R19W, Town of Oak Grove, Pierce County, WI. Chairperson Fetzer asked if Mr. Boles or an agent were present. No representative was present. Sanden moved to table the rule exception requirement for Jason Boles until later in the meeting allowing Mr. Boles time to appear/Rohl seconded. All in favor. Passed.

Discuss take action on a status report/update on the Red Wing Regional Airport, by City of Red Wing, owner on property located in Section 1, Town of Trenton and Sections 5 & 6, Town of Isabelle, Pierce County, WI. Staff Report – Andy Pichotta: Some time ago, I sent a letter to the folks at the Red Wing Airport asking if they would come to a Land Management meeting and update us on their work program and activities. Pichotta noted that they are looking at creating an airport zoning overlay district that would impact heights, densities, uses. Rick Moskwa, Public Works Director for the City of Red Wing, stated that he is here with Council Member, Mike Schultz who is the Council liaison for the airport board. The City of Red Wing funds the airport out of its general fund. The financing for projects is typically federal funding in the form of a 95/5 grant or state aid from the State of MN in the form of a 67/33 split. To this day, they have not secured much funding from the State of WI Bureau of Aeronautics. The State of WI does play a roll in what goes on at our airport in your State. There is no boiler plate for a Minnesota entity owning an airport in Wisconsin. It has worked and as we go forward we want to see if we can work a little better. Our projects for the year; the first is a wind cone access road and installation of fencing. When the Feds do a fly over to see if there are unsafe conditions at the airport, they saw a road going off of our runway to our wind cone area. They don't want to see any traffic on the runway. The Airport Board isn't sure they want to spend the money, it's projected to be about \$25,000, a 95/5 project. The Airport Board thinks we can get by without the road or fencing. These are items that we present when we meet with the State and Fed folks for our five-year capital plan. We will also be redoing the paving on the apron and taxi way. It will be more in the fuel pump area and then going back towards Thomas & Betts. We have about

\$460,000 to complete the project so this year we will be doing about \$250,000 if they continue the funding. That is also a 95/5 match. We hired a consulting firm SEH out of the Twin Cities. On the East end of the airport we have a project for removal of the trees. They have said that those trees are in the approach slope for the runway. That's a 95/5 match as well and that's about a \$20,000 project. The big project that will take a lot of time, that won't be finished in 2011 but will start in 2011, is the Land Use/Zoning process. The State of WI Bureau of Aeronautics is requiring us to do this. It impacts a couple areas for us. This is a conditional use permit that you are aware of. It can affect our funding if we don't do this. Every community has been contacted that is affected by this. We have had preliminary meetings. Our City Council has approved entering into another contract with SEH to move forward with the process. The process will have a representative from each governmental jurisdiction in zone A, B & C, including Pierce County, Bay City, Hartland, Isabelle, Trenton, Goodhue, Wacuda and Red Wing. We have to go to Council one more time to get this zoning board approved. Each entity will be asked to have one person to sit on this board. We're required to do this to operate and maintain the airport. State of WI is funding this. Mr. Moskwa read from WI Statutes: WI Statutes provide for airports develop land use ordinances and zoning for airports. Representatives of the WI Bureau of Aeronautics have discussed the need for Red Wing to comply with their goal of creating this throughout the State. Land use zoning has been put into place to restrict land uses that may be hazardous to the operational safety of aircraft using the airport and to protect the safety and property of people on the ground in the areas near the airport. The zoning must be consistent throughout the three mile limit. WI Statutes Chapter 114.136 provides that public airport owners the authority to impose height limitations within three miles of the airport. The State of MN and the FAA are the outside sources of funding for the airport. The zoning of the airport will provide additional compliance for our facility with requirements for receiving federal and state funding for improvements and maintenance funding allocations. This will be a longer process because of trying to get a lot of people to the table. We are also talking about some security fencing at the airport on the main roads. We had put it in as one of our projects to close the main entrance to keep people from getting to the actual take-off area. We are going to add a new light to the airport entrance sign. We have not done a good job of keeping people in the loop so we need to do a better job. We will send out packets to entities that would be interested. We have an airport board that meets every other month. If we have Council meetings, we can send out that information too. Mike Schultz, Council Member, stated the airport dynamics have changed. We need to step back and understand our dynamics. We are a Minnesota airport in Wisconsin. The more I've talked to people, after looking at the study; we realized that 35% of our business is coming out of Wisconsin. If this is going to be a regional airport we have to let other people come to the table, so they understand what the zoning is all about; what it might accomplish or won't accomplish. There is some economic activity. We have two free-base operators that are looking at putting two new hangars out there. We have to think about the people living at the end of the runway. We've talked to Pierce County Economic Development and Goodhue Economic Development. Fifteen of the employees at the airport live in Wisconsin. There are 37 hangars, one owned by the City of Red Wing, one hangar owned by Blue Airways, there are 35 privately owned hangars of which 17 are owned by Wisconsin residents. We need everyone to come to the table and be fair to everybody. We need to have them heard. The property taxes are around \$23,000.00. The County gets about \$6,000 and the school district gets about \$10,000. We get about \$1200 or \$1500 per year in a lease. It's not going to work if Red Wing comes over and says that here is what the new zoning is going to be. We are the sponsoring political subdivision. He has talked to both Congressman Kind and Congressman Kline's offices. They find it rather unique. There are issues that come up and we have to deal with both offices. Ninety-five percent is federal funding; it's not coming out of Red Wing, MN. State of MN has some funding. It is the State of WI that will pay for this zoning. Rick and I can come back and make a presentation to the board. Until the study was done, we had different ideas about the airport. In the study, it talks about potential expansion. We're going to go through the process. FAA looks at these studies. We have to be honest about these studies. We didn't put it there but it's in the study they told us we had to have done. The Bay City Mayor and Mr. Schultz have had some conversations. Bay City

did some expanding of systems that were critical to their city. That was federal money also. We don't want to chase good money after bad. We want to do things right. We aren't going to say we want to go over to Pierce County and this is the way it's going to be. Holst stated he is the County Board Representative for the Trenton part of this. There are a lot of people that feel that Red Wing has taken advantage of them. The airport came from Frontenac and moved to Trenton. It has grown since then. This is a land use committee; economic involvement has no bearing on this. I appreciate the fact that you are finally allowing us some input on what happens at the airport. At least allow the people that live there to feel like they are a party to it. You talk about coming back before the committee; you can come back every six months like a lot of other conditional use permit holders have to do. Mr. Schultz stated that when we are talking about coming to the table, we are talking about a joint powers board. They are going to come and have a representative chair right at the table. Holst asked if it would be a voting representative chair or just a representative chair. Mr. Schultz stated his vision is a voting representative chair. Holst stated that if the State is the push behind this, it doesn't matter what Red Wing, Pierce County, Trenton, Isabelle or anyone says, even though you don't get any funding from the State of WI they still pull the strings on this deal. Mr. Moskwa stated maybe Andy or Jim should comment on this. The State of WI says this is what we are supposed to do. Holst stated he has been on this committee for a long time and the City of Red Wing was suppose to plant trees and water them. Those trees didn't live and they replanted them and I don't think they watered them. Mr. Moskwa stated that there is an irrigation line out there. Council Member Schultz stated he wants to get a joint board. We believe Pierce County and Goodhue County should be talking about this as an economic development engine because it is well used by both sides of the river. Bill Warner has worked with people about the development of hangars. He has tried to see if there is any funding to help them, there is significant investments on some of these hangars. Sanden asked to clarify if this is an overlay district at the State level, not a County overlay or Federal overlay district. Pichotta stated his understanding is it would be an overlay district administered by the City of Red Wing. Sanden, by the City, but does it have the jurisdiction or the force of a State or Federal overlay zone. Pichotta stated yes, according to WI Statutes, Red Wing is treated like a Wisconsin municipality. So they have the ability to unilaterally impose the height restrictions, densities and uses. It's similar to the Extra Territorial Zoning without the joint committee. Sanden stated they are trying with the joint committee approach. Mr. Moskwa stated they started on the process before the previous Public Works Director left. It wasn't number one on my plate but now Council believes and the consultant wants to get paid so we are trying to move forward. Sanden asked, on this board what power do we have. If it's a state overlay district, we would have no power what so ever. Are we at that same level on this board, are we just advisory? Pichotta stated they are subject to the conditional use permit. There are underlying zoning issues. Although they may have the power to unilaterally impose the zoning overlay district they don't have the power to unilaterally expand. That would require the Town's to sign off. Conditionally permitted uses have to be consistent with their Town's plan and requires an action by this committee. It's not entirely clear what kind of ability we have to impact the zoning overlay. Mr. Schultz stated this is why we want everyone at the table. We recognize those overlay districts can have an impact on this. We don't want to go in there arbitrarily. Mr. Moskwa stated we will have State of MN and State of WI people to outline those kinds of questions. Sanden stated that he thinks they are off to a positive start and he has been on this committee for a number of years and that committee members are fair minded and do keep in mind the impact on the neighbors and the economic potential. If we are treated fairly, we have been receptive. I don't know the history but it sounds like you have some fences to mend. If this is anticipated to be a year long process, I recommend you come back sooner than six months, just so you keep us in the loop and whatever jurisdiction we have, it isn't just dumped on us at the last minute. If we are in the loop at every critical stage of this process, it will make your efforts a lot smoother. Mr. Moskwa stated they are hoping Pierce County will have someone at the table from a land use/zoning board, someone that has the background. Kleinhans stated Lisa Acker has notified us of all the airport meetings. If the committee would like that information, we can forward the meeting minutes and agendas to you. Mr. Moskwa asked if he could address that, we can send it out to the commissions or

boards, as well as the townships, electronically. Kleinhans asked about the three-mile overlay, he stated that's bigger than the height limitation zoning that we did, because that extends all the way across the river to Red Wing. So that's a little different situation than we dealt with at the last expansion. Mr. Moskwa stated the land use/zoning people from SEH keep telling him they already have height zoning in place. Holst stated he is glad the two gentlemen came and they do represent their city well. There is a new age of openness here and we do have to put up with each other. Pichotta asked when you are talking about a joint powers arrangement, are you actually talking about different, joint, management of the airport? Mr. Moskwa stated as the director of the airport, he has been instructed by the council to look for ways to make the airport work better. They put about \$100,000 from the general fund money into the airport each year. It does not cash flow. Those are some of the issues. I see it as a joint board on the economic side. Mr. Schultz, our thought is being the zoning is coming out, that is a good starting point. Pichotta asked if the group that deals with the zoning issues would be a joint group including a board of adjustment. Mr. Schultz stated this zoning is going to impact people; they should have a right to be at the table. Holst asked if they felt Minnesota or Wisconsin zoning law applies. Mr. Moskwa stated they are run by Minnesota so they feel Minnesota but if you talk to the WI Bureau of Aeronautics or the State of MN, they are going to say we're going to make it work. Pichotta asked about the lighting, it was alluded to that higher intensity lighting was going to be brought in along Hwy 35. Mr. Moskwa stated that is already in and they had one complaint. Pichotta asked if taking the trees down, will impact the way the lights affect the neighborhood. Mr. Moskwa stated no, it's so far at the end of the runway other than the approach lighting. Pichotta stated when you do something that has to potential to impact the neighbors it would be beneficial for use to see some maps or diagrams to evaluate any potential impacts. We should get you in for site plan review since it's our folks that surround the airport, not yours. Holst asked when we are going to see you back again. Mr. Moskwa stated he has to go back to the Council meeting on the second Monday in May, and hopefully get approval at that meeting. We have made contact with some communities already and hopefully they will participate. Richard Bunce stated it's his understanding that they have talked to Representative Kind at the State level. Mr. Schultz stated we had a discussion with him last year. We were aware this was coming and we had a funding issue (federal funds) to discuss with him. Mr. Bunce stated it's a little presumptuous to go to the State level before the Town and County levels. Pichotta stated it would be appropriate, once you have a contract signed with SEH and they are on board, to come back to this committee to discuss the process. Mr. Moskwa stated they have gone to the townships. They will bring maps to give you the visual of the zoning. Chairperson Fetzer asked if they would have their meeting before May 18th. Mr. Moskwa stated yes, he will check with SEH's availability on the 18th. They would do the presentation. Pichotta reiterated WI is actually driving this zoning overlay, and the driving factor is that you wouldn't be eligible for funding if you did not have this overlay? Mr. Moskwa stated that's what they tell us. Pichotta asked if that is funding from the Feds or from the State of MN? Mr. Moskwa stated in what he has read, said both from State and Federal because we are not in compliance with airport zoning. These are things they send us so he doesn't know the facts. It really comes down to a safety issue for the folks on the ground and in the air. Mr. Schultz stated when the study came out; the volume of use was what heightened everybody's awareness. Mr. Schultz stated they will try to come back on the 18th, try to get SEH to come.

Discuss take action on proposed amendments to Pierce County Code Chapter 240 relating to Industrial Uses. Staff Report – Andy Pichotta: Basically part of the Comprehensive Plan stated we should go back through to ensure that our code meets the goals and policies of the plan. We reviewed the Industrial Uses and in doing so it became clear that changes were required to the Nonmetallic Mining regulations as well as to the Industrial Uses. We're looking to present the code in a more clear; concise manner and make it easier to enforce, as well as eliminate some redundancies and take care of a legal issue or two. Starting with Chapter 240-37, which deals with Nonmetallic Mining which is under the Industrial Uses, there is now Chapter 241, Nonmetallic Mining Restoration. It isn't necessary

to include the need for a restoration plan in the zoning portion because it's already dealt with through NR135 and our Chapter 241. We're proposing to add the word Reclamation Plan under A 1 and strike the entirety of A 2. Under A 5 there is some additional language; anticipated final vertical contours as they relate to health and safety of existing or anticipated neighboring land uses. This is intended to give us the ability to require that folks not leave high walls in proximity to residential areas. In NR135 and Chapter 241 there is the ability to leave high walls and we want to be able to address that. Staff is proposing to make Nonmetallic Mining Conditionally permitted in the Industrial district, as several nonmetallic mines currently operate in the Industrial Districts, mostly in the Trenton area. Under Mining Accessory Use; we're proposing to tweak the definition to uses and activities which are customarily incidental, appropriate and subordinate to mining such as stockpiling, sorting, screening, washing and crushing when conducted on property that is not contiguous etc. Toward the end of that definition add: The stockpiling of materials by a public agency for construction, reconstruction, maintenance or repair of public transportation amenities at public-owned sites or within the property boundary of the transportation amenity is not considered an accessory use.

We already have language in the code that says that if it's in the right-of-way it's not considered mining but this just makes it a little more clear.

Under Nonconforming uses there also is a reference to mining there:

A. Nonconforming use of land.

- (2) Expansion of a nonconforming nonmetallic mining operation shall be permitted up to the lot lines existing on the effective date of this chapter ~~or 20 acres in area, whichever is less~~, except that greater expansion may be authorized by a conditional use permit.

We have been advised numerous times that, or 20 acres in area, whichever is less, is unenforceable because existing case law says you can expand to the boundaries of the property as it existed at the time it became nonconforming. So if we were to try to enforce that particular provision we would lose in court.

Under Discontinuance, we are proposing to add; Nonmetallic mining operations are considered to be discontinued when the activity complies with the definition of Abandonment of Nonmetallic Mining Operations. Which is a definition contained in Chapter 241.

Staff is also proposing to amend the definitions of Heavy Industry. The current definition emphasizes certain activities which can take place on a property. Staff is proposing to focus on the impacts that a use will have on the surrounding land uses and designate the uses with greatest potential of significant impact as Heavy Industry.

INDUSTRY, HEAVY - ~~Assembly and manufacturing activities which may include processes such as metal foundries, metal plating, thermoforming of plastics, blending or formulation of fuels or other hazardous substances, extensive painting or coating of products which would require a spray booth, water wall, drying oven, or apparatus or any process or activity which involves hazardous materials, produces hazardous wastes, produces excessive noise, creates air or water emissions requiring pretreatment, special treatment or pollution control devices, produces odors detectable in the ambient outdoor air or which causes any other conditions or nuisance which impairs the full use of the neighboring properties.~~

Uses such as manufacturing, assembling, fabrication and processing, bulk handling, storage, and trucking which are likely to generate significant levels of traffic, noise, pollution, vibration, dust, fumes, odors, pesticides, herbicides, or other hazardous materials, fire or explosion hazards, or other undesirable conditions which are unsuitable for any other district.

Staff is also proposing to list Heavy Industrial Uses in §240-37 Industrial Uses. It is currently only listed in the Table of Uses. By doing this the code will be presented more consistently in that every use will be listed in the appropriate use section, Table of Uses and have a definition.

The definition of Light Industry is vague on whether the use must be conducted indoors. To be more clear staff is proposing: to strike can be and add are.

INDUSTRY, LIGHT – Non nuisance, low-impact industrial uses compatible with surrounding commercial, residential or public uses which have a minimal impact on traffic, ~~can be~~ are conducted indoors and without significant noise, odor, dust and glare which do not contribute to the degradation of the land, water and air.

Concerns were presented to the LMC about the potential impacts of hydraulic dredge material storage on surrounding land. Staff is proposing to create a Hydraulic Dredge Material Storage use in the Industrial Use section of the code, which will require any applicant to address concerns about contamination and impacts and allow the LMC to determine which site is best suited for the storage.

§240-37F. Hydraulic Dredge Material Placement and Storage.

- (1) Application for such project shall include:
 - (a) Soil properties of dredge materials.
 - (b) The amount of dredge material.
 - (c) Volume of water anticipated.
 - (d) Chemical analysis of dredge material.
 - (e) Identification of surrounding land-uses.
 - (f) Depth to Water-table.
 - (g) Groundwater levels, flow and direction, and potential impact on groundwater discharge and recharge.
 - (h) Proposed runoff patterns and adjacent drainage.
 - (i) Potential for effluent, leachate, and surface runoff impacting adjacent ground and surface water resources.
 - (j) Potential for dust, noise or odor problems.
 - (k) Proximity to sensitive ecological environments.
 - (l) Inventory of wells, private and municipal, which will likely be affected.
 - (m) Mitigation plan for affected properties.
 - (n) Soil properties of storage site.
 - (o) The possible migration pathways of contaminants from the storage site.
 - (p) Proposed reuse of material, if applicable.
 - (q) Project timeline.
 - (r) Such other requirements as specified in §240-76 shall also apply.

This next one we are asking for some feedback on, we are suggesting that

- (2) Analysis shall be provided for three sites along with the feasibility of each site.
- (3) All attempts shall be made to eliminate or reduce any potential impacts on residential districts or neighborhoods.

Is it reasonable to ask for three sites? Holst stated up to three is realistic. It doesn't mean that three will be presented. Sanden stated that would also put a limit on it. Holst stated that the proximity to the pump is where they are going to go. Seven miles to the pump is about as far as they can go. Sanden suggested using at least two sites. Holst stated two or more. He stated he feels at some time the Corp will purchase their own property and then they will have the Federal sovereign immunity that we will have no say over anyway. Pichotta stated it may be able to tweak the language, for example when a cell phone company looks for a tower location, they have a search ring, basically if they have a limit of seven miles we could ask they identify all areas within whatever range they have.

The proposed definition is:

HYDRAULIC DREDGED MATERIAL PLACEMENT AND STORAGE– The placement and storage of dredged material that is transported through a pipe or hose typically utilizing large amounts of water for transfer.

Staff is proposing to make this a Conditionally Permitted use in the Primary Agriculture, General Rural, General Rural Flexible, Agriculture-Residential and Industrial districts.

Basically, anywhere but in a residential district.

As you will recall, we recently had someone come in for an undesignated use for a shaving mill.

SAWMILLS/PLANING MILLS – A facility where wood is sawed, split, shaved, stripped, chipped, or otherwise processed to produce wood products to be sold.

Warehouse and Storage is currently listed in §240-37.1.B. The definition of this use is also in §240-37.1.B. and not in S240-88 Definitions. The use is also not included in the Table of Uses.

Staff is proposing the following changes to §240-37.1.B:

~~Warehouse and storage, which, for the purpose of this section is defined as the holding of packaged or wholly or partially finished materials, foods or products within enclosed buildings. Examples of such uses include wholesale establishments and storage wherein customers do not have individual access to storage cubicles (see "commercial storage"). Inside storage shall be subject to the following limitations:~~

Staff recommends a new definition:

WAREHOUSE AND STORAGE - The holding of packaged or wholly or partially finished materials, foods or products within enclosed buildings and will not create significant impacts to surrounding uses. Examples of such use includes wholesale and distribution establishments primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers. The use does not include those which are consistent with the definition of "Mini-storage".

➤ Staff is proposing to list this as a Conditionally Permitted use in the Commercial district and a Permitted use in the Light Industrial and Industrial districts.

- Indoor Maintenance is listed in §240-37 Industrial Uses and also in §240-36 Commercial Uses. This redundancy creates confusion. It is listed in the Table of Uses under Commercial Uses. As discussed at previous meetings, staff is proposing to keep Indoor Maintenance in §240-36 Commercial Uses and remove it from §240-37 Industrial Uses. The definition would remain the same. It is currently permitted in the Light Industrial and Industrial districts; staff has previously proposed to also permit it in the Commercial district. The code to be removed from §240-37 is:

~~C. Indoor maintenance, which, for the purpose of this section, shall include the repair of goods and equipment, such as automobile repair and service and electronics maintenance and repair. Indoor maintenance uses shall be subject to the following limitations:~~

~~(1) All operations, except loading, shall be in enclosed buildings.~~

~~(2) The rebuilding or assembly of automobiles engines, transmissions on a factory basis, and/or disassembly of automobiles shall not be permitted except in the I District.~~

~~(3) All damaged or inoperable goods and equipment shall be stored indoors.~~

~~(4) Outside storage of more than six vehicles for repair shall be screened from public rights-of-way. All permitted storage of vehicles for repair shall be behind the building setback line.~~

- Recycling Facility is listed in §240-37.1, but not defined or listed in the Table of Uses.

➤ Staff is proposing a new definition to be added to §240-88:

RECYCLING FACILITY – A facility in which recyclable materials are recycled, reprocessed and treated to return such products to a condition in which they may again be used for production.

➤ Staff is proposing to allow for collection to take place onsite. The proposed code would be:

~~Recycling and nonhazardous/nontoxic/inorganic waste recovery facilities, provided:~~

- (1) All activities are conducted indoors.
- (2) Outside storage of goods or equipment is not permitted.
- (3) Collection is allowed onsite.

That is a question that I would have, when you think of our Solid Waste facility, a portion of the operation is conducted outside. That might be worth taking a look at and allowing some things outside. Holst stated that should be looked upon on a case by case basis. Pichotta stated this would be conditionally permitted use and that would be the mechanism to look at it on a case by case basis.

- Staff is proposing to have this use conditionally permitted in the Industrial and Light Industrial districts.
- The definition of Recycling Facility does not include sites that are limited recycling collection, so staff is proposing to create a Recycling Collection Point use to be included in §240-37.1.
 - The proposed code is:
Recycling Collection Point
 - (1) Processing of materials is limited to sorting and transferring.

Basically, a place where you can go and drop off your stuff. Holst stated a lot of our townships have drop-off points. This wouldn't affect those. Holst stated if they chose a new site, would it? Pichotta stated it would impact new sites. If there are some wholesale changes to the way solid waste is dealt with by the State this language may be necessary.

- The proposed definition is:
RECYCLING COLLECTION POINT – A site in which recyclable materials such as paper, cardboard, glass, metal, and plastic are collected and temporarily held until transferred.
- Staff is proposing to make this a Permitted use in the Commercial and Light Industrial districts and Conditionally permitted in the Primary Agriculture, General Rural, General Rural Flexible and Agriculture Residential districts.
- Staff is also proposing to make Salvage Yards Conditionally permitted in the Industrial district. It is currently conditionally permitted only in the Primary Agriculture, General Rural, General Rural Flexible and Agriculture Residential districts.

Staff recommends that the LMC determine if any changes to the concept or draft amendments that staff has proposed are necessary. I want to remind you that any changes to the zoning code are subject to approval by the Towns. If one more than half of the Towns doesn't like the changes proposed, they can't be adopted. Sanden asked under Heavy Industry; the end of the line says for any other undesirable conditions. This isn't conditionally permitted, it would be allowed by right in any heavy industry. Is that statement too broad, should it include health, safety and welfare? Pichotta stated heavy industrial uses are conditionally permitted in an industrial district. Sanden asked if they had to make any provision for the clean sweep. Holst stated that doesn't fall under County zoning because it's in the Village limits. Pichotta stated one thing he is concerned about is that we are consistent with the solid waste code, so they work together well.

Discuss take action on Travel/Training Requests. Pichotta stated Louie Filkins, County Surveyor, has requested to attend the WI Land Information Association Conference in LaCrosse on May 17th & 18th for a fee of \$120.00. Pichotta feels it is pertinent to his job and noted that it will require an overnight stay. **Holst moved to approve the travel/training request for Louie Filkins to attend the WI Land Information Association Conference in LaCrosse on May 17th & 18th/Rohl seconded. All in favor. Passed.**

Departmental Update and Future Agenda Items

Jason Boles request for a rule exception will be back on the agenda.

Conditional use permit request for a ready mix plant in the Town of Trenton

Conditional use permit request for outdoor recreational use in the Town of Hartland

Conditional use permit request for expansion of a motor freight transport operation in the Town of Martell

Status report for Rudy Jungwirth in the Town of Oak Grove

Chairperson Fetzer stated he would entertain a motion to bring back the tabled agenda item #4. **Holst made a motion to bring back, to the table for action, agenda item #4, a request for a rule exception to the requirement of every lot in a land division front or abut a public or private street for a distance of at least 66 feet per Chapter 237-26 (C) for Jason M. Boles on Lot 5 of a CSM, on property located in the SE ¼ of the SE ¼ of Section 19, T26N, R19W, Town of Oak Grove/Rohl seconded. All in favor. Passed. Sanden moved to defer action on agenda item #4 for Jason Boles until a future meeting when he is present/Holst seconded. All in favor. Passed.**

Motion to adjourn at 08:12pm by Holst/Rohl seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, April 20, 2011 – 7:00 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: May 4 th & 18 th , June 1 st & 15 th , all in 2011.	Chair
3	Approve minutes of the April 6, 2011 Land Management Committee meeting.	Chair
4	Discuss take action on a request for a rule exception to the requirement of every lot in a land division front or abut a public or private street for a distance of at least 66 feet per Chapter 237-26(C) for Jason M. Boles on Lot 5 of a CSM, on property located in the SE ¼ of the SE ¼ of Section 19, T26N, R19W, Town of Oak Grove, Pierce County, WI.	Lund
5	Discuss take action on a status report/update on the Red Wing Regional Airport, by City of Red Wing, owner, on property located in Section 1, Town of Trenton and Sections 5 & 6 Town of Isabelle, Pierce County WI.	Pichotta
6	Discuss take action on proposed amendments to Pierce County Code Chapter 240 relating to Industrial Uses.	Roy
7	Discuss take action on Travel/Training Requests	Pichotta
8	Future agenda items and departmental update.	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.

(4/8/11)

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



MINUTES - Pierce County Land Management Committee Meeting, April 6, 2011

Present: Paul Barkla, Jeff Holst, Don Rohl, Eric Sanden and Joe Fetzer

Others: Andy Pichotta, Brad Roy and Shari Hartung

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

Next meeting dates: April 20th, May 4th & 18th, June 1st & 15th, all in 2011.

Approve Minutes: **Rohl moved to approve the March 2, 2011 LMC minutes/Fetzer 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 by 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. Staff Report – Brad Roy: Two status reports were presented to the LMC, November 17, 2010 and February 16, 2011, to determine if the permit needed any modifications. The committee chose not to make any changes at that time. The concerns presented at these meetings have been typical: number of trucks, visibility of the operation, untarped trucks and dust. When crushing equipment is placed onsite it is located within the quarry, below grade. The wash plant and other operational structures are located above the quarry. This makes the operation more noticeable visually and audibly. County Materials intentions are to place the structures within the quarry, as space allows, limiting the impacts to the surrounding areas. The average floor elevation of the quarry is 1100'. The plan is to expand the quarry to the south and lower the floor to 1075'. No operational changes are planned. There are approximately 28 unreclaimed acres on the site. County Materials has complied with the seismograph, well and noise monitoring requirements. Hydraulic conveyors were installed last year. This should lessen the dust problem. The Town of Spring Lake was contacted for comments or concerns regarding the renewal of this conditional use permit. Mike Jacobson, Town of Spring Lake Supervisor, responded that the Town did not have concerns about the renewal of the existing conditions, but that they would oppose an increase of the hours of operation. The existing conditions #1 - #25 are listed in the staff report. Note on condition #21, the quarry shall have no more than 30 unreclaimed acres at one time, with their existing size County Materials is getting close. That is something we will have to monitor.

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 Monday through Friday, 8am to noon on Saturday. Operation shall be closed on Sundays and holidays.

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

Sanden asked what is the anticipated time before the wash plant will be below grade? Jim Small stated they still have to lower the floor, it will probably be close to two years. The wash plant will be up top longer than that. The frontend screens that take off the ag lime, the dry material, will be the first down. We took a lot of material out of there last year. Mr. Small stated we plan on reclamation on the north side and on the west end of that point of rock. Last winter when we discussed it, we're just going to reclaim at that elevation 1100' and not worry about the rock where the slopes are. Where the toe of the slope is and up - we'll take the rock down. It's not the best quality material. There is so much overburden to be moved around. The more we can get in a permanent location the better. We'll be sloping the overburden and reseeding. Holst asked the Town if they appreciate coming here every six months or would a year be better for you. Mike Jacobson stated they would like to come back in the fall after the season. Then if it is a good season like they anticipate it could probably go to a year.

Holst moved to approve the conditional use permit renewal for a nonmetallic mining operation for CMC-Spring Valley LLC with conditions #1 - #25/Sanden seconded. All in favor. Passed.

Discuss take action on recommendation regarding re-election of LMC Citizen Members. Staff Report – Andy Pichotta: Holst stated we have the best citizen members of any committee. He feels we should do everything in our power to convince them to stay on the committee. Rohl agreed. Sanden and Fetzer stated they agree to stay on the committee. **Holst moved to recommend the County Board of Supervisors re-elect Citizen Members, Eric Sanden and Joe Fetzer to the Land Management Committee/Rohl seconded. All in favor. Passed.** Holst stated some time ago we changed the term limits for these positions from 3-year terms to 2-year terms. Would it be beneficial to change back to 3-year terms? Chairperson Barkla stated that he would talk with Corporation Counsel and see if that could be added at the time of election of County Board on the 19th of this month.

Discuss take action on Travel/Training Requests. Pichotta stated that there are no travel/training requests at this time.

Departmental Update and Future Agenda Items

Request for a rule exception in the Town of Oak Grove.

Proposed amendments to the Industrial Code

Pichotta also noted that the Red Wing Airport was sent a letter asking them to come to an upcoming committee meeting to give us a status report and discuss their plans. That report will be made at our next meeting.

Motion to adjourn at 07:14pm by Holst/Rohl seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, April 6, 2011 – 7:00 p.m.
County Board Room, Pierce County Courthouse,
414 W. Main St. Ellsworth, WI 54011**

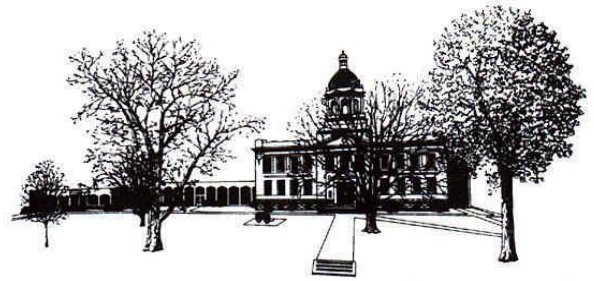
#	Action	Presenter
1	Call to order	Chair
2	Next meeting dates: April 20 th , May 4 th & 18 th , June 1 st & 15 th , all in 2011.	Chair
3	Approve minutes of the March 2, 2011 Land Management Committee meeting.	Chair
4	Discuss take action on a request for renewal of a conditional use permit for nonmetallic mining in the General Rural District by 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.	Roy
5	Discuss take action on recommendation regarding re-election of LMC Citizen Members.	Pichotta
6	Discuss take action on Travel/Training Requests	Pichotta
7	Future agenda items and departmental update.	Pichotta
8	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.

(3/25/11)

**PIERCE COUNTY WISCONSIN
DEPARTMENT OF LAND MANAGEMENT & RECORDS**

**Pierce County Courthouse
414 W. Main Street P.O. BOX 647
Ellsworth, Wisconsin 54011
ZONING OFFICE 715-273-6747
PLANNING OFFICE 715-273-6746
Fax: 715-273-6864**



MINUTES - Pierce County Land Management Committee Meeting, March 2, 2011

Present: Jeff Holst, Don Rohl, Eric Sanden and Joe Fetzer

Others: Andy Pichotta, Brad Roy and Shari Hartung

Absent: Paul Barkla

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

Next meeting dates: March 16th, April 6th & 20th, all in 2011.

Approve Minutes: **Rohl moved to approve the February 16, 2011 LMC minutes/Sanden seconded. All in favor. Passed.**

Discuss take action on a request for renewal for a conditional use permit for an Asphalt Plant in the Industrial District for Monarch Paving, owner on property located in the NW ¼ of the SE ¼ of Section 34, T25N, R18W, Town of Trenton, Pierce County, WI. Staff Report – Brad Roy: This operation was originally permitted in 2001 for nonmetallic mining and the asphalt plant. In 2008 the Zoning Office inspected the site and determined that the portion used for mining had been reclaimed in accordance with the approved reclamation plan. Final reclamation within the approved plan designates the site as a permanent asphalt plant and the bond associated with reclamation was released. Pierce County Code provides that opportunity for the LMC to require a bond for Asphalt Plants. On March 4, 2009, the LMC determined that no bond should be required since this is an Industrial use in the Industrial District. If Monarch proposes to mine this site in the future a new conditional use permit must be obtained. The asphalt plant at this location has been established as a “permanent” use versus a “temporary” use. This facility is close to a concentration of residential properties, increasing the potential for negative off-site impacts. The original permit conditions included the establishment of a vegetative berm. The berm has been established around the facility and is being maintained, but will require more time to become completely effective. At a previous renewal a transportation route was designated for Minnesota projects. It was stipulated that trucks traveling to Red Wing shall be routed from 830th Avenue to Hwy 35 to Hwy 63. This route limits the impacts to town roads. A Stormwater Pollution Prevention Plan is on file in the Zoning Office for this site. The Town of Trenton was contacted regarding this renewal request. The Town gave no formal recommendation but wanted the allowable hours of operation and height limits emphasized. The Town also appeared to suggest that issues related to stormwater drainage and other matters were unresolved. The County has received no complaints about this operation since the last renewal. On March 4, 2009 the conditional use permit was renewed with conditions #1 - #6 listed 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 additions or modifications are deemed necessary, staff recommends this CUP be renewed with the following conditions:

1. Use shall be according to submitted plans.

2. The hours of operation are from 6am to 8pm Monday through Saturday.
3. The haul route for trucks traveling to Minnesota projects via Red Wing shall be routed from 830th Avenue to Hwy 35 to Hwy 63.
4. Applicant agrees that any unforeseen erosion issues shall be addressed to the satisfaction of the county.
5. Height of stockpiles shall be limited to 35 feet.
6. This CUP shall be reviewed for renewal in two years unless compliance issues arise.

Holst stated the Town appeared to suggest issues related to stormwater drainage and other matters were unresolved, what were those issues? Roy stated that apparently drainage from the pond was being hooked up to a hose and pumped over the berm. Town representatives are here and they may want to elaborate. Mike Miller asked on the original conditional use permit, what was supposed to happen to the water from the pond. Roy stated on the permit from 2003, there was no discussion of the stormwater pond. Holst stated that isn't the original one. Mike Miller stated the whole thing is blacktopped. There is no place for the water to filter out. They pump it over the berm. Fetzer asked if there is a drainfield that it can run in to. Richard Bunce, Town of Trenton Chairperson, stated they have used some of the water for dust control but when we get a hard rain, like we have on occasion, it fills the pond to overflowing. What they get is residual oil runoff from the blacktop plant operation and you will see stuff floating on the top of the pond. That is our concern when we see that pumped over the berm. A containment pond that has no form of treatment has to go somewhere. Neil Bakke, with Monarch Paving, stated that he is unaware of any pumping. The pond fills up and we use it for dust control. We shouldn't be pumping onto other property. We have an area in the back where it could get pumped and could self drain. Mr. Bunce asked why you would pump oil residue on your property. Mr. Bakke stated part of the stormwater permit is that you take the sheen off using absorbents and then you can pump the water. Holst asked if that is in their stormwater response plan. Mr. Bakke stated yes, he will check the procedure but it shouldn't be pumped over the berm. They will need to change that practice. An absorbent should be part of the daily inspection if there is an oil sheen. That will collect the sheen off there. Sanden asked about the impact on Town roads. Mr. Bunce stated they are only on a Town road for 150 ft so that isn't an issue. Holst asked Mr. Bakke if we need to put that down as a condition or are you going to address the issue. Mr. Bakke stated that will be procedure. **Holst moved to approve the conditional use permit renewal for a Hot Mix Asphalt Plant for Monarch Paving with conditions #1 - #6 /Rohl 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 for Monarch Paving, owner on property located in the NE ¼ of the SW ¼ of Section 28, T25N, R18W, Town of Trenton, Pierce County, WI. Staff Report – Brad Roy:

The mining operation was originally permitted in 2001. This is the storage site of approximately 350,000 cubic yards of dredge materials from Corps Island. The dredge material will continue to be placed in the pit throughout this year. At the previous renewal (2009) there was discussion about whether the dredge materials would be use for permanent reclamation or stockpiled for future use. At that time a representative of the pit stated that they were planning to use the material for final reclamation and close the pit. This was contrary to the approved reclamation plan. Staff notified the representative that any change in reclamation would need to be reflected in a new reclamation plan. On May 19, 2010, a Groundwater Response Plan was presented to the LMC and approved with the understanding that the dredge materials would be used for final reclamation. On August 31, 2010, the Zoning Office received a letter from Monarch Paving which stated that it is now their intention to use the dredge material for "interim reclamation" and to then use the materials in their operations. The change in plans as it relates to the Groundwater Response Plan was presented to the LMC on October 20, 2010. The LMC deferred any decision on the Groundwater Response Plan until this 2011 Nonmetallic Mining CUP renewal. The applicant has not submitted an updated reclamation plan. The existing plan states that the site will be used to store/stockpile the dredge material for use in future projects. This is consistent with the letter received August 31, 2010. The site is internally drained. The

floor of the pit is at 690 feet above mean sea level. Surface water is directed to the northwest near the pit entrance. Permitted hours of operation are 6:00am to 6:00pm Monday through Friday and 8:00am to 6:00pm on Saturday during the construction season. The haul route for commercial trucks is from the pit entrance on County Road K to Hwy 35 towards the asphalt plant. No traffic is recommended along County Road K. The haul road was paved to reduce and address airborne dust concerns. The dredge material will be covered with topsoil and seeded. Condition 12 states, prior to placement of dredge materials on this site, a plan that describes activities and safeguards shall be presented for approval to the Land Management Committee.

- A groundwater response plan was presented to the Land Management Committee on May 19, 2010 and approved. The groundwater response plan was again presented to the LMC when staff was notified that the materials were not going to be used for final reclamation. The LMC deferred any decision on the groundwater response plan until CUP renewal.
- EMES Inc. will conduct groundwater and surface water monitoring in three phases. Background samples were collected prior to the dredge placement. Phase 2 is currently in progress during the placement of dredge material. Phase 3 establishes sampling criteria after placement is completed.
- Samples are collected from 4 residential wells, 4 monitoring wells and 2 surface water sites. Residential wells will be sampled from outside spigots. The pH, specific conductance, temperature, dissolved oxygen and turbidity will be recorded for each well.
- The sampling collection schedule is listed in Table 1. The sampling parameters and detection limits are listed in Table 2.

The LMC should determine if, given the change in plans for use of the dredge materials, any action is required on the approved Groundwater Response Plan.

The County has received no complaints about this operation.

The Town of Trenton has expressed its preference that Monarch Paving be held to their 2009 statement that dredge materials would be used for final reclamation and the pit then closed at the completion of the Corps project.

On March 4, 2009 the conditional use permit was renewed with conditions #1 - #12 listed 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 additions or modifications are deemed necessary, staff recommends this CUP be renewed with the following conditions:

1. Applicant shall follow all recommendations and receive all necessary permits from other agencies.
2. Hours of operation are from 6:00am to 6:00pm, Monday through Friday and 8:00am to 6:00pm on Saturday during the construction season.
3. The haul route for commercial trucks is from the pit entrance on County Road K to Hwy 35.
4. Blasting shall be conducted by a state licensed blaster.
5. Reclamation financial assurance information shall be reviewed and approved by Corporation Counsel and kept current.
6. A 50 ft setback shall be maintained from all property lines for all mining activity.
7. The applicant shall notify the Zoning Office if groundwater is encountered.
8. Applicant shall comply with PCC Chapter 241 Nonmetallic Mining Reclamation.
9. Reclamation shall be according to submitted plans.

10. Applicant agrees that any unforeseen erosion issues shall be addressed to the satisfaction of the County.
11. The approved Groundwater Response Plan shall be adhered to.
12. This CUP shall be reviewed for renewal in two years.

The change is the existing #12 condition required the development of a groundwater response plan, that has been removed and switched to, The approved Groundwater Response Plan shall be adhered to. Holst asked if condition #4 is needed. Roy stated it is a standard condition on most mining sites. It's approved for mining if they want to change their practices, the condition is in place. Holst stated it looks like the Town of Trenton is interested in Monarch adhering to the 2009 statement that dredge materials would be used for final reclamation and the pit closed at the completion of the Corps project. Pichotta stated in talking with the Town, I believe that their concerns about the mine being permanently reclaimed with dredge materials has to do with concerns about what might happen in the future should that site be used for hydraulic movement of dredged materials, that would result in some 700 million gallons of water filtering through the groundwater table. That particular site is very close to groundwater. In response to the Town's concern's I would recommend adding a condition #13 - Any future use of this site for hydraulic dredge material placement shall not be allowed until such time as information is presented that demonstrates, to the satisfaction of the LMC, that the impacts of said placement will not be contrary to the public interest, nor detrimental or injurious to public health, public safety or the character of the surrounding area. This would essentially make the placement of those hydraulic materials subject to the same standards as the issuance of a conditional use permit. Additionally, I would note that as staff is working on amendments to the section of our Code that deals with Nonmetallic mining, we should investigate the potential for creating a mechanism that treats the placement of hydraulically transported dredge materials as a stand alone conditionally permitted use. It could then be judged on its own merits. A large percentage of the nonmetallic mines in the County are actually pre-existing nonconforming uses on which we have no conditional use permits. This would give us a better handle on those sites because currently those materials could be placed there and we would have nothing or very little to say about it. Sanden stated it also could possibly free up the other mines from being so heavily regulated. Is the water test analysis all within the normal parameters? Candy Anderson, Monarch Paving, stated she gave Brad the results of the water testing and she read through everything and it all looked fine, nothing out of the ordinary. They would like to renew their permit and they have a reclamation plan on file that would stay the same. There is one amendment they would like to make. The existing plan states the sand would be made available to everyone at no cost. With all the Federal MSHA rules and safety issues, they would like to change it to be available to the municipalities at no cost because they have their MSHA training. They worry about people being allowed into the pit and bringing garbage in and dumping it. She did send a letter and ask to amend it. Holst stated that was part of the selling point, now today things change. I would like some input from the Town Chair. Mr. Bunce stated they have gates on the pit and they are locked on the weekends. He doesn't feel it would be an issue but can understand why they wouldn't want someone coming in there with a pick-up loading out sand without an idea of what's going on. Realistically, the sand must not be worth anything or the County would have taken it. Holst stated his Township would still take some. Sanden stated the municipalities still have free access to it. He asked Mr. Bunce what he feels about the condition relating to hydraulic dredging material, if that satisfies his concerns. Mr. Bunce stated it's easy for the Corp of Engineers and anybody to talk about water quality. We take water quality for granted. The EPA is pretty fussy about water. They regulate sewage and water, so for them to say they are going to take water that's been in the river and put it in a pit, and Trenton and Diamond Bluff are the likely source, we understand that, but 700 million gallons of water and they will just check the wells for turbidity? You see your water and it's brown and the Corp says you can drink it, it's just turbid. Who wants that? So we want it to go in by trucks and try to do as much responsible use of sand as possible and have less impact to the Township residents. If we have to live with it being a repository for sand instead of reclaimed as they said they were going to do. We definitely don't want it pumped in there. It's just a repeating process. He knows it's going to go to Trenton or Diamond Bluff so they want

some control over how it gets there. **Holst moved to approve the renewal of this conditional use permit for Nonmetallic Mining for Monarch Paving with conditions #1 - #13 /Sanden seconded. All in favor. Passed.**

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

Departmental Update and Future Agenda Items

Pichotta stated there are no items on the agenda at this time but he could add some housekeeping items if the committee wanted to meet. Committee agreed the March 16, 2011 meeting will be cancelled.

Motion to adjourn at 07:25pm by Holst/Rohl seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, March 2, 2011 – 7:00 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 16 th , April 6 th & 20 th , all in 2011.	Chair
3	Approve minutes of the February 16, 2011 Land Management Committee meeting.	Chair
4	Discuss take action on a request for renewal of a conditional use permit for an Asphalt Plant in the Industrial District for Monarch Paving, owner on property located in the NW ¼ of the SE ¼ of Section 34, T25N, R18W, Town of Trenton, Pierce County, WI.	Roy
5	Discuss take action on a request for renewal of a conditional use permit for Nonmetallic Mining in the Industrial District for Monarch Paving, owner on property located in the NE ¼ of the SW ¼, Section 28, T25N, R18W, Town of Trenton, Pierce County, WI.	Roy
6	Discuss take action on Travel/Training Requests	Pichotta
7	Future agenda items and departmental update.	Pichotta
8	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.

(2/17/11)

MINUTES - Pierce County Land Management Committee Meeting, February 16, 2011

Present: Paul Barkla, Jeff Holst, Don Rohl, Eric Sanden and Joe Fetzer

Others: Andy Pichotta, Jim Kleinhans, Brad Roy and Shari Hartung

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

Next meeting dates: March 2nd & 16th, April 6th & 20th, all in 2011.

Approve Minutes: **Fetzer moved to approve the February 2, 2011 LMC minutes/Rohl seconded. All in favor. Passed.**

Public hearing to consider a request for a conditional use permit for an Accessory Residence in the Primary Agriculture District for Steven Boyer, owner on property located in the NE ¼ of the NE ¼ of Section 13, T27N, R17W, Town of Martell, Pierce County, WI. Chairperson Barkla invited Mr. Boyer forward:

Mr. Boyer explained they would like to build another residence for his daughter and son-in-law, Nate Flosberg, to help out with the horses. His daughter has a couple horses she is training and they board them now at their place. The site is just north of their existing residence so it won't disrupt the pasture or hayfields. Sanden asked if their intent is to use the same driveway for both residences? Mr. Boyer stated it will come down to cost. It would be a longer driveway if they come off of theirs. There is an existing field road now but they would have to apply for a driveway permit and upgrade it.

Staff Report – Jim Kleinhans: Mr. and Mrs. Boyer own 29.3 acres where they have lived since 1995. They are requesting approval of a conditional use permit for an accessory residence for their daughter and her husband to help with horses and associated chores. The requested location is in a hay field to the north of their existing residence. The street address is N7921 490th Street. The property is zoned Primary Agriculture. The requested building locations comply with zoning setback standards. The dimensions of the proposed 2 bedroom single story residence are 24ft by 44ft (1056 sq ft). Dimensions of the existing residence are 25ft by 54ft.

Staff Recommendation: Staff recommends the Land Management Committee determine 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 approve this conditional use permit with the following conditions:

1. A sanitary permit shall be obtained for connection to an onsite wastewater system.
2. The accessory residence must comply with uniform dwelling code and shall be inspected by the local building inspector.
3. Applicant shall obtain a uniform address number for the accessory residence after road access approval is obtained from the Town of Martell.
4. The use shall be established within 12 months of committee approval.
5. The future shed will require a separate land use permit.

They have proposed another pole shed, so I wanted to make the need for a land use permit part of the conditions. Typically an accessory residence would be covered under the conditional use permit but not the pole shed unless the committee elected to put the accessory building in as well. **Chairperson Barkla opened the hearing to the public. No public comment. Public hearing closed. Sanden moved to approve the conditional use permit for an accessory residence for Steven and Susan Boyer, due to the fact it is not contrary to the public interest, nor detrimental or injurious to the public health, public safety or the character of the surrounding area, with conditions #1 - #5/Holst seconded. All in favor. Passed.**

Discuss take action on a status report for a conditional use permit for a Nonmetallic Mining operation in the General Rural District for CMC Spring Valley LLC, owner on property located in the SE ¼ of the SE ¼ of Section 9, T27N, R15W, Town of Spring Lake, Pierce County, WI. Staff Report – Brad Roy: You are all familiar with this site. This review is intended to enable the LMC to determine if the conditions associated with this permit need to be altered or amended to address any outstanding concerns. Last fall the Town of Spring Lake had a meeting to address some concerns it had with the County Materials operation. The issues discussed were:

- The number, type and frequency of trucks
- Visibility of the operation
- Dust
- Jake-braking
- Un-tarped trucks

A status report was presented to the LMC on November 17, 2010. The LMC requested another review to be attended by plant management to respond to the concerns presented. The conditional use permit for this operation was renewed on April 21, 2010 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, Monday through Friday, 8am to noon on Saturday. Operation shall be closed on Sundays and holidays.
3. Blasting shall be completed by a State licensed blaster. Blasting shall take place no more than 4 times per week and blasting times shall be between 11am and 2pm unless extenuating circumstances occur at which time a Town official shall be notified prior to any blasting.
4. Storm water pond design shall be completed by a State certified engineer. The pond design shall be reviewed and approved by the Pierce County Land Conservation Department.
5. Erosion control shall be installed prior to any mining. All erosion control measures shall be submitted to the Zoning Office for review and approval prior to any mining.
6. Road access shall be permitted by WI DOT and a Uniform Address Number shall be obtained from the Zoning Office.
7. Reclamation shall be completed consistent with submitted plans.
8. Mine operation and design shall be consistent with the approved plans. Zoning Office shall be notified of any deviation from the plans.
9. Zoning Office shall be notified if ground water is encountered.
10. All structures and signage shall be permitted by the Zoning Office.
11. An elevation benchmark shall be established.
12. The reclamation financial assurance information shall be reviewed and approved by Corporation Counsel before mining commences.
13. Applicant shall comply with NR 135 Annual Reclamation Permits.
14. Property owners located within 1000 feet shall be given reasonable notice of all planned blasting. This request shall be waived for landowners who request not to be given notice.
15. Well tests for nitrates, suspended solids and dissolved solids shall be conducted for all existing wells within 1000 feet of the proposed mining operation to establish a baseline and for all other properties as agreed upon by County Materials (Jones, etc). This shall be completed prior to blasting. Wells shall be tested annually thereafter. All results shall be provided to the Zoning Office.
16. A copy of the Storm Water Pollution Prevention Plan and Spill Prevention Control and Countermeasures shall be submitted to the Zoning Office.
17. The recycling of concrete products shall be allowed.
18. This CUP shall be reviewed for renewal in one year.
19. County Materials Corporation shall conduct operations on the site consistent with the standards specified in the letter from CMC to Pierce County dated 3/13/07.
20. All loaded trucks shall be covered (tarped) prior to leaving the site.

21. The quarry shall have no more than 30 unreclaimed acres at any given time. The storm water pond and processing area are to be included in the unreclaimed acres.

22. Applicant shall conduct decibel readings during mining operations at; the property line, 1320 ft from the property line and at 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.

23. A four-strand barb-wire fence shall be placed around the active mining operation along with appropriate signage.

24. A lockbox with access key shall be made accessible to emergency personnel.

25. Applicant shall provide a status report to the LMC in 6 months.

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.

Chairperson Barkla invited Mike Jacobson, Town of Spring Lake Supervisor, to speak. Mr. Jacobson stated since last November the quarry has been quiet. He would like to have Jack Sonnetag address the complaints that arose last summer. Jack Sonnetag stated the most prevalent complaint is the dust. He takes full responsibility on this one because he didn't order the right equipment when they put in the two conveyors. These conveyors are up 35 ft in the air and the material was dropping and the wind was taking it. As soon as they got hydraulics on the conveyors to raise and lower the load, it helped. The untarped trucks; they have checked with DOT and their attorneys on how often they will be sued on enforcing a law the DOT doesn't have. State of WI doesn't have a tarp law. All their trucks are tarped but if they try to make the other driver's tarp their trucks because they won't follow their rules, they are open to a suit. The jake-braking; every time he has been out there he has never heard a jake-brake. They have signs up also for tarping their loads. Once the truckers are on the highway, if they untarp their load, he doesn't know what they can do about it. Holst stated the truck driver is responsible to keep his load on his truck, correct? Mr. Sonnetag stated correct. Holst, if that load blows off because it is not tarped then he is in violation of the law, correct? Mr. Sonnetag stated correct if he is stopped by a State Patrol or any other officer of the law. Holst stated it would be in the best interest of the law for them to have their loads tarped so they are not in violation of the law. Put a sign up stating that. Mr. Sonnetag; The visibility of the operation; they have been planting more trees. An area on the north end is unreclaimed yet so that will be one of their first jobs in the spring. The number, type and frequency of trucks; they did a job for the State of WI through an asphalt company and that's why they had an excess number of trucks this past year. It's hard to regulate the number of trucks in at one time. Holst stated it was never the intent of this committee to limit your ability to produce your product or transport it. Sanden stated the only condition that comes close to that is the hours of operation. Chairperson Barkla stated until things get better, suggest to your truck drivers that there might be a little more of a presence by the Sheriff's Dept on the highway near the quarry. Mr. Sonnetag stated he doesn't believe that any of the violations are by their trucks. He stated he is all for that. Chairperson Barkla asked Mr. Jacobson when they would like to come back before the committee. Mr. Jacobson stated in late October or early November. Roy noted that CMC will be back for Conditional Use Permit renewal this April.

Discuss take action on a request for renewal/extension of a conditional use permit for Filling and Grading in the Shoreland/Wetland District by LS Marine, Inc, agent for Joseph and Marilyn Mangin, owners on property located in Government Lot 1, Section 24, T25N, R19W, Town of Diamond Bluff, Pierce County, WI. Jeff Holst recused himself from discussion and voting on this issue due to possible conflict of interest. Staff Report – Jim Kleinhans: This is a two phase request; this will take care of the filling and grading that is occurring in the near shore area and floodplain. The property is zoned Agriculture Residential. The CUP was approved for Filling and Grading in May of 2010. This is somewhat of a status review on the conditions. The conditions associated with this CUP are as follows:

1. Applicant shall secure all necessary federal, state and local permits and approvals prior to commencing operations.
2. The Land Management Dept shall be notified at the project initiation.
3. Fill placed on Mangin's property shall be removed at the project termination unless authorized under the Chapter 30 permit and complies with local floodplain regulations.
4. Vegetative removal shall be limited to the area identified as being within the "work limit line".
5. A vegetation management and restoration plan for areas within 300 feet of the ordinary high water mark consistent with Section 240-46, shall be submitted to the Land Management Committee for approval within 6 months.
6. Erosion control best management practices shall be implemented and maintained until the project site restoration is complete.
7. Applicant shall adhere to the agreement with the Town of Diamond Bluff.
8. The project shall be completed within 12 months of approval.

There are/were compliance issues associated with conditions 2 and 5. Please consider the following:

Condition 2. Land Management Dept shall be notified at the project initiation. *Land Management Department staff was not notified at the onset of the project.* Jim was notified by a newspaper reporter that they had started operation and the trucks were not being tarped so he reacted on a Friday afternoon and gave the site foreman a copy of the permit that he should follow.

Condition 5. A vegetation management and restoration plan for areas within 300 feet of the OHWM consistent with Section 240-46 shall be submitted to the Land Management Committee for approval within 6 months. We have not yet seen that.

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 additions or modifications are deemed necessary, staff recommends this CU P be renewed with the following conditions:

1. Contractor shall secure all necessary state and local permits and approvals prior to commencing operations.
2. The Land Management Dept shall be notified when project resumes and at termination. Jim would like to clarify this by adding that if they start up and stop because of flooding we should be notified so we can monitor what is going on in Diamond Bluff.
3. Fill placed on Mangin's property shall be removed at the project termination.
4. Vegetation removal shall be limited to the area identified as being within the "work limit line".
5. A vegetation management and restoration plan for areas within 300 feet of OHWM, consistent with Section 240-46, shall be submitted to the Land Management Committee for approval within 90 days.
6. Erosion control best management practices shall be implemented and maintained until the project site restoration is complete.
7. Applicant shall adhere to the agreement with the Town of Diamond Bluff.
8. The project shall be completed within 12 months of approval/renewal.

Rohl asked how long the extension would be for. Kleinhans stated a year from today but the DNR permit is good until December 31, 2012. **Fetzer moved to approve the renewal/extension of the conditional use permit for Filling and Grading for LS Marine due to the fact this is not contrary to public interest, public health and safety, and the character of the area, with conditions #1 - #8/Rohl seconded. All in favor. Passed with Holst not voting.**

Discuss take action on a request for renewal/extension of a conditional use permit for a Utility Facility >1000 square feet in the Agriculture Residential District by LS Marine, Inc, agent for Joseph and Marilyn Mangin, owners on property located in Government Lot 1, Section 24, T25N, R19W, Town of Diamond Bluff, Pierce County, WI. Jeff Holst recused himself from discussion and voting due to possible conflict of interest. Staff Report – Andy Pichotta: This is the second part of the same issue. A conditional use permit was approved on May 19, 2010 to operate a

utility facility > 1000 square feet on the Mangin property to facilitate the movement of dredge materials from Corps Island onto trucks to a disposal site. The CUP was approved with nine conditions listed in the staff report. Dredge material transfer operations did not actually commence until sometime in September 2010. Staff (Roy and Kleinhans) monitored the truck traffic through the Village on a regular schedule once the Department became aware that operations commenced. An advisory committee made up of a Town Board member, two citizens and the Project Manager was established to address any issues associated with the project at the local level. Staff has received complaints regarding the following issues (includes issues raised prior to the October 20, 2010 “status” discussion):

- Failure to notify Pierce County of the start of work
- Failure to post a copy of CUP at the site;
- Failure to tarp loads as required by Condition #8;
- Use of more than eight (8) trucks at any one time as limited by Condition #5;
- Failure to engage additional axles on trucks when loaded;
- Failure to come to a complete stop at stop signs;
- Excessive speed;
- Excessive noise;
- Excessive dust;
- Flag person not present during operations.

Staff monitored the operations on a number of dates and a number of issues were addressed. Staff assessment of issues associated with established conditions:

Condition #2. Dust control appears to be an ongoing problem. Also the traffic control person was found absent on a number of occasions. It was explained to staff that late in the afternoon the traffic control person filed daily work reports at the Monarch pit during the last round of trucks – with this occurring between 4:30pm and 5:00pm. This issue should be resolved as the Town has directed LS to ensure that a flag person is present during all hours of operation.

Condition #3. A permit extension will be necessary to complete this project (current CUP will expire May 19, 2011).

Condition #7. The municipal street sweeper was utilized occasionally. It was noted during periods of frequent rainfall the dust complaints were not as prevalent. A more aggressive maintenance schedule may be necessary.

Condition #8. Photographs were provided to staff showing that, initially, the trucks were not engaging their tarps for outgoing loads. That problem was soon resolved. The drivers will need to insure the tarps are in good condition and utilized for all outgoing loads.

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 additions or modifications are deemed necessary, staff recommends this CUP be renewed with the following conditions:

1. Applicant shall secure all necessary federal, state and local permits and approvals prior to commencing operations.
2. Applicant shall conduct all activities as described in their CUP application.
3. All activities must be completed within 12 months unless an extension is granted by the LMC.
4. Compliance issues shall be referred to Land Management Department staff.
5. Use of a maximum of eight (8) trucks at any one time.
6. Requiring trucks to stop at PIG’s transfer station in the event more than one must wait for a train to pass before entering the town.
7. Daily use of a sweeper to clear road of debris.
8. Tarping of all loads.
9. All trucks will meet all “applicable laws and regulations”.

Sanden asked from the staff monitoring as well as condition #8, have there been anymore complaints about untarped loads? Pichotta stated that there may have been one more complaint about a driver that untarped his load just shortly before entering the pit where he was to deposit his load. Pichotta asked Jim and Brad if they had seen any untarped truck during their visits. Roy stated that he had not. Sanden asked about the flag person, it sounded like they weren't present only after the last trucks had ceased for the day. Mr. Luke stated no, the flag person does the paperwork to sign the trucks out. After four had gone through, there would be four more to come, she would go to the pit and sign them out. She was leaving around 4:30pm. It was brought up at a Town meeting to ask them what they wanted us to do. The truck drivers are being paid by the yard and to have to sit there for a half hour was unfair to them. The options were either A: the trucks would come back into town empty or B: they would stop on their last load of the day. They would stop at the intersection with their tickets where they wouldn't normally have to stop. It slows them down for about 30 seconds per truck. That was the option the Town selected. So basically she is there all day with the exception of using the restroom. Chairperson Barkla asked Holst if that is accurate. Holst stated yes, and suggested that the lack of attendance shows that LS Marine has satisfied the people of Diamond Bluff with their performance of meeting their conditions and the spirit of what was going on and some of the larger opponents told these people what a good job they were doing. There are still a handful opposed but they will always be opposed. Fetzer asked how much time LS has left. Mr. Luke stated we figure we are approximately half done with the contract. What they thought was going to work hasn't worked and they are exploring other options. We have never had more than eight trucks, with the number that they are getting they would like to add two more trucks, up to ten trucks. They could get that much more done. Given the fact that they started in September, they had 20 days of down time, they have had two and a half or three months of running time. The Corp has added a little more sand to the island and to get through the whole island to make it more efficient which would be an additional two and a half weeks. Pat Vickman, ACOE, stated the contract that LS Marine originally had with the Corp was for 350,000 cubic yards and that was based upon the Corps measurement of sand that was on the island before the contract was awarded. The Governments contract also allowed them to vary that quantity. Before LS Marine started removing dredging material, the Corp had added another 55,000 yards to the island. The original survey LS Marine did said there was 350,000 yds on the island. Because the money paying for the project is stimulus funds, which are going away, the contract has been modified to go to 405,000 yds and in doing that extended their time for the reasons, #1 was a late start, #2 high water event and #3 because they added an extra 55,000 yds. They are expecting the normal high water event this spring. Government allows extension of time with no money through October 21, 2011, with normal conditions. We don't see any reason why this contract will not be done during the 2011 construction season. If there are issues with Pierce County or Diamond Bluff then they will only take the 350,000 yds but if they take it now, then they can be done for a longer period of time. Chairperson Barkla asked Taylor Luke if he has talked with staff and if there have been complaints of more than eight trucks at a time and about the request for ten trucks. Mr. Luke stated no, it just came up and they believe they can efficiently run, without trucks getting backed up. That's up 800 yds more each day. It wouldn't be any more trucks than last summer with Park's trucks hauling. They had anywhere from eight to ten trucks running and they won't be there this summer. A couple other things; we can try to control the excessive dust. It was our intention of sweeping the street and we watered the haul road and it turned into watering the street. That became an issue in November when watering the road became ice. They plan on having a company spray a chemical to help knock down the dust. They recommend about once a month. The catch 22 on that is it soaks and adheres to everything. They will do it on a Friday afternoon and Monday morning the trucks tend to track it and it sprays up on vehicles. It looks like a film and does wash off. The plus side is that it will help with the dust. **Sanden moved to approve renewal/extension of the Utility Facility >1000 square feet for LS Marine with conditions #1 - #9, modifying condition #5 to the use of 10 trucks at one time/Fetzer seconded. Pichotta stated he has one suggestion; because we attempt to involve Towns and this is an issue in the Town of Diamond Bluff he would modify that to say "Up to 10 trucks may be utilized if authorized by the**

Town of Diamond Bluff. Sanden and Fetzer agreed. Chairperson Barkla suggested another amendment, an additional condition for the flag person to be present during all hours of operation. Sanden and Fetzer agreed. All in favor. Motion passed with Holst not voting.

Discuss take action on Land Records Modernization Plan. Pichotta reports: Recent changes to § 59.72 (Land Information) required that Pierce County create a Land Information Council to remain eligible to participate in the Wisconsin's Land Information program. The purpose of the Council is to review the priorities, needs, policies and expenditures of the land information office and to advise the Land Management Committee on matters affecting the land information office. A county participating in the Land Information Program is able to retain a portion of the fees associated with recording documents in the Register of Deeds Office. These fees are placed into a Land Records Modernization Fund and are to be utilized to implement the Land Records Modernization Plan. A portion of the fees submitted to the State are also utilized to implement Land Records Modernization Plans by awarding grants to counties whose level of fee retention falls below a certain level. The County's Land Records Modernization Plan establishes the county's goals and priorities in making land records and information more accessible to the public and establishes eligible expenditures from the Land Records Modernization Fund. The plan has been subject to a peer review which was conducted to insure that all required elements had been adequately addressed. The Pierce County plan was reviewed by staff from Pepin County and Jackson County. It was their determination that all requirements had been met. The newly created Land Information Council reviewed the draft plan February 1, 2011 and recommended that the Land Management Committee approve the plan. The LMC should primarily review the sections detailing ongoing activities and proposed future initiatives.

Recommendation: Staff recommends the Land Management Committee review the draft Land Records Modernization Plan and determine whether changes or additions are necessary. If no changes are warranted, the Land Management Committee should approve the plan as written. Pichotta reviewed the plan focusing on current projects and future plans, noting that those sections are the crux of the plan. Holst asked about the funds and how much we receive per recording. Pichotta stated there is now a flat rate in place and he believes we receive \$8 or \$10 out of each recording. Holst stated of all the things listed here, will those funds cover all this. Pichotta stated it has, as long as people continue to have documents recorded. Sanden asked about page 11, #9 Land Use Mapping, it says it was done using 1992 orthophotography, is that being updated being that it is over 10 years old. Pichotta suggested that it could be updated. Basically that is just a coverage map used when someone requests to know what areas are developed, wooded, cropland or water. It was done more recently than 1992. That's a good point, we will look into that. **Holst moved to approve the Pierce County Land Records Modernization Plan as written/Sanden seconded. All in favor. Passed.**

Discuss take action on Travel/Training Requests. Pichotta stated that Emily is requesting to go to the West Central Zoning Association meeting at the Eau Claire County Courthouse on March 10th. There will be no additional costs involved. Jim is requesting to attend the NR115 Shoreland Zoning Rule Ordinance Training hosted by the Department of Commerce in Mosinee on March 31st through April 1st. There are costs involved. **Sanden moved to approve travel/training requests for Emily Lund for the West Central Zoning Association meeting and Jim Kleinhans for the NR115 Shoreland Zoning Rule Ordinance Training/Holst seconded. All in favor. Passed.**

Departmental Update and Future Agenda Items

CUP renewal for an asphalt plant and for nonmetallic mining for Monarch Paving in the Town of Trenton

Motion to adjourn at 08:09pm by Holst/Rohl seconded. All in favor. Motion carried.
Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, February 16, 2011 – 7:00 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 2 nd & 16 th , April 6 th & 20 th , all in 2011.	Chair
3	Approve minutes of the February 2, 2011 Land Management Committee meeting.	Chair
4	Public hearing to consider a request for a conditional use permit for an Accessory Residence in the Primary Agriculture District for Steven Boyer, owner on property located in the NE ¼ of the NE ¼ of Section 13, T27N, R17W, Town of Martell, Pierce County, WI.	Kleinhans
5	Discuss take action on a status report for a conditional use permit for a Nonmetallic Mining operation in the General Rural District for CMC Spring Valley LLC, owner on property located in the SE ¼ of the SE ¼ of Section 9, T27N, R15W, Town of Spring Lake, Pierce County, WI.	Roy
6	Discuss take action on a request for renewal/extension of a conditional use permit for Filling & Grading in the Shoreland/Wetland District by LS Marine, Inc, agent for Joseph & Marilyn Mangin, owners on property located in Government Lot 1, Section 24, T25N, R19W, Town of Diamond Bluff, Pierce County, WI.	Kleinhans
7	Discuss take action on a request for renewal/extension of a conditional use permit for a Utility Facility >1000 square feet in the Agriculture Residential District by LS Marine, Inc, agent for Joseph & Marilyn Mangin, owners on property located in Government Lot 1, Section 24, T25N, R19W, Town of Diamond Bluff, Pierce County, WI.	Pichotta
8	Discuss take action on Land Records Modernization Plan	Pichotta
9	Discuss take action on Travel/Training Requests	Pichotta
10	Future agenda items and departmental update.	Pichotta
11	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.

(2/4/11)

MINUTES - Pierce County Land Management Committee Meeting, February 2, 2011

Present: Paul Barkla, Jeff Holst, Don Rohl, Eric Sanden and Joe Fetzer

Others: Andy Pichotta, Brad Roy and Shari Hartung

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

Next meeting dates: February 16th and March 2nd & 16th, April 6th & 20th, all in 2011.

Approve Minutes: **Sanden moved to approve the January 19, 2011 LMC minutes/Rohl 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, General Rural District and the Exclusive Agriculture District for Wieser Concrete Properties, LLC, owner on property located in Sections 4, 9 & 10, T25N, R16W, Town of Salem, Pierce County, WI.

Staff Report – Brad Roy: This request is for four nonmetallic mines on the Wieser property. The mining product is used for production of concrete products. Reclamation plans and fees are submitted to Pierce County for pits 1 and 2. Pits 3 and 4 have been issued DNR Chapter 30 permits which covers reclamation. The property is zoned Industrial, General Rural and Exclusive Agriculture. Mining operations are located primarily in Exclusive Agriculture zones. Mining has continued on a very limited basis. Acreage has remained similar since the previous renewal. There is a chart in the staff report showing the sizes of the pits. The Quarry (#1) on the hilltop is located in Sections 9 & 10 and is the limestone source. Blasting operations are from 8:00am to 5:00pm several days per year. After blasting, the limestone is crushed and transported to the bottom quarry via conveyor for washing and stockpiling. The mine behind the pre-cast plant (#2) is located in the valley and is mined for sand and gravel. Review fee calculation is \$200 plus \$20/acre, which totals \$200 + (\$20/ac x 40.3 ac) = \$1,006. The WDNR has notified Land Management staff that Wieser Concrete does not have all of their required WDNR permits. The Chairperson of the Town of Salem was contacted about this renewal; Mr. Shingledecker stated that the Town supports the renewal of the existing permits. Staff has not received any complaints about the mining operations. The existing conditions are listed in the staff report #1 - #13.

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 additions or modifications are deemed necessary, staff recommends this CUP be renewed with the following conditions:

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

13. The conditional use permit shall expire in 2 years.

Holst asked what DNR permits are missing. Roy stated there is an issue with Shoreland and a Filling & Grading issue not related to this. With the reclamation permits that they just gave me there was some information that is needed, but nothing crucial.

Holst moved to approve the conditional use permit renewal for nonmetallic mining for Wieser Concrete with conditions #1 - #13/Rohl seconded. All in favor. Motion passed.

Committee to convene into closed session pursuant to WI § 19.85(1)(c) considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility; to-wit: performance evaluation of Land Management Director. Holst moved to convene into closed session/Fetzer seconded, Roll call vote; Holst-yes, Rohl-yes, Fetzer-yes, Barkla-yes and Sanden-yes. Passed. Convene into closed session at 7:07pm.

Motion by Rohl/seconded by Sanden to return to open session at 7:25pm. Roll call vote; Holst-yes, Rohl-yes, Fetzer-yes, Barkla-yes and Sanden-yes. Motion passed.

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

Discuss take action on Travel/Training Requests. Pichotta stated that there were no requests at this time.

Departmental Update and Future Agenda Items

Conditional use permit request for an accessory residence in the Town of Martell

Status report for County Materials

Renewal/extension of conditional use permit for Filling & Grading and for a Utility Facility for LS

Marine in the Town of Diamond Bluff

Update on the Land Records Modernization Plan

Motion to adjourn at 07:27pm by Holst/Rohl seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, February 2, 2011 – 7:00 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 16 th , March 2 nd & 16 th , April 6 th & 20 th , all in 2011.	Chair
3	Approve minutes of the January 19, 2011 Land Management Committee meeting.	Chair
4	Discuss take action on a request for renewal of a conditional use permit for Nonmetallic Mining in the Industrial District, General Rural District and the Exclusive Agriculture District for Wieser Concrete, owner on property located in Sections 4, 9, & 10, T25N, R16W, Town of Salem, Pierce County, WI.	Roy
5	Committee to convene into closed session pursuant to WI § 19.85(1)(c) considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility; to-wit; performance evaluation of Land Management Director.	Chair
6	Committee to reconvene into open session and take action on closed session item, if required.	Chair
7	Discuss take action on Travel/Training Requests	Pichotta
8	Future agenda items and departmental update.	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.

(1/21/11)

MINUTES - Pierce County Land Management Committee Meeting, January 19, 2011

Present: Paul Barkla, Jeff Holst, Don Rohl, Eric Sanden and Joe Fetzer

Others: Andy Pichotta, Brad Roy and Shari Hartung

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

Next meeting dates: February 2nd & 16th and March 2nd & 16th, all in 2011.

Approve Minutes: **Rohl moved to approve the January 5, 2011 LMC minutes/Fetzer seconded. All in favor. Passed.**

Discuss take action on a request for a conditional use permit for the expansion for a Nonmetallic Mining operation in the Agriculture Residential District for Wisconsin Industrial Sand Co., agent on property owned by Edmund & Dawn Daleiden, Jeffrey Von Holtum and Lost Creek Farms, on property located in Sections 10, 11, 13 & 14, T24N, R16W, Town of Maiden Rock, Pierce County, WI.

Chairperson Barkla, speaking on his own behalf, expressed his frustration after reading the minutes of the CAC meeting in which it is stated that the County is not allowing the public to speak. Chairperson Barkla stated he has leaned over backwards to give people the chance to give their opinions. That is one of the things he really tries to do.

Chairperson Barkla directed Pichotta to present the handout on conditional use permit standards. Pichotta presented applicable Pierce County Code provisions and discussed issues relating to the issuance of conditional use permits. Chairperson Barkla asked if anyone had questions regarding the conditional use permitting process. No questions were raised.

Staff Report – Brad Roy: WISC is requesting to add 538 adjoining acres to its current underground mining operation (Lost Creek Farms-318 acres/Daleiden-102 acres/Von Holtum-118 acres). They have agreements to lease or purchase properties. This request is not to change the mining process or activities, but rather to allow the existing mine to continue onto new property. The mine operates 24 hours a day, seven days a week and employs 45 people. Most of the activity associated with the operation takes place within the Village of Maiden Rock, which houses the processing plant. The mine received its first conditional use permit from the Land Management Committee in 2004. The original permit was renewed on September 15, 2010. The original permit was also discussed on November 17, 2010 regarding blasting complaints from surrounding land owners. This request for expansion was first heard on December 15, 2010. The Land Management Committee deferred action and asked that additional concerns to be sent to the Land Management Staff prior to January 5th. Staff received numerous letters with various concerns and complaints. The letters were also forwarded to Wisconsin Industrial Sand to provide them an opportunity to respond. Tunnels are created by blasting; WISC uses a room and pillar method. The entire mining process will take place underground; mining activities will include underground blasting and washing. Surface activity is largely limited to the processing plant in the Village of Maiden Rock. There are two ventilation shafts in the current mining area that extend up to the surface. New shafts will most likely be required, if the expansion is granted, to provide clean air to the underground mine. The exact location of any potential new shafts cannot be determined at this time. The potential new ventilation shafts should be the only change to the current surface activity on the proposed expansion site. The land is currently used for agriculture. The proposed expansion will not prevent future agricultural uses. No new wells are needed for the expansion. There are currently four wells onsite. Three of the wells are high capacity wells capable of

pumping 1,000 gallons per minute. WISC is currently using two of the three high capacity wells and its goal is to create a water recycling system which will reduce the need so only one well is used. The current mining activity takes place at approximately 800-830 ft MSL; the Water-Table elevation in this area is mapped at approximately 750 ft MSL. In the expansion area the Water-Table is mapped at elevations which reach approximately 800 ft MSL. No new exits are planned on the expansion properties. Blasting typically takes place three or four days a week; the blasts usually occur around 5:30pm. The WDNR (and other agencies) regulate many of the activities of a mining operator. This regulatory authority originates not only in the mining laws, but in different environmental statutes. For example, primary authority for the regulation of storm water runoff, impacts to navigable waterways and high capacity wells rests with the WDNR and other State agencies, but are not included in the mining laws. WISC has agreed to provide staff with updated copies of the operation's Storm Water Pollution Prevention Plan, Spill Prevention, Control and Countermeasures Plan and the Wisconsin Pollutant Discharge Elimination System Permit to keep on file.

- The Storm Water Pollution Prevention Plan (SWPPP) is a written document that 1) identifies sources of storm water contamination; 2) prescribes appropriate source area pollution prevention best management practices (BMPs) designed to prevent or minimize storm water contamination; 3) prescribes storm water treatment BMP to reduce storm water contaminants prior to discharge; 4) prescribes actions needed either to bring non-storm water discharges under a WPES permit or to remove these discharges from the storm drainage system; and 5) includes schedules, as necessary, to ensure that the storm water management actions prescribed in the plan are implemented and evaluated on a regular basis.
- The Spill Prevention Control and Countermeasures Plan identify structural and non-structural controls designed to minimize potential effects on storm water discharges and to minimize potential sources of spills.
- The Wisconsin Pollutant Discharge Elimination System Permit (WPDES) applies to discharges of wastewater and storm water from nonmetallic mining operations to surface waters or groundwater directly or indirectly that result in a discharge of one or more of the following:
 - ◆ Contaminated storm water,
 - ◆ Washwater associated with cleaning or separating earthen materials,
 - ◆ Mining site dewatering wastewater,
 - ◆ Dust suppression water,
 - ◆ Water from the outside washing of vehicles, equipment and other objects, or
 - ◆ Other similar wastewaters.

This permit also states that water treatment discharge concentrations shall be below the level of concern for impacts to aquatic life and human health.

- Staff has received concerns from citizens regarding the proposed expansion. The concerns include:
 - Health effects of Silica in the air.
 - ◆ A progress report is currently being prepared to be submitted to the Wisconsin Natural Resources Board that presents a review of what is currently know about sources, emissions, controls, health effects, monitoring and how other air programs in the United States address the issue of silica as an ambient air pollutant. The current findings state *“very little conclusive information exists regarding sources, controls or levels of silica present in ambient air. Because this is a new issue for Wisconsin, this lack of data means it is not currently possible to determine conclusively whether or to what extent the quantity, duration or types of silica emissions in the state may, indeed, be a public health concern.”* It can be assumed that this study will continue. When conclusive determinations are made an informed decision can be made by the Land Management Committee if additional regulations are needed.
 - Depletion of the aquifer.

- ♦ Owners of all high capacity wells are required to submit annual pumping reports to the DNR. Any new high capacity well application is required to face an environmental review. DNR hydrologists will evaluate the information for any potential impacts. Proposals that have the potential to impact protected resources undergo an environmental assessment process by the DNR.
- Contamination of the aquifer and surface water.
 - ♦ The site is internally drained. The previously discussed WPDES and SWPPP are monitored by the DNR.
- Various Village Issues including safety risks due to truck traffic and railroad use, noise and uncovered trucks.
 - ♦ The plant is located within the Village of Maiden Rock. The LMC jurisdiction is limited to the unincorporated areas of the County.
- Blasting effects on wells and structures.
- Potential decrease in property values.
- Several citizens have requested that an Environmental Impact Statement (EIS) be completed. An EIS is a decision making tool which addresses the quality of the human environment. The requirements for an EIS come from the Wisconsin Environmental Policy Act (WEPA). WEPA applies only to the action of state agencies. It does not apply to local governments or private parties unless their actions involve state agency regulation or funding. Although, the Land Management Committee could, theoretically, require the development and submittal of an EIS. PCC §240-76 allows for the LMC/Zoning Administrator to require an applicant to submit any additional information it determines is necessary.

A request for additional information must be accompanied by an explanation of why that information is needed and should be in response to a specific concern or issue. Staff does not recommend the LMC require that additional information be submitted unless the LMC has a specific issue (or issues) that it believes has the potential to present a significant risk to the human or natural environment and that it does not currently possess adequate information with which to make a decision regarding the proposed use.

The Town of Maiden Rock recommended approval of this request on November 10, 2010, without reference to the Town Comprehensive Plan, with the following comments:

- Wisconsin Industrial Sand should be required to establish a historical average for each private water well they are mandated to test. This information should be shared with the owner of the well along with an explanation of what the data means.
- The Commission had concerns about the air from the mines and wanted reassurances that noxious fumes and bad odors would not affect near-by neighbors. Therefore, the Commission recommends that Wisconsin Industrial Sand set up a monitoring system that would test the air from the air shafts before and after blasts are set off in the mine.
- The Planning Commission recommended that no new portals can be built for this site in the Town and that Wisconsin Industrial Sand would not be allowed to build more than 3 air shafts for this permit. If the Sand Company wants to build any additions to this permit they must seek another approval from the Town of Maiden Rock.

Staff Recommendation: Staff recommends the Land Management Committee consider the above and if the proposed use at the proposed location will not be contrary to the public interest and will not be detrimental or injurious to public health, public safety or the character of the surrounding area, grant this conditional use permit with the following conditions, as well as any additional conditions deemed appropriate or as suggested by the Town of Maiden Rock or area residents:

1. Blasting shall occur up to seven days a week with no time limit constraint unless complaints are received. If complaints are received, previous time restrictions shall be reinstated. (Blasting shall occur no earlier than 5am up to four times per week, including Saturday.)

2. Comprehensive water testing will be conducted annually for residential wells located within the boundaries of the mined area. Testing of the wells on properties on which mineral rights are not leased and fall within 1000' of mining activity shall be comprehensively tested, including for suspended solids, nitrates and dissolved solids and chlorides, two times each year. Test results and the base line data tests shall be provided to the Department of Land Management.
3. A 100-foot buffer shall be maintained from the active mining to the boundaries of non-leased properties, and where already closer than 100-feet, there shall be no further encroachment. Mining under a leased property shall be a minimum of 100' from any well.
4. The Reclamation Plan shall be updated to include the changes.
5. Evidence of compliance with applicable state and/or federal regulatory agencies shall be submitted to the Land Management Department.
6. Any intensification of use or change in approved plans will require the issuance of an amended conditional use permit.
7. A map of mining activity and areas of future expansion shall be provided to the Town of Maiden Rock.
8. Applicant agrees that any erosion issues that arise shall be addressed to the satisfaction of the county.
9. A map of the facility and underground tunnels shall be updated annually and submitted to the Land Management Department.
10. This permit shall expire in two years.
11. An annual report demonstrating adherence to approved conditions submitted to the Land Management Department on or before December 31st of each year.
12. WISC and the Citizen Advisory Committee shall develop a plan for WISC to respond to damage claims to wells or structures by surrounding land owners. The Land Management Staff shall receive a copy of the agreed upon plan; any failure to comply with the plan will be brought to the Land Management Committee.
13. A groundwater response plan, including accurate determinations of the groundwater level and which details resources to be used to protect the quality of groundwater beneath and adjacent to the extraction operation, and a proposed response to encountering groundwater, shall be provided.
14. The Town of Maiden Rock's recommendations/comments shall be adhered to.

Fred Harding asked about condition #2, test results or testing of water, how does that compare to the environmental protection agency safe water guidelines, he understands they have a more stringent test requirement than for three elements. Roy stated it's been our practice with this committee that these are the elements typically found with the blasting in this area and if more elements were found, these tests would signal that. As for another agency, we can't comment on that. Carol Jennings asked if condition #14 means the Village. Roy stated no, it means the Town of Maiden Rock. Our process for a conditional use permit is that it goes to the Town. The Village has its own jurisdiction and has its own process. Ms Jennings asked if it includes the Village at all. Roy stated no. Noting that Ms Jennings question is about the procedure to the vote taken in the Village and that vote does not yet apply because the Village doesn't have a plan yet. Roy stated they are two totally separate issues. The Village has jurisdiction over its land. The Town of Maiden Rock does not have its own zoning authority therefore they have County Zoning. Ms Jennings stated the mine is asking to extend their mining in the Village. Are we discussing the Bamford property? Roy stated no, we are not addressing any land in the Village. Mike Michaud, Town of Maiden Rock, stated that you talk about getting copies of the storm water plans, spill prevention plans, etc, can you explain what review you will do with those documents when you receive them. Roy stated none. We would trust that the DNR is doing their job. This is just to ensure that they are keeping up with their required DNR permits. Mr. Michaud asked if Brad would independently monitor to see that they are keeping up. Roy stated we make sure they are current and that they have them. We're not technically reviewing the information. Mr. Michaud asked about the WPDES, it states the water treatment discharge concentrations shall be below

the level of concern. Do you know if the actual levels of concentration in the discharge water have ever been measured? Roy stated he understands that it has been done by the DNR. These are DNR permits, the fact that they were issued would typically indicate they are at acceptable levels. Michele Maxson, WISC, stated on the storm water ponds they took original samples that were sent to the laboratory. They also did it again, with all the concern from the public, even though the permit states that if your initial sample is within the screen you do not have to do it again. They did it again just to be certain. Mr. Michaud asked where the samples are taken from. Rich Budinger, WISC, stated they are taken from the wash water pond. Mr. Michaud asked if they are taken as it leaves the process and enters the pond. Mr. Budinger stated yes. Mr. Michaud stated regarding the DNR report on the silica; he asked Brad why he chose to recite the particular quote in the staff report rather than the quotes from California or Texas. Roy stated he thought that quote conclusively showed what the report found at this time. The other reports and what they found, didn't apply to the State of WI. The State of WI reports aren't conclusive yet. Mr. Michaud asked if the inconclusive information is due to sources and the fact that nobody has measured anything in the State of WI. Roy stated he would agree this issue is largely an unknown. There are a lot of studies out there that need to be validated. Mark Krumenacher, GZA, stated that the DNR study is a work in progress. It was an assessment by the State to start gathering information to consider if there are health risks with the crystalline silica. So the staff report is correct. The study will be over the next few years. In our office we have an Industrial Hygienist and a Toxicologist that have reviewed the written responses that addressed crystalline silica dust as a concern, including Mr. Michaud's letter. We reviewed the DNR report and the recent report from Environment Canada and from Health Canada. They just finished their screening assessment of crystalline silica. There was also some misinformation provided to the County from a local professor. We also reviewed his work as well. The results of all this information are in our report submitted this week. The bottom line with respect to what GZA recommended and discussion with Wisconsin Industrial Sand is that WISC is going to plan and implement an ambient air monitoring study in the Village of Maiden Rock. Realizing that they are a stake holder with other sand and mine companies that the DNR is going to regulate in time, regarding the crystalline silica dust, they are going to participate in a study to evaluate the air quality in the Village, in the Township, in and around the mine, to start gathering data that the DNR can then use for their study. Mr. Michaud stated you received complaints on blasting effects on wells and structures, but the condition didn't change. Roy stated the original permit was discussed on November 17, 2010. The issue wasn't resolved. Mr. Michaud asked if this scope would cover amendments to the existing permit or if it is limited to the conditional reserves. Pichotta stated that this is a request for an expansion, an addition to the existing permit, so it would encompass the entire operation in the County's jurisdiction. Mr. Michaud asked if changing of blasting conditions is appropriate to consider, yet you didn't recommend any changes. Pichotta stated anything associated with the mine could be considered by the LMC. Staff recommendations are merely that, for the committee to consider. Cheyianne George stated condition #12 should take care of her problem. Mr. Michaud stated staff and the committee received an extensive report in the past few days. Very few people have had a chance to view that and respond. Roy stated we have copies of it in our office. We sent you everything electronically that we could. Mr. Budinger stated they will be getting copies to the Village and Town. Ms Jennings asked if it could be put online. Mr. Budinger stated it's very large and tomorrow they will be making the copies for the Village and the Town. Chairperson Barkla stated that he and the other gentlemen on the committee, who have to make the decision, have had a chance to review the information. Sanden thanked the citizens for providing letters and WISC for the systematic way they provided good information on each of the topics brought up. He spoke with a Hydro-geologist, with no association to the mine, about the impact on drinking water. One of the issues brought up by several people was the relying on experts hired by the mine and that information would be tainted. He took the latitude of talking to some experts in the field who have no association with Wisconsin Industrial Sand Co. The Hydro-geologist, worked in consulting firms throughout WI and MN. He has about two decades of experience in the field. Sanden asked him about contaminants in the drinking water. He is familiar with the area, especially the

hydrogeology of the area. He mentioned all the underground water flow is heading from the mine directly down toward the river, there's nothing going upstream in that situation. So any pollutants that may be generated by WISC would not be able to get into anybody's wells that are upstream. He did say if anything we should be concerned about the Mississippi because that's the way it's flowing. Sanden also asked him about heavy metals, he verified what WISC experts opinion stated. This formation is 99.9% quartz silica sand. There are no heavy metals in that formation. As far as the polymers to wash the sand, he stated it could be an issue with the river, not the wells. Not knowing what the polymer is, they couldn't go into detail. Sanden also spoke with a Field Geologist, who has worked in the field for 35 years, regarding the radon gas release. He mentioned that the Prairie Duchene formation that overlies the material that they are mining is already fractured. The whole formation is riddled with fractures and that any blasting will not cause additional radon gas release. He did mention that subsidence might be an issue in the future but the pillaring system would have to be robust and they did mention in the document that they are very conservative. He mentioned also that blasting now days is pretty much an art form. They really have it down to a science and they know how much they need and where it should be placed. Sanden was satisfied with the answers that for the most part validated everything told to you by the mine experts. Chairperson Barkla asked if he would state who the individuals were. Sanden stated Dr. Kerry Keen, Hydrogeologist and Dr. William Cordua, the Field Geologist. Sanden suggested monitoring wells between the mine and the river if they wanted to think about contamination. Fetzer thanked the public for their input and stated he did take the time to read everything he received. When he knows it's an important issue he likes to check things out himself. He toured the mine and also noted that he had stayed in a B & B in Maiden Rock. Rohl agreed that most questions have been covered. Holst stated he commends the public participation; that everyone has acted civilly over a contentious issue. WISC did a very good job of addressing the issues in the public hearing and after the hearing. In his mind, the questions that needed to be answered were answered. **Holst moved to approve the conditional use permit request for expansion of the nonmetallic mine operation with conditions #1 - #14 due to the fact this is not contrary to public interest nor detrimental or injurious to public health, public safety or character of the surrounding area/Rohl seconded.** Sanden asked if the committee wanted to add conditions that were suggested in the report about a domestic water supply/well protection program, blasting vibration monitoring program, ambient air monitoring study. Holst stated he believes they are doing them voluntarily and he sees no point in adding them. Mr. Budinger stated condition #12 covers what they stated in the report that would cover the ground vibration study and would include pre-blast surveys and response to complaints. An excellent recommendation is adding the CAC development working with WISC. Chairperson Barkla asked if we have it on record that you are going to continue to work with the CAC. Mr. Budinger stated it's a commitment they have made with the neighbors and community to have monthly meetings at this time until everybody is satisfied. Maybe a year from now they will go to a quarterly meeting. The postings for the meetings will be in the Village and Town Halls. Holst stated they will come back before us. **Sanden asked to make a friendly amendment the motion by adding condition #15 WISC will be subject to control methods deemed adequate by LMC for silica emissions if current studies suggest a significant public health threat from such emissions. Holst and Rohl agreed to the amendment. All in favor. Motion passed.**

8:00pm Chairperson Barkla called for a 5 minute recess.

8:06pm LMC meeting resumed.

Discuss take action on Travel/Training Requests. Andy Pichotta reports: Rand Kluegel would like to attend the Wisconsin Land Information Association Conference in Madison, February 16th through the 18th. Andy reminded the committee that we receive a \$300 grant for his attendance at this conference. Sanden stated that it is a very good conference. **Sanden moved to approve the travel**

request for Rand Kluegel to attend the Wisconsin Land Information Association Conference in Madison/Fetzer seconded. All in favor. Passed.

Departmental Update and Future Agenda Items

Performance Evaluation of Director of Land Management

CUP renewal for Wieser Concrete in the Town of Salem

Motion to adjourn at 08:10pm by Holst/Sanden seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, January 19, 2011 – 7:00 p.m.
County Board Room, Pierce County Courthouse,
414 W. Main St. Ellsworth, WI 54011**

#	Action	Presenter
1	Call to order	Chair
2	Set next meeting dates: February 2 nd & 16 th , March 2 nd & 16 th , all in 2011.	Chair
3	Approve minutes of the January 5, 2011 Land Management Committee meeting.	Chair
4	Discuss take action on a request for a conditional use permit for the expansion for a Nonmetallic Mining operation in the Agriculture Residential District for Wisconsin Industrial Sand Co, agent on property owned by Edmund & Dawn Daleiden, Jeffrey Von Holtum and Lost Creek Farms, located in Sections 10, 11, 13 & 14, T24N, R16W, Town of Maiden Rock, Pierce County, WI.	Roy
5	Discuss take action on Travel/Training Requests	Pichotta
6	Future agenda items and departmental update.	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.

(1/7/11)

MINUTES - Pierce County Land Management Committee Meeting, January 5, 2011

Present: Jeff Holst, Don Rohl, Eric Sanden and Joe Fetzer

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

Absent: Paul Barkla

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

Next meeting dates: January 19th, February 2nd & 16th and March 2nd & 16th, all in 2011.

Approve Minutes: **Sanden moved to approve the December 15, 2010 LMC minutes/Rohl seconded. All in favor. Passed.**

Public hearing to consider a request for a conditional use permit for a Utility Facility >1000 square feet for a substation in the Primary Agriculture District by Xcel Energy, agent for Fannie Mae, owner on property located in the SE ¼ of the SE ¼ of Section 1, T25N, R17W, Town of Hartland, Pierce County, WI. Chairperson Fetzer invited Sarah Schwartz forward: Ms Schwartz, Land Rights agent for Xcel Energy, stated that this is a replacement project. We have a switching structure that is located on Dallas Webb's property at 510th St. The equipment that is on the structure is outdated and needs to be replaced. We needed to stay in close vicinity of where these lines meet. There wasn't enough room on the Dallas Webb property. This property was in foreclosure and the project really needs to be completed within the next year.

Staff Report – Emily Lund: Xcel Energy is requesting a Utility Facility >1000 square feet. They currently have the cross wires on an easement through this 34.92 acres, where overhead wires run southwest to northeast. Another set of wires follow the road of 510th St. The property is located in the SE ¼ of the SE ¼ of Section 1, Town of Hartland. The property is zoned Primary Agriculture. A CUP is required for utility facilities over 1000 square feet under Pierce County Code § 240-41F. The lot is currently farmed as a corn field. A CSM was reviewed and approved on December 10, 2010. Overhead lines run parallel with 510th St and intersect on a utility pole at Dallas Webb's property and run southwest to northeast. The new project will extend three overhead power lines to Xcel's parcel. One of the overhead lines will be extended off of 510th St onto the NE side of the parcel and two overhead lines will be extended off the existing SW-NE line and run from the south part of the parcel. The substation will be enclosed by a chain linked security fence and gate. Off road parking will be provided for operation and maintenance vehicles, warning signs will be posted, miscellaneous transmission and distribution electrical equipment and a 14 ft by 24 ft electrical equipment enclosure will be constructed. Various maps, construction details and a contour, grading, erosion control & maintenance plans were submitted for review. The structure meets the setbacks. The soil tested area was approved. No personnel will be permanently assigned to the site, so no well or sanitary sewer facility will be installed. The site will be maintained for drainage and utility vehicles. Road access off of 510th St has been submitted and approved by the Town of Hartland. Xcel has received a UAN sign. The Town of Hartland recommended approval with no conditions.

Staff Recommendation: Staff recommends the Land Management Committee determine whether the proposed use 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 approve this conditional use permit with the following conditions:

1. The substation shall be enclosed by a chain-link fence at least 10 feet high.
2. All structures over four feet high shall be located at least 75 feet from a dwelling unit and 50 feet from any residential lot line.

Chairperson Fetzer opened the hearing to the public. David Esterby, Hartland Town Chair, stated that the town approved this some time ago. Sheldon Huppert questioned where the property line is to the north. Ms Schwartz showed the map and explained the location. Mr. Huppert asked if they are building more than a switching station; a transformer as well? Schwartz stated no, just a switching station. Lund explained there is a NE-SW line on the map, there is currently overhead power lines going that direction. She showed him where the switching pole is located and the area where the CSM is located. Mr. Huppert stated the lines are on the east side of the road and they have to cross the road. Ms Schwartz stated this isn't changing anything at all its still 69KV line. It's outdated equipment that they will be replacing. They will only be working with the overhead line. Looking at the location plan, you can see where the 69KV line from the south goes, that is the overhead line. It will go to the north and cross over to the east. It's basically a tap into that line. Brenda Singer, lives on 370th Ave in Salem Township, asked how big it is going to be and how far does the electric magnetic field go? Ms Schwartz stated it isn't any bigger than what is there right now in terms of the electro magnetic field. There isn't any voltage increases with that. The electrical equipment house is 14ft x 24ft. It's just basically the poles that cross. There has to be a safety chain link fence. They are taking existing wires and taking them into the switching station. Ms Singer also asked about any interference with TV, internet, phone or if there will be humming noise. Ms Schwartz stated there shouldn't be anything different than it is today. **Public hearing closed.** Rohl asked how much larger this lot is than the previous lot. Ms Schwartz stated the previous lot was very small. This lot had to be at least an acre for County requirements. The lot is larger because otherwise they would have had to have easements. It made more sense to own it. Rohl asked if the property was from the same owner. Ms Schwartz stated it was Jim Dahl that owned it but it went back to the bank so Fannie Mae owned it. Holst stated that there are very few places in the County, outside of an incorporated area, that are on a power source other than Pierce-Pepin. He noted that it is common place for Xcel to run their power lines through jurisdictions where we don't get to take advantage of their rates. They bought the easements; they have to get their lines in to get power to their customers same as the way we get power. **Holst moved to approve the conditional use permit for a Utility Facility >1000 square feet for a substation in the Primary Agriculture District by Xcel Energy, agent for Fannie Mae with conditions #1 - #2 due to the fact that the proposed use is not contrary to the public interest or detrimental or injurious to the public health, public safety or the character of the surrounding area/Rohl seconded. All in favor. Passed.**

Discuss take action on a request for a rule exception to an erosion control plan for a 2-Lot Major Certified Survey Map (CSM) for Ryan P. Kelly, owner on property located in the NE ¼ of the NE ¼ of Section 16, T26N, R17W, Town of Ellsworth, Pierce County, WI. Chairperson Fetzer invited Ryan Kelly forward: Mr. Kelly stated that he is selling a 14 acre parcel off the 74 acre farm, selling the house and buildings off. This created a second lot of five acres that is land locked. He is selling the least tillable land possible. He had to make it a lot, it's not for building. It has been perked and the Town granted a driveway permit.

Staff Report – Emily Lund: Ryan Kelly has a request in for a rule exception to the requirement that an erosion control plan be completed for a 2-Lot CSM. The previous owners created Lot 1 CSM V12, P36 on Jan. 7, 2008. Mr. Kelly is proposing to create his 2nd and 3rd parcels within a five year period, which is considered a Major CSM. This Major CSM received approval from the Village of Ellsworth this week. The Pierce County Code requires erosion control plan for Major CSM's include accompanying information:

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

- A. Where the Land Management Committee finds that undue difficulties will result from strict compliance with the regulations of this chapter or better design will result, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such rule exception will not have the effect of nullifying the intent and purpose of this chapter.

- B. A majority vote of the entire membership of the Land Management Committee shall be required to grant any rule exception to these regulations and any rule exception thus granted shall be entered into the minutes of the Committee setting forth the reasons which, in the judgment of the Committee, justified the rule exception.

The property is located in the NE ¼ of the NE ¼ of Section 16, Town of Ellsworth. The surrounding land use is mostly agricultural and some residential. This property is in the Village of Ellsworth's ETZ District. The following conditions must be present for a proposed land division to qualify for this type of rule exception (LMC policy):

1. No roads are being constructed as part of the land division.
2. No erosion problems are present on the property.
3. There are no problems with stormwater or surface water flow on the subject property or that originate on the subject property.

No roads are being constructed as part of this proposed land division. Staff visited the site on 12-21-2010 and no erosion or stormwater issues were apparent on the property. Please note that it is winter and the ground is frozen. Lot 2's land is flat, Lot 3 has some rolling terrain and existing buildings and the corn crop was harvested. Town road 610th St adjoins the proposed lots to the East.

Staff Recommendation: Staff recommends the Land Management Committee consider whether or not this situation warrants a rule exception.

Sanden asked whether, given that the property is snow covered, any erosion issues would be apparent at this time. Barry Foy, Ellsworth Town Chair, stated he is very familiar with the property and that drainage on the land is not a problem. There is a lot of water that comes off the hillsides but it has its own natural way of getting out of there. He sees no problems with the land.

Sanden moved to grant the rule exception to the requirement that an erosion control plan be completed for a 2-Lot Major CSM for Ryan Kelly due to the fact it meets conditions #1 - #3 of the LMC policy/Rohl seconded. All in favor. Passed.

Discuss take action on a request for approval of a 2-Lot Major Certified Survey Map (CSM) for Ryan P. Kelly, owner on property located in the NE ¼ of the NE ¼ of Section 16, T26N, R17W, Town of Ellsworth, Pierce County, WI. Staff Report – Emily Lund: We're in the same location.

The request is for a 2-Lot Major CSM. The previous owners created Lot 1 and Ryan Kelly is proposing to create Lots 2 and 3 within a five-year period, which is considered a Major CSM. A rule exception has been approved. Surrounding land use is mostly agricultural and some residential. The property is located in the Village of Ellsworth's ETZ District. The Village of Ellsworth's Plan Commission and the Town Board approved the CSM on Jan. 3, 2011. Barry Foy, Town Chairman issued a letter of access approval on 12/20/2010 for a driveway to be allowed in the future for Lot 2 when the Lot gets developed. They conditioned the location of the driveway. The current owner doesn't want to develop the property at this time. He wants to continue farming Lot 2 and the remainder of the land surrounding the buildings. The Town of Ellsworth's minimum lot size of 2.5 acres is met on both lots. Per § 237-17(B)3, staff reviewed if the land was subject to any hazards to life, health or property; no such hazards were found. The CSM meets slope requirements. Charlie Webster completed a soil test and found a location for a drainfield. The Land Conservation Department reported this land is in the Farmland Preservation Program through February 6, 2011. Therefore, no buildings shall be constructed on Lot 2 until the land is taken out of the program or the contract expires. Pierce County Surveyor, Louie Filkins, reviewed and approved the CSM. Survey review fees have been paid.

Staff Recommendation: Since the rule exception has been granted, staff recommends the Land Management Committee approve this major CSM with the following condition:

1. No building shall be constructed on Lot 2 until the land is either taken out of the Farmland Preservation Program or until after the contract expires.

Rohl moved to approve the 2-Lot Major Certified Survey Map (CSM) for Ryan Kelly with condition #1/Sanden seconded. All in favor. Passed.

Discuss take action on a request for renewal of a conditional use permit for a private heliport in the General Rural Flexible 8 District for Christopher Brekken, owner on property located in the SW ¼ of the NE ¼ of Section 27, T26N, R19W, Town of Oak Grove, Pierce County, WI.

Chairperson Fetzer invited Mr. Brekken forward: Mr. Brekken stated he just wants to continue with what has been going on for quite awhile.

Staff Report – Brad Roy: The conditional use permit for the heliport was issued on Jan. 6, 2010. The site was approved by the Dept of Transportation. The FAA granted approval for personal use only; therefore this facility could not be used for public or commercial flights. A status report was submitted on July 21, 2010. Condition #3 was modified to allow up to 10 night flights per calendar year. At the status report the applicant submitted a statement describing the activities up to that time. The applicant recently stated that the activities have remained consistent to those described at the status report. Staff has received complaints regarding the flight path for take-offs and landings. The Town of Oak Grove Chairperson was contacted about this renewal request and expressed no issues or concerns. The conditions are listed in the staff report #1 - #10.

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. If no additions or modifications are necessary, staff recommends the LMC renew this conditional use permit with the following conditions:

1. The conditional use permit shall be renewed in 1 year before the Land Management Committee.
2. Any potential or future changes or intensification in the use of the heliport shall be approved by the Land Management Committee.
3. The heliport is approved for daylight operations and up to 10 night flights per calendar year.
4. Approach and departure shall follow 180/360 flight path unless the committee finds modifications are necessary to mitigate impacts to surrounding neighbors.
5. Maintain the clear zone around the heliport following the 8:1 ratio.
6. The total number of take-offs and landings may not exceed 30 per month.
7. Proof of adequate liability insurance shall be provided.
8. The conditional use permit shall terminate if the Department of Transportation revokes either their certificate of approval or Mr. Brekken's pilot license.
9. Onsite fuel storage shall be in approved containment vessels.
10. Applicant shall provide a status report to the Land Management Committee in 6 months.

Holst asked about the complaints of the flight path and landings. Pichotta stated that those were complaints that he had received. It was stated that Mr. Brekken was not following the prescribed flat path. Sanden noted that in the report it said there were no issues or concerns. Pichotta stated the complaints were made directly to County staff and not the Town. Andy spoke to Jerry Kosin who indicated he hadn't received any complaints. Sanden asked if the person gave any details as to whether it was happening often or once? Pichotta stated he received two or three complaints regarding the issue. Steve Nelson, neighbor, stated that Mr. Brekken has flown out east to west right above his property. He wasn't aware that he could fly at night now. Roy stated the condition states 10 night flights per calendar year. Mr. Nelson questioned why he wasn't contacted for that meeting. Roy stated that we are required to contact residents for public hearings, that wasn't a public hearing. Mr. Nelson asked if there have been any changes to the helicopter that he has permission to fly. He knows there has been another helicopter coming in and out of there, it's yellow but it's a different one. Roy stated the permit does not specify what helicopter he can fly. Mr. Nelson stated when it was originally discussed it stated what helicopter was coming in and out of there. According to Aircraft1.com he owns two helicopters, one for individual and one corporate. The corporate one wouldn't be for personal use. Roy stated the permit states it's for personal use, it would be permissible to use a different helicopter for personal use. Mr. Nelson asked Mr. Brekken if he is flying his corporate helicopter out of there and what the other helicopter was. Mr. Brekken stated no and that he bought it

for parts. Sanden asked Mr. Nelson how many times was the east-west flight pattern done in the last year. Mr. Nelson stated about half a dozen. Mr. Brekken stated he always takes off to the north, eventually he turns depending on where he is going. He avoids the south because there are more houses. Fetzter asked if there was a distance determined. Mr. Brekken stated no. Holst stated he usually turns after a 40, about a ¼ mile whenever he has seen him. Mr. Nelson stated there is a bluff to the north so if he went out and went past the top of the hill then went east or west, there isn't anyone up there. **Holst moved to grant renewal of the conditional use permit for a heliport for Christopher Brekken with conditions #1 - #9 eliminating #10/Sanden seconded. All in favor. Passed.** Mr. Brekken asked if he will be notified when he has to come back before the committee. Roy stated that we do track it, but ultimately it is your responsibility to contact the department.

Discuss take action on amendments to Pierce County Code Chapter 240 relating to rural business/agritourism. Staff Report – Brad Roy: The Pierce County Comprehensive Plan's "Action Plan" identifies the following tasks to be completed by Department staff

- Investigate potential for creation of new mechanism to permit entrepreneurial activities that are site dependent.
- Identify and pursue strategies to implement goals, objectives and policies identified in the Comprehensive Plan.

Many of the goal, objective and policy statements are relating to entrepreneurial ventures and agritourism. Staff presented the concept for potential code amendments relating to rural business/agritourism on September 15, 2010. Staff was directed to proceed with developing Zoning Code provisions which would be permissive in regard to the establishment of rural businesses and agritourism. Such activities would be permitted through the issuance of a conditional use permit, with the understanding that the scope of allowable activities would be tempered by a given towns comprehensive plan. You may recall that the County plan states that Pierce County will consider adherence to the goals, objectives and policies of an adopted or amended comprehensive plan to be consistent with the "public interest" for decisions relating to that governmental unit or municipality. Once the committee has approved the proposed changes, staff will, prior to scheduling a Public Hearing, distribute the draft language to Towns under County Zoning. Staff will also provide examples of comprehensive plan language that could be used to limit allowable uses within a town to those deemed appropriate by the Town Board and Planning Commission. Along with the proposed agritourism/rural business amendments, staff is proposing numerous additional changes to the code that will remove redundancies and address portions of the code that are confusing or unneeded. This will help ensure consistent interpretation and administration. The existing code designates all business-related uses as Commercial uses. This creates an assumption that the most acceptable location for all such uses is within the Commercial or Industrial districts. The Zoning Code currently lists specific "Commercial" uses in § 240-36 and in the Table of Uses – such as Antique Shop, Kennels and Mini-storage. Property owners wishing to start a business that is not specifically listed are left with three options: Home Occupation, Home Business and Farm and Home Based Business. Each one of these has size and employee limitations. They all could be considered as a sort of business "incubator". Once those businesses get beyond those sizes and threshold of employees, they would be required to move into the appropriate district either Commercial or Industrial. Not all types of businesses are ideally suited for the Commercial and Industrial districts. The proposed code changes are intended to allow for expanded business opportunities that are site specific and compatible with active agriculture. Staff is proposing to create a new subsection, § 240-35B for "Agricultural Enterprises" to provide additional opportunities that are site specific to property owners who are involved in active agriculture.

- Proposed new uses to be included in the Agricultural Enterprises subsection include: Agritourism, Nursery, Orchard and Winery. All of these uses will require that activities conform to the definition of "General Agriculture".

- Staff is proposing to move § 240-36D Farmers Market and § 240-36L Roadside Stand out of § 240-36 Commercial uses and into the proposed Agricultural Enterprises subsection. (Staff is also proposing to modify the existing regulations.)
- Use specific regulations are limited to Farmers Markets and Direct Market Agriculture (formerly Roadside Stands). These are the only uses that would be allowable with a Land Use Permit. Establishment of other uses would require a Conditional Use Permit. The Land Management Committee will have the ability to impose any condition to limit the scale and intensity of the use to the level it believes is appropriate. It should also be noted that the Conditional Use Permit process will require an applicant to present the request to the Town and will allow for the Town's Comprehensive Plan to be applied.

Staff also has identified the need for an additional site specific use classification which is unrelated to agriculture. Uses which are dependent on the natural surrounding area and the environment would also have the same challenges previously discussed under a Home Occupation, Home Business or Farm and Home Based Business permit. The Commercial and Industrial districts are not typically a suitable option.

Staff is proposing to create a "Nature-Based Operations" and a "Resorts" classification. A proposed "Nature-Based Operation" would require the Land Management Committee make a determination as to whether the proposed use is, in fact, reliant on the natural environment, as well as impose conditions to limit the scale and intensity of the use to an appropriate level. An example of a nature based operation would be Crystal Cave located near Spring Valley.

The addition of "Resorts" will allow for outdoor recreational facilities to provide lodging to its guests. Currently, Bed and Breakfasts are limited by the need for an associated personal residence and Lodging facilities are only permitted in the Commercial District. An example of such a use would be a hunting or fishing outfitter that provides lodging.

Because Resorts and Nature-Based Operations do not have a connection to agriculture, staff is proposing to add these uses to § 240-39 Outdoor Recreational Uses.

- The establishment of these uses will require a Conditional Use Permit. The Land Management Committee will have the ability to impose conditions necessary to limit the scale and intensity of the use to the level it believes to be appropriate. And again, the Conditional Use Permit process will require an applicant to present the request to the Town and will allow for the Town's Comprehensive Plan to be applied.

Staff is proposing the following changes relating to the Agricultural, Commercial and Outdoor Recreational Uses.

- Staff is proposing to remove Greenhouses, Antique Shop/Art Gallery, Institutional Recreation Camps and Trade/Contractor Establishment from the code. These uses do not require special designation and can be permitted more appropriately through other mechanisms.
- Staff is also proposing to insert language relating to General Retail and Services, Offices, Private Outdoor Recreational Uses and Public Outdoor Recreational Uses into the code, uses which were previously only listed in the Table of Uses. A definition of General Retail and Services was also created. By doing this the code will be presented more consistently in that every use will be listed in the appropriate use section, the Table of Uses and have a definition. This should provide clarity for the general public.

Staff is also proposing to modify the Campground regulations in § 240-39. There are currently different regulations for regular "campgrounds" and "seasonal campgrounds". Staff is proposing to unify these regulations into one section for all campgrounds. The proposed changes will also eliminate regulations that address options that would arguably be best handled by campground management. Another proposed change is to no longer allow for Outdoor Recreational Uses in the Residential Districts. The definition of Outdoor Recreational Uses is very general and could result in a use which is not compatible with the residential districts and what they are intended for (protecting residential

development from incompatible uses). This change would eliminate the opportunity for a residential development to establish a private park, so staff is proposing to create a “Residential Park” use classification that would be Conditionally Permitted in the Residential Districts. This will provide protection to the Residential District and again, the LMC would have the opportunity to react to the private park proposal and address any issues with its size or scope.

The attached pages show the actual code changes, listing the conditional use permit and table of use changes, any definition changes as well. Most of the changes the committee has seen before. Holst asked where Trade/Contractor Establishments, which is proposed to be eliminated, would be permissible. Roy stated it could be General Retail or Services; it could be permitted in the Commercial or Industrial District, if it were to be done out of a residence, depending on its scope, it could be a Farm and Home Based Business that would have the size and employee limitations. I believe it could also be a Home Occupation if there were no outdoor storage and it were completely run out of the home. A lot of the changes are in the Outdoor Recreational Uses. Holst asked if it was still allowed to have a tent and a mobile recreational vehicle on the same site. Roy stated we are proposing to leave those types of decisions up to campground management. Sanden asked Brad about pick-your-own farms, would that fall under the Direct Market Agriculture? Roy stated yes. Pichotta asked about page 9 where we’ve eliminated the shelter unit. Does that eliminate the potential for additional Nugget Lake camping cabins? Roy stated he doesn’t think it would. Pichotta suggested that staff would look at that again to ensure no issues. Sanden stated we recently had a winery/restaurant operation that created a messy situation, where would that use fit in. Roy stated it could fit in several areas. It could fit the Winery because by definition of the Winery, it would allow retail sales. If it were to come in now, he would recommend it fit under Agritourism; the fact that they are growing grapes on site, if they weren’t growing grapes, he might look at the Winery or the Outdoor Recreational Use. Sanden asked about the Farmer’s Market and Roadside Stands were taken out of the Commercial District, would they still be allowed in the Commercial District? Roy stated Farmer’s Market is permitted but a Roadside Stand wouldn’t because it has the need for the product to be grown on site.

Staff Recommendation: Staff recommends the LMC determine whether the proposed amendments are consistent with prior committee direction. If so, direct staff to begin outreach to the Towns and schedule a Public Hearing at a future meeting. **Committee directed staff to move forward with revisions to Chapter 240 relating to rural business/agritourism.**

Discuss take action on Resolution Authorizing Land Management Department to apply for Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) Grant to Assist in Farmland Preservation Planning. Pichotta reports: Andy stated there is no resolution associated with this request. Initially, it was thought that it would need to go up through Finance & Personnel and to the County Board but because we’re not spending any outside dollars, and it is within our budget, the LMC has authority to authorize. DATCP is currently accepting county applications for farmland preservation planning grants. A grant may help pay county costs to update the county’s certified farmland preservation plan. County’s facing the earliest planning deadlines will receive higher priority for planning grants. Pierce County must complete their plan by December 31, 2012. Pierce County is eligible for up to 50% of the cost to prepare a farmland preservation plan, up to a maximum of \$30,000. A grant recipient must enter into a grant contract with DATCP in order to receive grant funds. Eligible cost may include county staff costs, consultant fees and related expenses incurred between January 2011 and December 31, 2012. The grant application must be submitted to DATCP by January 14, 2011. What we’re planning to do is basically offset staff costs associated with the in-house development of the plan. As such, only standing committee approval is necessary. We’re essentially looking at using this as a revenue stream. We can do it in-house and get our time partially paid for by DATCP.

Staff Recommendation: Staff recommends the Land Management Committee authorize staff to apply for, as well as enter into a contract to receive, a farmland preservation planning grant from the Department of Agriculture, Trade and Consumer Protection.

Holst asked if the grant contract would just be specific to these funds. Pichotta stated that is correct. **Rohl moved to approve the authorization for Land Management to apply for a Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) Grant to assist in Farmland Preservation Planning/Holst seconded. All in favor. Passed.**

Discuss take action on Travel/Training Requests. Andy Pichotta reports: Pichotta stated Rand Kluegel plans to travel to Stevens Point at the end of the month with Paul Barkla, Brad Lawrence and Jamie Feuerhelm for a redistricting seminar. **Holst moved to approve the travel request for Rand Kluegel/Sanden seconded. All in favor. Passed.**

Departmental Update and Future Agenda Items

Wisconsin Industrial Sand request for expansion in the Town of Maiden Rock

Andy's performance evaluation for the first meeting in February

Pichotta stated that after discussion with Corp Counsel it was determined that, due to an inability to ensure public access and involvement in a mobile meeting, it was not advisable to hold a special on-site meeting. Brad Roy stated that the mine tours are going to be held Jan 13th & 14th from 8:00am to 5:00pm. We will work on getting notice to the public and also noted that they will also be having their Citizens Advisory meeting on the 13th where it would be announced.

Roy stated the County has received a stimulus grant and the Highway Department has installed new boilers for \$30,000.00. We should be getting the reimbursement check soon.

Motion to adjourn at 08:13pm by Holst/Rohl seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, January 5, 2011 – 7:00 p.m.
County Board Room, Pierce County Courthouse,
414 W. Main St. Ellsworth, WI 54011**

#	Action	Presenter
1	Call to order	Chair
2	Set next meeting dates: January 19 th , February 2 nd & 16 th , March 2 nd & 16 th , all in 2011.	Chair
3	Approve minutes of the December 15, 2010 Land Management Committee meeting.	Chair
4	Public hearing to consider a request for a conditional use permit for a Utility Facility >1000 square feet for a substation in the Primary Agriculture District by Xcel Energy, agent for Fannie Mae, owner on property located in the SE ¼ of the SE ¼ of Section 1, T25N, R17W, Town of Hartland, Pierce County, WI.	Lund
5	Discuss take action on a request for a rule exception to an erosion control plan for a 2-Lot Major Certified Survey Map (CSM) for Ryan P. Kelly, owner on property located in the NE ¼ of the NE ¼ of Section 16, T26N, R17W, Town of Ellsworth, Pierce County, WI.	Lund
6	Discuss take action on a request for approval of a 2-Lot Major Certified Survey Map (CSM) for Ryan P. Kelly, owner on property located in the NE ¼ of the NE ¼ of Section 16, T26N, R17W, Town of Ellsworth, Pierce County, WI.	Lund
7	Discuss take action on a request for renewal of a conditional use permit for a private heliport in the General Rural Flexible 8 District for Christopher Brekken, owner on property located in the SW ¼ of the NE ¼ of Section 27, T26N, R19W, Town of Oak Grove, Pierce County, WI.	Roy
8	Discuss take action on amendments to Pierce County Code Chapter 240 relating to rural business/agritourism	Roy
9	Discuss take action on Resolution Authorizing Land Management Department to Apply for Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) Grant to Assist in Farmland Preservation Planning.	Pichotta
10	Discuss take action on Travel/Training Requests	Pichotta
11	Future agenda items and departmental update.	Pichotta
12	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.

(12/22/10)

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



MINUTES - Pierce County Land Management Committee Meeting, December 5, 2012

Present: Joe Fetzer, Jeff Holst, Jon Aubart, Jim Ross and Eric Sanden

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

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

Next meeting dates: December 19th, if necessary, Pichotta indicated it isn't necessary.

Set next meeting dates: Chairperson Fetzer asked the committee if they had any problem continuing on the 1st and 3rd Wednesday of every month at 6:00pm. No one objected. Chairperson Fetzer stated setting a few meeting dates out, they will be January 2nd and 16th, February 6th and 20th, March 6th and 20th and April 3rd and 17th.

Approve Minutes: **Holst moved to approve the November 7, 2012 LMC minutes/Ross seconded. All in favor with Fetzer not voting due to his absence at the last meeting. Passed.**

Public hearing to consider a request for a conditional use permit for General Retail and Services for a canvas and upholstery business, in the Light Industrial District, pursuant to Pierce County Code, Chapter 240-36E, for George Jacques Trust, owner, by Natalie Kraft, agent, on property located in the SE ¼ of the SE ¼ of Section 35, T27N, R20W, Town of Clifton, Pierce County, WI. Chairperson Fetzer invited Natalie Kraft and George Jacques forward: Ms Kraft explained she is requesting a conditional use permit for an existing canvas and upholstery shop. Sanden asked what kind of truck traffic this would generate. Ms Kraft stated very little. It's just drop off and pick up.

Staff Report – Emily Lund: The request is for a conditional use permit for General Retail and Services for Two Rivers Canvas and Upholstery. The property is located in Section 35, Town of Clifton. The request is for a commercial use to be established in a Light Industrial zoning district and the north half of the land is in the General Rural Flexible 8 zoning district. The business is located on a 35 acre parcel. The applicant has been operating this business at this location since late 2003. The Clifton Town Board recommended approval of this request on 11-7-2012 without any specific conditions. The Town did not reference its Comprehensive Plan. The purpose and intent of the Pierce County Code is stated in the staff report. Pierce County Code 240-36E establishes that general retail and services are allowed in the Light Industrial zoning district subject to issuance of a conditional use permit. The proposed use is to be located in an existing building formerly occupied by Jake's Seed. This property is located adjacent to 4 lots that were created by a CSM in 2009 for commercial development. The applicant rents an existing 40 ft by 50 ft building to sew canvas and upholstery and specializes in boat covers and furniture, custom covers and sewing repairs for the public. All work will be done by sewing machines, hand drills, staple guns and air compressors and other small tools and equipment. Applicant is proposing to sell canvas and upholstery cleaners as well as water proofing compounds. There will be no outside storage. Solid waste materials will be disposed of in the dumpster shared with the adjoining property to the south. The applicant plans to run the business without any additional employees. The applicant proposes to be open to the public Monday through Saturday 7 AM to 6 PM and Sunday by appointment only. The 40 ft by 50 ft existing building is located on 35 acres and has an existing well, septic system and two bathrooms, storage area,

office and workshop inside. No new buildings are proposed to be built. There is a parking pad west of the building for 3 parking spaces, with one handicapped parking spot closest to the entrance. Pierce County Code requires a minimum of one space. The applicant proposes to utilize one wall sign that does not exceed 15% of the area of the side of the building to which it is attached, as per PCC 240-60K(1). One off-premise advertisement sign is proposed to cover another existing sign, located on the south adjacent land in the Light Industrial zoning district and will not exceed 24 square feet in size per PCC 240-61F(1). As indicated on the attached plot plan, applicant would need to keep signs out of the road right-of-way and out of the vision clearance triangle per PCC 240-60C & D. WI DOT sign regulation needs to be followed also. PCC 240-76G discusses expiration of Conditional Use Permit 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."

Staff Recommendation: Staff recommends the Land Management Committee determine whether the proposed use in 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 not to be contrary to the above, staff recommends the Land Management Committee approve this conditional use permit for General Retail & Services for Two Rivers Canvas and Upholstery with the following conditions:

1. Applicant understands that expansion or intensification of this use will require issuance of a new conditional use permit. If applicant has questions as to what constitutes expansion or intensification, Land Management staff should be contacted.
2. Hours of operation shall be Monday through Saturday 7 AM to 6 PM and Sunday by appointment only.
3. Two regular parking spaces and a minimum of one handicapped parking space shall be delineated.
4. The two advertising signs may be placed on the site as proposed and 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. Any additional advertising signage shall be in compliance with the Pierce County Code and shall be subject to the issuance of a Land Use Permit.
5. The use shall be established within 12 months of CUP approval. This conditional use permit shall be renewed every 2 years. Permit may be renewed administratively if no compliance issues arise.

Chairperson Fetzer opened the hearing to the public. No public comment. Public hearing closed.

Sanden asked if there was plenty of room for overflow parking with only 3 spaces delineated. Ms Kraft stated there is plenty of space there. Holst stated she has run a business for years, she has a good reputation in the type of work that she does. It's a steady flow. Ms Kraft stated she has done work for the Ellsworth Fire Department, the Prescott Fire Department and this winter the Dakota County rescue boats canvas will come in.

Holst moved to approve the conditional use permit for a canvas and upholstery business for Natalie Kraft, agent for George Jacques Trust, owner, due to the fact this is not found to be contrary to the public interest, nor detrimental or injurious to the public health, public safety or the character of the surrounding area, with conditions #1 - #5/Sanden seconded. All in favor. Passed.

Discuss take action on site plan review for a small engine repair business in the Commercial District pursuant to Pierce County Code Chapter 240-75, for Laverne & Cathy Rosenberg, owners on property located in the NE ¼ of the NW ¼ of Section 15, T26N, R18W, Town of Trimbelle, Pierce County, WI. Chairperson Fetzer invited Laverne Rosenberg forward: Mr. Rosenberg stated he put up a small storage shed and staff contacted him because he didn't get a building permit for it. He obtained a LUP and they moved it to a good spot. It should be OK now.

Staff Report – Emily Lund: This is site plan review for the construction of a new structure for commercial use. The property is located in Section 15, Town of Trimbelle. This request involves the construction of a new commercial structure located in the Commercial zoning district. The other portion of the lot is zoned General Rural. The 8.67 acre parcel has a home on one part and a small engine repair

business on another part. Mr. Rosenberg also sells equipment. Applicants constructed a cement slab and structure prior to any permits. The structure was located within the vision clearance triangle of 570th Ave and Cty Rd J. The applicants were notified of this issue by Department staff. The owners subsequently obtained a land use permit on 4-24-2012 and moved a structure to a new compliant location. The owners propose to construct a chain linked fence around the first cement slab for temporary outdoor storage. The purpose and intent of commercial zoning is stated in the staff report. Site plan review is required per Chapter 240-75 Pierce County Code for new construction of buildings located in commercial district with commercial uses. The CSM creating this lot was recorded in 2006. Two separate driveways are located along the west of the property and the north driveway serves the business. The nonresidential driveway meets the minimum driveway width requirement per PCC 240-57D(2). There is ample room for 3 parking spaces. PCC 240-54I requires that 2% of parking spaces be designated for handicapped parking, with a minimum of one space delineated. Stormwater drainage will be overland flow on the 8.67 acre property. There are drainage ditches to the west and north of the property to accommodate large rain events. The property is served by an existing private well and private on-site wastewater treatment system. The property is characterized by existing trees, a house, the business and two sheds. Adjacent uses include agricultural and commercial.

Staff Recommendation: Staff recommends the Land Management Committee consider the information provided in this report to determine if any aspect of this development, as proposed in the site plan, is potentially harmful to the health, safety, aesthetics and general welfare of the county and can be addressed through modifications to the proposed site plan. Staff also recommends the LMC consider including the following conditions in any plan approval:

1. A land use permit shall be obtained for all future structures prior to construction. Applicant shall also comply with all relevant local and state ordinances and regulations and secure all necessary permits and licenses (e.g. Department of Safety & Professional Services (DSPS), Department of Health & Family Services, etc).
2. One handicap parking spot shall be delineated.

Sanden stated he lives right down the road from Mr. Rosenberg and Mr. Rosenberg has always been a good neighbor and runs a clean shop and he doesn't anticipate any problems with this.

Sanden moved to approve the site plan for commercial use for a small engine repair business for Laverne and Cathy Rosenberg with conditions #1 - #2/Ross seconded. All in favor. Passed.

Discuss take action on a request for renewal of a conditional use permit for Nonmetallic Mining 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. Chairperson Fetzer invited Joe Rumpca forward: Mr. Rumpca stated they would like to renew the conditional use permit the way it is. He stated the only change he talked about with Brad Roy. Roy stated the neighboring property, many years ago, mined across the line about 100 feet over. They would like to connect that. It might require a couple feet within the 100 foot setback. Roy stated he thinks if they stay within the 100 feet they can line those up. Mr. Rumpca stated yes, he thinks they would do that.

Staff Report – Brad Roy: Rumpca Excavating owns and operates a nonmetallic mine which was expanded in 2002 requiring the issuance of a conditional use permit. The mining site has approximately 10 unreclaimed acres. Access to the mine is off of County Road MM. The product mined is lime rock. 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 is conducted by a bonded professional explosive company. Blasting takes place infrequently on this site. 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. We discussed the neighboring property. No complaints have been received about this operation. The current conditions for the permit #1 - #12 are listed in the staff report.

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

1. Applicant shall follow all recommendations and receive all necessary permits from other agencies.
2. A 100-foot 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 annually for all wells within 1000 feet of the proposed mining operation.
6. The applicant shall notify the Zoning Office if groundwater is encountered.
7. Dust control measures shall be implemented along haul roads.
8. Hours of operation are 7:00am to 6:00pm Monday through Friday and 7:00am to 4:30pm on Saturday.
9. Recycling of concrete, asphalt and bricks into Class Five materials is allowed.
10. Reclamation shall be according to submitted plans.
11. Applicant agrees that any unforeseen erosion issues shall be addressed to the satisfaction of the county.
12. This CUP renewal shall expire in two years.

Holst asked about the new wording for condition #2. Roy stated he didn't think we had to worry about it. It's close to the 100 foot setback. No adjustment to condition #2 should be necessary.

Aubart moved to approve the renewal of the conditional use permit for nonmetallic mining for Rumpca Excavating Inc with conditions #1 - #12/Holst seconded. All in favor. Passed.

Discuss take action on a request for renewal of a conditional use permit for nonmetallic mining for Rickey Deising, owner on a parcel located in the SW ¼ of the SE ¼ of Section 5, T24N, R17W, Town of Isabelle, Pierce County, WI. Chairperson Fetzer invited Rickey Diesing forward: Mr. Diesing stated he would like to renew his permit.

Staff Report – Brad Roy: Diesing Trucking received the original CUP for this site in 2006. Mining had previously taken place on this site, but it was discontinued prior to 2001. Because the use was discontinued before 2001, no reclamation had taken place. The mine was originally considered “grandfathered” so there are no prior mining permits on the parcel prior to the 2006 CUP. Because of the “grandfathered” status many of the mining regulations that are now in place had not been followed in the past. All new mining has been consistent with current regulations. The mining site has approximately 3.5 unreclaimed acres; the total extent of the mine will be approximately 6.5 acres. 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. The current conditions of the permit #1 - #8 are listed in the staff report.

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

1. Hours of operation remain consistent with daylight hours Monday through Friday, Saturday hours will be 8:00am – 4:00pm.
2. Applicant shall receive all necessary permits from other agencies.
3. Applicant shall comply with DNR NR 135 Annual Reclamation Permits.
4. A 100 foot setback shall be maintained from all property lines for all mining activities, which includes stockpiling and equipment placement.

5. Applicant agrees that any unforeseen erosion issues that arise shall be addressed to the satisfaction of the county.
6. Reclamation shall be according to submitted plans and shall be completed within one year of ceasing mining operations.
7. This CUP renewal shall expire in two years.

Roy stated we eliminated the old #8 because they already received their address sign.

Holst moved to approve the renewal of the conditional use permit for nonmetallic mining for Rickey Diesing with conditions #1 - #7/Sanden seconded. All in favor. Passed.

Discuss take action on Travel/Training Requests. Pichotta stated he has three requests at this time, two for Emily Lund: December 7th in Wausau at the NR 115 meeting, one on December 18th in Eau Claire for a Wisconsin Central Zoning Administrators (WCZA) Meeting. The other request is for Brad Roy to attend a frac sand task force meeting put on by Wisconsin County's Association, in Chippewa Falls on December 17th.

Holst moved to approve the travel/training requests for Emily Lund and Brad Roy/Ross seconded. All in favor. Passed.

Departmental Update and Future Agenda Items

Pichotta stated there won't be a meeting on December 19th. The next meeting will be January 2, 2013 and noted that renewal of Wisconsin Industrial Sand's conditional use permit for the Maiden Rock facility would be on the agenda.

Motion to adjourn at 06:25pm by Sanden/Ross seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, December 5, 2012 – 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: December 19 th if necessary, 2012.	Chair
3	Set next meeting dates for 2013.	Chair
4	Approve minutes of the November 7, 2012 Land Management Committee meeting.	Chair
5	Public hearing to consider a request for a conditional use permit for General Retail and Services for a canvas and upholstery business, in the Light Industrial District, pursuant to Pierce County Code, Chapter 240-36E, for George Jacques Trust, owner, by Natalie Kraft, agent, on property located in the SE ¼ of the SE ¼ of Section 35, T27N, R20W, Town of Clifton, Pierce County, WI	Lund
6	Discuss take action on site plan review for a small engine repair business in the Commercial District, pursuant to Pierce County Code Chapter 240-75, for Laverne and Cathy Rosenberg, owners on property located in the NE ¼ of the NW ¼ of Section 15, T26N, R18W, Town of Trimble, Pierce County, WI.	Lund
7	Discuss take action on a request for renewal of a conditional use permit for Nonmetallic Mining 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
8	Discuss take action on a request for renewal of a conditional use permit for nonmetallic mining for Rickey Diesing, owner of a parcel located in the SW ¼ of the SE ¼, in Section 5, T24N, R17W, Town of Isabelle, Pierce County, WI.	Roy
9	Discuss take action on Travel/Training Requests	Pichotta
10	Future agenda items.	Pichotta
11	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.

(11/21/12)

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



MINUTES - Pierce County Land Management Committee Meeting, November 7, 2012

Present: Jeff Holst, Jon Aubart, Jim Ross and Eric Sanden

Absent: Joe Fetzer and Andy Pichotta

Others: Jim Kleinhans, Brad Roy, and Shari Hartung

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

Next meeting dates: November 21st, December 5th and the 19th, if necessary, all in 2012.

Approve Minutes: **Ross moved to approve the October 17, 2012 LMC minutes/Sanden seconded. All in favor with Aubart not voting due to his absence at the last meeting. Passed.**

Public hearing to consider a request for a conditional use permit for Filling and Grading to improve an existing boat ramp, in the Shoreland/Floodplain District, pursuant to Pierce County Code, Chapter 240-41E, by Pierce County Parks, owner on property located in part of Government Lot 5 in Section 3, T24N, R18W, Town of Trenton, Pierce County, WI.

Staff Report – Jim Kleinhans: Pierce County acquired this property during the floodplain buyout program in the late 1990's and recently obtained the land adjacent to the Hwy 63 right-of-way with the primary boat ramp from the WI Department of Transportation. The property under review has an existing public outdoor recreational use including a boat ramp and parking area that is currently in disrepair. Cedar Corp designed a facility that will comply with FEMA standards and also qualifies for a development grant from the WI Department of Natural Resources (WDNR). The proposed project requires conditional use permit review and approval by the Land Management Committee for filling and grading, however the LMC may want to review all aspects of this development since this is a county owned and operated facility. Public outdoor recreational uses are listed as permitted uses in the zoning code. The 2.4 acre property is zoned General Rural Flexible and located in the Town of Trenton. The Town of Trenton supervisors recommended approval of this proposal during their October 19, 2012 town meeting with the concern that all conditions and permits are adhered to. A Chapter 30 permit and Chapter 151 for storm water erosion control will have to be reviewed. The Department of Natural Resources has not received that application yet. This project involves removing the existing asphalt parking area and boat ramps and reestablishing the facility with a new double wide boat ramp with two handicap accessible docks, 32 boat trailer parking stalls, storm water ponds, a portable restroom and security lighting. Two rain gardens are proposed to treat surface runoff water from the reconstructed pervious and impervious parking surfaces. Cedar Corporation completed the facility design and created the erosion control and storm water management plans with narratives and recommendations for this project which are attached. The property abuts the Wisconsin Channel of the Mississippi River, the WI Department of Transportation Hwy 63 right-of-way and adjacent wetland property owned by the Lois Brown Trust. Shoreland provisions in the zoning code regulate filling and grading within 300 feet horizontal distance of navigable water where the existing or resultant slope is toward the water. Another section under the Pierce County Code regulates cutting vegetation more than 35 feet inland along any 100 foot section of shoreline. This includes a request to remove a lot of vegetation. So the section is included in the staff report that authorizes this

committee to approve more extensive vegetative removal along the stream corridor. There was a vegetative management plan provided with the plans from Cedar Corp. There are some large cottonwood trees and scattered shrubs located along the shoreline that will make it difficult for equipment to complete the work project such as placing a rip rap and site clearing. The proposed shrub and tree restoration plan was reviewed by the County Forester. All recommended shrub and tree species were determined appropriate for this location. Chapter 238 of the Floodplain Code regulates filling and grading and restricts the filling to the point where the increases of floodwater heights are experienced by adjoining property owners. The map that shows existing or proposed conditions shows there will be no increase where substantial increase in flood heights. The ground elevation will stay pretty much the same just with reconstructed surfaces. Two bioinfiltration ponds are designed to collect and treat surface water runoff prior to discharging to the river. Engineered soil will be incorporated (209 cubic yards) for both features. Excess soils material from pond excavations should be removed from the floodway or incorporated into the site grading. The plans specify development and maintenance practices for these drainage structures. One thing to consider is area between the storm water ponds, if we don't reduce sediments to those rain gardens there will be a lot more maintenance involved. The plans indicated low growing, no mowing type of fescues to plant in that area; Jim talked with the Land Conservation Director today and he has provided some grass types that are a little more specific considering the aspect between the runoff and the ponds. He suggested some redtop and timothy red clover to maintain some sort of buffer to catch sediment before it gets into those ponds at a rate of about 30 lbs per acre. There is a lot more to this than just the filling and grading and tree cutting. Jim touched on the Utility facilities and elevations: the proposed operating hours are 4:00am to 11:00pm appears consistent with water sport activities. The proposed lighting plan illuminates the parking and launch site utilizing 250 watt bulbs. Consideration for hours of operation, intensity of the lights and management during periods of mayfly hatches may warrant a little bit different management than leaving those lights on all night long. Another consideration is having the lamps on over a wetland complex that could impact invertebrates, reptiles, bats, etc. Waste disposal and ongoing site maintenance will be the responsibility of the Parks Department. There is a proposed portable restroom located next to the handicap parking area. Jim checked the Pierce County Sanitary code which requires any type of a privy to be located a minimum of 50 feet from the high water mark, 75 feet from a stream or lake and 25 feet from a property line. The proposed location is inconsistent with county code standards. A compliant location should be identified. The proposed parking stall dimensions are 12 feet by 45 feet. Each parking spot is required to have a wheel stop. Two handicapped parking areas are proposed on the higher parking area and closest to the launch ramps. Off street parking requirements under PCC 240-54 requires 15 spaces per launching pad.

Staff Recommendation: Staff recommends the Land Management Committee consider whether issuance of this conditional use permit request would be 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 LMC consider approval of this request with the following conditions:

1. Contractor shall secure all necessary state and local permits and approvals prior to commencing operations.
2. The Land Management Department shall be notified at the project initiation.
3. Vegetation management and restoration shall be consistent with PCC Section 240-46 with final seeding and plantings established to stabilize the near shore areas.
4. Erosion control best management practices shall be implemented and maintained until the project site restoration is complete in accordance with approved plans.
5. Contractor shall utilize adequate equipment to complete the project and remove working materials and equipment prior to and during flood events.
6. Existing gas, telephone and proposed electrical utilities located in the parking lot shall be installed or protected above the base flood elevation or abandoned.
7. The project shall be completed within 12 months of approval.
8. Solid waste debris removed from the shoreline shall be properly disposed of out of the floodplain.

Scott Schoepp, Pierce County Parks Foreman, he asked that #7 on the conditions, he would like to have 14 months to be consistent with the contracts. As they move forward with this they are going to have a deadline of December 1, 2013. Sanden asked about the erosion control plan, does the siltation fence go all the way around the perimeter of the site. Dennis Blau is here to answer that. The County hired Cedar Corp to design and engineer this so he has some drawings and will be able to help out with that. Dennis Blau presented larger drawings. Ross stated currently there are two ramps there and you plan to eliminate the one. Mr. Schoepp stated that there are three there, one is functional, one is maybe doable and the other isn't really there. They are going to remove all three, the trees along the river edge and riprap. The initial plans were to put two double-wide ramps in there. They have scaled it back to one double-wide ramp, 30 feet by 60 or 70 feet with a handicapped accessible ramp on one side and then the other side will also be handicapped accessible but it doesn't need to be as accessible; one has to be 100% and the other wouldn't have to be. It will be a poured concrete slab and a portion of this was FEMA property. Our initial plan was to put blacktop on the entire surface; due to FEMA restrictions we could only put blacktop on the County property. The FEMA acquired portion has to remain a permeable surface. Sanden asked Mr. Schoepp is he was comfortable with the 30 lb mix of seed per acre. Mr. Schoepp stated yes. Sanden asked Jim if he could expand on the lighting issue. Kleinhans stated the lighting plan that was provided and there are 35 foot towers with lamps that are aimed down toward the parking area. Six lamps are proposed, one along the shoreline. He is concerned about overflow lighting. He knows that in the summer when they get massive May Fly hatches, they turn the lights off on the bridge going to Red Wing. There might be some management provision we want to think about. He talked with Harvey Halverson from the Department of Natural Resources regarding all the lighting on the facility. He thought the adjacent wetland; it may have an impact on the biotics too. Maybe the intensity of them, we have a 250 watt lamps proposed. We have a lighting standard for minimum landscaping requirements for parking areas that we approved back in 2007; that one talks about maximum 150 watt lamps in residential areas and larger in commercial and industrial areas. Ross asked if they are running them only along the shoreline side or around the whole lot. Kleinhans stated there is one at the boat launch, one at the upstream part of the property, one across from that too. Sanden asked if that is something to articulate in the conditions tonight. Kleinhans stated the facility is here for filling and grading and shoreland restoration. If he was permitting it, he would think about this. Holst stated maybe it's something as simple as putting a timer on a light. It could be shut off a half hour after the facility closes. Mr. Schoepp stated we could go with a 175 watt bulb too. Mr. Blau stated there are a number of options, you can put it on a timer, you can downsize the luminaires, you can put a cutoff on the light so the ones by the wetland it wouldn't shine on them but on the parking lot. Kleinhans asked about the ability to shield the lights once they are put up. Mr. Blau stated he talked to the electrical designer and he said they just put a little thing in the luminaire. These aren't cutoff lights but they meet the standards. There is no light pollution. They shine down and forward. A little plate can be put in there. Kleinhans asked if that is a problem adjusting that during the construction phase. Mr. Blau stated they would want to know before they bid it. Holst asked if they can find a safe place for the privy. Mr. Blau stated there are a couple options. Holst stated that site has been under water four times in the last ten years. Mr. Blau stated there is always that possibility, currently they propose the restroom on the higher site or they could make some minor points on the pond and put it near there but that would make it the focal point when you come in.

Chairperson Holst opened the hearing to the public. No public comment. Public hearing closed. Sanden moved to approve the conditional use permit for filling and grading to improve an existing boat ramp for Pierce County Parks due to the fact this is not found to be contrary to the public interest, nor detrimental or injurious to the public health, public safety or the character of the surrounding area, with conditions #1 - #8/Ross seconded. All in favor. Passed.

Public hearing to consider a request for a conditional use permit for a Farm and Home Based Business for a fabrication shop in the General Rural District, pursuant to Pierce County Code, Chapter 240-36D, by R. Jay and Kristi Richardson, owners on property located in the NW ¼ of the SW ¼ of Section 18, T27N, R15W, Town of Spring Lake, Pierce County, WI. Chairperson Holst

invited Jay Richardson forward: Mr. Richardson explained that he built a sizeable shop for the farm with offices and they would like to use a portion, 50 foot by 70 foot, to build race cars. Sanden asked if all operations are done inside the building. Mr. Richardson stated yes.

Staff Report – Brad Roy: The applicant recently constructed a 14,400 square foot pole shed and plans to use 3,500 square feet of the structure for a fabrication shop for building race cars to be sold to the public. The business also includes sales of parts but this is conducted at the NAPA store in the Village of Spring Valley. The address is N7872 Cty Rd CC and the property is zoned General Rural. Section 240-36E allows farm and home based businesses as accessory to single family residential uses subject to the conditions listed in the staff report. Equipment to be used includes: welders, grinders and a forklift. Hours of operation are planned for 8am to 6pm Monday through Saturday. Occasional late nights are needed. The operation will have 2-3 full-time employees. The site will have a business sign, however plans have not been finalized at this time. The area around the structure provides adequate parking. Access to the business will be off of Cty Rd CC. Restrooms are available in the structure. The Town of Spring Lake recommended approval of this request on October 9, 2012. The Town did not reference their Comprehensive Plan or recommend any conditions.

Staff Recommendation: Staff recommends the Land Management Committee determine whether the proposed use in 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 not to be contrary to the above, staff recommends the Land Management Committee approve this conditional use permit for a Farm and Home Based Business with the following conditions:

1. Any proposed advertising signs shall comply with the zoning code standards and be permitted.
2. Hours of operation shall be 8am to 6pm Monday through Saturday, with an occasional late night when required.
3. All waste shall be disposed of in compliance with the Pierce County Code Chapter 201 Solid Waste Collection and Transportation.
4. Applicant understands that expansion or intensification of this use will require modification to this conditional use permit.
5. Outdoor storage of vehicles and vehicle parts shall comply with Pierce County Code Chapter 225.
6. This conditional use permit shall be valid for 2 years or if any compliance issues arise. Permit may be renewed administratively if no compliance issues arise.

Roy stated in regards to condition #2, after being at the site, he doesn't feel it will be a problem. It's hard to put a number on the late nights and times at this point. Kleinhans asked if they are going to build engines there also. Mr. Richardson stated no, just chassis. They have had a shop adjacent to this building for about 30 years. He has had his own personal racecar for 25 years and has gotten along with his neighbors. He doesn't see that being a problem.

Chairperson Holst opened the hearing to the public. No public comment. **Public hearing closed.**

Ross moved to approve the conditional use permit for a Farm & Home Based Business for a fabrication shop for R. Jay & Kristi Richardson, 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 - #6/Aubart seconded. All in favor. Passed.

Discuss take action on a status report and potential modification of a condition use permit for Nonmetallic Mining in the General Rural District by 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.

Chairperson Holst invited Jim Small and Pete Krautkramer forward: Mr. Krautkramer stated they kept up with the watering and they are on target to move the lime end of the business in the hole by the end of next year.

Staff Report – Brad Roy: In June, the hours of operation were expanded to 6am to 6pm Monday through Friday, Saturday 8am to noon. The number of allowable unreclaimed acres was also increased to 40. This status report is to determine the impacts of the increased hours and acreage. Staff has received one

complaint regarding off-site dust. A Fugitive Dust Plan for the operation is being implemented. The Town of Spring Lake was contacted regarding this status report. They have received complaints from a neighboring property owner regarding noise and dust, but have been satisfied with the watering and other dust suppression practices. The Town did indicate that they would not support any increase in hours of operation. The existing conditions #1 - #28 are listed in the staff report.

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 modify this conditional use permit for a nonmetallic mining operation with the following conditions (potential modifications in **bold**):

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 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 extenuation circumstances occur at which time a Town official shall be notified prior to any blasting.
4. Storm water pond design shall be completed by a State certified engineer. The pond design shall be reviewed and approved by the Pierce County Land Conservation Department.
5. Erosion control shall be installed prior to any mining. All erosion control measures shall be submitted to the Zoning Office for review and approval prior to any mining.
6. Road access shall be permitted by WI DOT and a Uniform Address Number shall be obtained from the Zoning Office.
7. Reclamation shall be completed consistent with submitted plans.
8. Mine operation and design shall be consistent with the approved plans. Zoning Office shall be notified of any deviation from the plans.
9. Zoning Office shall be notified if ground water is encountered.
10. All structures and signage shall be permitted by the Zoning Office.
11. An elevation bench mark shall be established.
12. The reclamation financial assurance information shall be reviewed and approved by Corporation Counsel before mining commences.
13. Applicant shall comply with NR 135 Annual Reclamation Permits.
14. Property owners located within 1000 feet shall be given reasonable notice of all planned blasting. This request shall be waived for landowners who request not to be given notice.
15. Well tests for nitrates, suspended solids and dissolved solids shall be conducted for all existing wells within 1000 feet of the proposed mining operation to establish a baseline, and for all other properties as agreed upon by County Materials (Jones, etc). This shall be completed prior to blasting. Wells shall be tested annually thereafter. All results shall be provided to the Zoning Office.
16. A copy of the Storm Water Pollution Prevention Plan and Spill Prevention Control and Countermeasures shall be submitted to the Zoning Office.
17. The recycling of concrete products shall be allowed.
18. This CUP shall be reviewed for renewal in one year.
19. County Materials Corporation shall conduct operations on the site consistent with the standards specified in the letter from CMC to Pierce County dated 3/13/07.
20. All loaded trucks shall be covered (tarp) prior to leaving the site.
21. The quarry shall have no more than 40 unreclaimed acres at any given time. The storm water pond and processing area are to be included in the unreclaimed acres.
22. Applicant shall conduct decibel readings during mining operations at; the property line, 1320 feet 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.

23. A four-strand barb-wire fence shall be placed around the active mining operation along with appropriate signage.
24. A lockbox with access key shall be made accessible to emergency personnel.
25. Applicant shall provide a status report to the LMC in **1 year**.
26. Stockpiles shall be a minimum of 10 feet below the height of the berm at all times.
27. The Fugitive Dust Plan shall be implemented as approved.
28. Applicant is allowed to water anytime necessary to mitigate off-site dust impact.

Roy stated the only change to the conditions is the #25, the status report in 1 year instead of 3 months. The permit is due for renewal in April and then the status report would be in the fall to see how the operation went. Ross stated the purpose of the status report is just to make sure we're staying up on the conditions. Roy stated that the Town has indicated that come spring the operations are minimal during the winter so there aren't any complaints. They would know more about the operations in the fall than in the spring. Since this was permitted, the status reports have been every three months. Sanden asked Brad about the Fugitive Dust Plan if it is controlled by the DNR or who monitors it. If there is a problem, do they have the authority to do anything? Roy stated he doesn't believe they get into it, if it were a hazardous material, they would. Mr. Krautkramer stated MSHA is their regulator. When they come on-site they will do a dust monitor. Sanden asked if it is something like 20% opacity. Mr. Small stated that is for heavy equipment and it's based on the year the equipment was constructed. That's coming off the conveyors, not the roads and stockpiles. Sanden asked if that is the correct percent. Mr. Small stated it's less than that now for transfer points. Aubart stated he took the opportunity to visit the site. He thought the site was very well run. Everything was running, the crusher was running and there was a wind speed of 10 – 15mph. It was fairly breezy. He did not experience the fugitive dust problem. He went out on the berm and you could hold a conversation. From his stand point, unless we get the complaints he doesn't feel we should keep bringing them back.

Aubart moved to approve the renewal of the conditional use permit for nonmetallic mining for CMC-Spring Valley (County Materials) with conditions #1 - #28 as presented/Sanden seconded. All in favor. Passed.

Discuss take action on Travel/Training Requests. Kleinhans stated there are no requests at this time.

Departmental Update and Future Agenda Items

Kleinhans stated there isn't anything on the agenda for November 21st. There is a possible public hearing for December 5th for a vineyard in Clifton and there are some conditional use permit renewals.

Motion to adjourn at 06:40pm by Sanden/Aubart seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, November 7, 2012 – 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: November 21 st , December 5 th and 19 th if necessary, all in 2012.	Chair
3	Approve minutes of the October 17, 2012 Land Management Committee meeting.	Chair
4	Public hearing to consider a request for a conditional use permit for Filling and Grading to improve an existing boat ramp, in the Shoreland/Floodplain District, pursuant to Pierce County Code, Chapter 240-41E, by Pierce County Parks, owner on property located in part of Government Lot 5 in Section 3, T24N, R18W, Town of Trenton, Pierce County, WI	Kleinhans
5	Public hearing to consider a request for a Farm & Home Based Business for a fabrication shop in the General Rural District, pursuant to Pierce County Code, Chapter 240-36D, by R. Jay and Kristi Richardson, owners on property located in the NW ¼ of the SW ¼ of Section 18, T27N, R15W, Town of Spring Lake, Pierce County, WI.	Roy
6	Discuss take action on status report and potential modification of a conditional use permit for Nonmetallic Mining in the General Rural District by 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.	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.

(10/26/12)

PIERCE COUNTY WISCONSIN

DEPARTMENT OF LAND MANAGEMENT & RECORDS

Pierce County Courthouse
414 W. Main Street P.O. BOX 647
Ellsworth, Wisconsin 54011
ZONING OFFICE 715-273-6747
PLANNING OFFICE 715-273-6746
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APPROVED BY:

Signature: *James S. R.*

Date: 10/2/13

MINUTES - Pierce County Land Management and Land Conservation Committee Meeting, October 25, 2012

Present: LMC Jeff Holst, Jon Aubart, Jim Ross LCC Jerry Kosin, Mel Pittman, Leroy Peterson, DeWayne Benedict, Ruth Wood

Others: Andy Pichotta, Brad Roy, Rod Webb, Deb Larson, Barry Foye (Town of Ellsworth)

LCC Chairperson Kosin called the joint meeting of the Pierce County Land Management and Land Conservation Committee to order at 8:30 am in the County Board Room, Ellsworth, Wisconsin.

Public Hearing to consider adoption of the updated Pierce County Farmland Preservation Plan and to amend the Pierce County Comprehensive Plan to include said document.

LCC Chair Kosin read public hearing notice. Brad Roy, LMD staff, stated that Pierce County is required to update its Farmland Preservation Plan by December 31, 2012. This planning process has been a joint effort of Pierce County's Land Management and Land Conservation Departments and will be adopted as part of the County's Comprehensive Plan. He noted that the County has taken the same approach with this plan as it had with the comprehensive plan. The County will have broad goals, objectives and policies and allow for each town to develop more specific goals, objectives and policies within its comprehensive plan. Farmland Preservation Areas were designated throughout the county. Each town was asked to identify lands appropriate for farmland preservation according to their comprehensive plan and with characteristics suitable for productive agriculture. These lands were designated as Farmland Preservation Areas. Landowners in a Farmland Preservation Area have the option to voluntarily enter into Farmland Preservation agreements. Staff developed goals, objectives and policies which were reviewed and approved by both the Land Management and Land Conservation Committees. The goals are consistent with the overall direction of the Comprehensive Plan and satisfy the requirements of the Working Lands Initiative. The updated plan also outlines actions the county will take to implement the goals, objectives and policies. Roy noted that if the draft plan is approved, the updated Farmland Preservation Plan will be sent to DATCP for certification. After certification, the plan will be presented to the Finance and Personnel Committee and the County Board for adoption by ordinance. Holst noted that it is stated that Pierce County's population is projected to grow to more than 54,000 by 2035 and suggested that the forecast may be a bit high. Wood agreed. Committee discussed likely future population and housing growth. Roy discussed the current trend in farm sizes and also noted that the average age of farmers is increasing and also noted that the number of female farm operators was also increasing. The relationship between the Farmland Preservation Plan and the town comprehensive plans was also discussed and it was noted that it would not change from that outlined in the county's comprehensive plan. Holst noted that higher commodity prices are the best farmland preservation strategy. Wood questioned the change in the undeveloped land classification. Roy noted that this was due to a change in the way assessments are completed. Holst noted that as a land owner he supports the concept of Ag Enterprise Areas. Pittman agreed. Roy stated that staff

recommends that the Land Management and Land Conservation Committees review the proposed plan to determine if any changes or modifications are necessary, and if appropriate, approve the plan and send the approved version to the Finance and Personnel Committee for review. He noted that if substantial changes were required as part of DATCP's review the plan would be brought back to the joint committee.

Pittman moved to approve the Pierce County Farmland Preservation Plan and to amend the Pierce County Comprehensive Plan to include said document/Benedict seconded. All in favor. Motion carried.

Motion to adjourn at 9:15 a.m. by Holst/Pittman. All in favor. Motion carried.

Respectfully submitted by A. Pichotta

**JOINT LAND MANAGEMENT COMMITTEE AND LAND CONSERVATION
COMMITTEE
MEETING AGENDA**

**Wednesday, October 25, 2012 – 8:30 a.m.
County Board Room, Pierce County Courthouse,
414 W. Main St. Ellsworth, WI 54011**

#	Action	Presenter
1	Call to order	Pichotta
2	Public Hearing to consider the adoption of the updated Pierce County Farmland Preservation Plan and to amend the Pierce County Comprehensive Plan to include said document.	Roy
3	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.

(10/12/12)

PIERCE COUNTY WISCONSIN

DEPARTMENT OF LAND MANAGEMENT & RECORDS

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414 W. Main Street P.O. BOX 647
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MINUTES - Pierce County Land Management Committee Meeting, October 17, 2012

Present: Joe Fetzer, Jeff Holst, Jim Ross and Eric Sanden

Absent: Jon Aubart

Others: Andy Pichotta, Brad Roy, and Shari Hartung

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

Next meeting dates: October 25th there is a joint meeting with Land Conservation Committee to consider the adoption of the Farmland Preservation Plan. November 7th & 21st, December 5th and the 19th, if necessary, all in 2012.

Approve Minutes: **Ross moved to approve the October 3, 2012 LMC minutes/Sanden seconded. All in favor with Holst not voting due to absence at the last meeting. Passed.**

Discuss take action on a request for Site Plan Review for a storage building and roof extension in the Industrial District, pursuant to Pierce County Code, Chapter 240-75, for Thomas & Betts Corporation, owner on property located in the SE ¼ of the NW ¼ of Section 2, T24N, R18W, Town of Trenton, Pierce County, WI. Chairperson Fetzer invited Jared Matzek forward: Mr. Matzek, Manufacturing Engineer, stated they would like to add a roof extension. They are looking at two structures, one is a 40ft x 60ft steel frame pole shed for storage of items that are outside right now, with a 20 foot peak height. The second structure will be a storage yard for storing steel plate. They use a mobile crane to pick it up and handle it. This storage facility will replace the mobile crane and store all the material under a roof. The dimensions are 72ft x 350ft and it's just under 36ft to the peak. The advantage is the unit they are replacing is diesel powered and has to run at full throttle in order for the magnet to work properly. This is an electric unit so it will be quieter and the roof will be lit under the roof so you shouldn't see too much lighting.

Staff Report – Andy Pichotta: This is a request for site plan approval for Thomas & Betts. On October 1, 2008, a conditional use permit for heavy industrial use was approved by the LM C to allow for the expansion of a nonconforming use and to bring the pre-existing, nonconforming use into compliance with the Pierce County Code. The applicant also sought site plan approval in 2008 to construct a new production building. In 2010, the applicants sought site plan approval for the expansion of the new production building to support efficient shipping, receiving and loading. The 2010 planned expansion did not occur. The property is located in the Industrial District in Section 2, Town of Trenton. Mr. Matzek described the proposed construction. The heavy industrial use is not being expanded with this request. They currently have 225 employees working 3 shifts and no additional employees are proposed at this time. They currently use a portable crane to move steel plates. The proposed new construction will allow the company to complete steel fabrication more efficiently and quietly and will allow equipment to be stored inside. Purpose and Intent of the Industrial District is in the staff report. Pierce County Code Chapter 240-75 discusses Site Plan Review:

A. Review and approval.

- (1) Permits for new construction or additions to existing structures and buildings for commercial, industrial, institutional or multifamily uses shall require site plan approval as set forth in this section. The purpose of such approval is to assure site designs which promote compatibility between land uses, create safe and attractive site layouts and structures, provide proper access to streets and transportation, protect property values and contribute to efficient land use in Pierce County.
- (2) The Land Management Committee or its designee shall review the site, existing and proposed structures, architectural plans, neighboring uses, use of landscaping and open space, parking areas, driveway location, loading and unloading areas, highway access, traffic generation and circulation, lighting, drainage, water and sewer systems and proposed operations.

The property is characterized by existing trees along the driveway, rotation corn/soybean crop along US Hwy 63/150th Ave/adjoining neighbors and an existing berm between the buildings and neighbors. Adjacent uses include residential, agricultural, commercial and industrial uses. Applicants have 233 existing parking spaces. There will be no increase in traffic. No additional advertisement signs are planned at this time. The property is served by an existing private well. The manufacturing building has a conventional system adequate for the number of people using it. Stormwater water management was addressed in 2008 with the berm construction. The proposed material/plate storage is to be approximately 70 feet northeast of the existing finishing building and about 30 feet southwest of the railroad lot line. The proposed equipment storage building is to be approximately 140 feet north of the residential homes. Per Pierce County Code Chapter 240-30B(5), buildings in industrial districts located adjacent to railroad access are exempted from front, rear and side yards provided they do not violate any other provision of Chapter 240 Zoning Code. There is an existing light pole is near the plate storage area. Additional lights may be constructed around the plate storage structure. The crane has a light beneath it to light up the work area. The equipment storage building will have lights around the perimeter and inside the building. Applicants will need to contact the Department of Safety & Professional Services – Technical Review Bureau to ascertain State regulations and obtain any permits, if required. The applicants should also contact the Town Building Inspector to obtain any necessary town building permits, if required.

Staff Recommendation: Staff recommends the Land Management Committee consider the information provided in this report to determine if any aspect of this development, as proposed in the site plan, is potentially harmful to the health, safety, aesthetics and general welfare of the county and can be addressed through modifications to the proposed site plan. Staff also recommends the LMC consider including the following conditions in any plan approval:

1. Applicant shall obtain a Land Use Permit for the industrial accessory structures for a \$300 fee.
2. Applicant shall comply with all relevant local and state ordinances and regulations and secure all necessary permits and licenses (e.g. Galen Seipel, Trenton Building Inspector; Department of Safety & Professional Services (DSPS), etc.).

Ross asked if the building is going nearest the track and if they would use the rails for shipping. Mr. Matzek stated the rails are typically used for incoming plate. They haven't used the rails in seven years. Most of their freight is by truck. Sanden asked if there have been any complaints. Pichotta stated that staff contacted Dick Bunce, the Chair of the Town, and asked if he had any concerns regarding this request and he indicated that he did not. **Holst moved to approve the site plan review for Thomas & Betts Corporation with conditions #1 - #2/Ross seconded. All in favor. Passed.**

Discuss take action on a request for renewal of a conditional use permit for Nonmetallic Mining for the Gilles Quarry by American Materials, agent on property owned by Marvin and Mina Gilles, 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. Chairperson Fetzer invited Candy Anderson forward: Ms Anderson, Geologist for American Materials, stated they are asking to renew the conditional use permit with no changes in operations. Chairperson Fetzer asked if they have been doing much out there. Ms Anderson stated no, they need to get some work.

Staff Report – Brad Roy: This request for renewal of a nonmetallic mining operation was originally permitted in 1998. All permits have been kept current since that time. The property is located in the Town of Union. The mining site has approximately 9 unreclaimed acres. Access to the mine is off of US Highway 10. 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 additional acre of expansion. A 2 acre expansion is anticipated to occur within the 2012 to 2014 renewal period. No complaints have been received about this operation. All appropriate information has been submitted to the Zoning Office. 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. In no additions or modifications are deemed necessary, staff recommends this CUP be renewed with the following conditions:

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. Applicant agrees that any unforeseen erosion issues shall be addressed to the satisfaction of the county.
9. Applicant shall pay renewal fees.
10. This CUP shall expire in two years.

Chairperson Fetzer asked if condition #10, the renewal can be done administratively. Pichotta stated the Pierce County Code states that nonmetallic mining renewal must be reviewed by the LMC.

Sanden moved to approve the conditional use permit renewal for nonmetallic mining for the Gilles Quarry by American Materials, agent for Marvin and Mina Gilles with conditions #1 - #10/Ross seconded. All in favor. Passed.

Discuss take action on a request for renewal of a condition use permit for Nonmetallic Mining for Pierce County Highway Dept, agent for Gregory Bisel, owner, on property located in the W ½ of the NW ¼ of Section 5, T25N, R16W, Town of Salem, Pierce County, WI. Chairperson Fetzer invited Chad Johnson, Pierce County Highway Department, forward: Mr. Johnson stated they are requesting renewal for the Bisel property and they are moving back, nowhere near the highway.

Staff Report – Brad Roy: Mr. Bisel owns a nonmetallic mining operation along Hwy 10. The Pierce County Highway Department is the current operator of the site. In 2008 there was an errant blast which extended the mining area within the setback of USH 10. In February 2010, the LMC allowed the Hwy Dept to mine within the Hwy 10 setback to remove a portion of the high wall that had become unstable. The mining site is approximately 17 acres in size. Access to the mine is off of US Hwy 10. The active mining area is approximately 6.5 acres. Mineral extraction has extended into the 100 foot setback on the north end of the property line, however, this activity had taken place before 1998 and there has been no mineral extraction within the setback since that time. A mining road encircles the outside edge of the mine and crosses the north property line. The Highway Department is in discussions with the property owners to the north about potential for leasing the property. The existing highwalls are approximately 100 feet. The original plan states that the highwalls will be benched to limit the heights to 35 to 50 feet. The original plan states that the mine will be restored to slopes of 3:1. A dry run is present on the property. The mining area has not disturbed the dry run at this point, but future expansion may become an issue.

The rock is removed by drilling and blasting. Crushing and processing of the rock takes place onsite. 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 a pre-existing nonconforming use, so a permit is not required on that site. There are no wells on the property; therefore 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 7:30am to 3:30pm Monday through Friday, except in June, July and August; hours of operation shall be 6am to 6pm. There have been no erosion issues on the south wall facing Hwy 10. Well tests of neighboring property will be submitted by the end of the year. The Hwy Dept. has begun installation of the fence on the northern edge of the pit. Mr. Johnson stated that has been completed. The current conditions are listed in the staff report #1 - #17.

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 additions or modifications are deemed necessary, staff recommends this CUP be renewed with the following conditions:

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. A groundwater response plan detailing resources used to protect the quality of groundwater beneath and adjacent to the extraction operation and proposed response to encountering groundwater shall be submitted to the Zoning Office. The Zoning Office shall be notified if groundwater is encountered and further operations shall cease until the response plan is implemented.
4. 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.
5. Fencing shall be installed around the northern edge of the mine.
6. 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.
7. Applicant shall comply with NR 135 Annual Reclamation Permits.
8. All blasting shall be done by a certified state licensed blaster.
9. Residential property owners located within 1000 feet of mining operations shall be given a two day notice of any planned blasting.
10. 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.
11. Any unforeseen erosion issues shall be addressed to the satisfaction of the Zoning Office or the Land Conservation Department.
12. Applicant shall receive all necessary permits from other agencies.
13. This CU P 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.
14. A renewal fee of \$200.00 plus \$20 per acre of expansion shall be paid.

We are recommending removal of conditions #4, #12 & #17.

Holst moved to approve the renewal of the conditional use permit for nonmetallic mining for Pierce County Highway Department, agent for Gregory Bisel with conditions #1 - #14/Sanden seconded. All in favor. Passed.

Discuss take action on a request to amend site plan approval regarding the screening plan for Stanley & Beverly Boles, owners on property (Value Implement) located in Lot 1, Certified Survey Map (CSM) V1, P219, in the SW ¼ of the SW ¼ of Section 15, T26N, R18W, Town of Trimble, Pierce County, WI. Staff Report – Andy Pichotta: The Land Management Committee on 6-20-12

approved the site plan with the conditions listed in the staff report #1 - #10. Condition #10 required the planting of 10 additional trees to be located offset from the existing trees that had been planted. Although they had sought to purchase and plant the 10 additional trees in this growing season as required by the LMC, they had been advised by a professional arborist that, given the current drought conditions, planting trees at this time is not advisable. The applicants are requesting that condition #10 be modified to allow them to plant the required 10 trees in the spring of 2013. Pichotta stated he spoke with the neighbor, Mr. Blodgett, this morning. He wanted to make sure that if there was a drought condition in the spring that the trees would get planted and that, as you may recall, there was some discussion during site plan review about the need for a private drive sign to discourage folks from driving around back and walking down to view the implements for sale from there. At that time, Mr. Boles had indicated there would be something put up. Nothing has been put up yet. It was not put in as a condition. Pichotta indicated that he had spoke to Jay Boles about it and he had indicated they would do that. I don't believe at this time any change in the conditions are necessary but if it isn't done in the spring we could revisit the issue.

Staff Recommendation: Staff recommends the Land Management Committee consider modifying condition #10 to allow the 10 trees to be planted in the spring of 2013 versus during the current growing season. **Holst moved to approve the amended condition #10 to allow the 10 trees to be planted in the spring of 2013 versus during the current growing season/Ross seconded. All in favor. Passed.**

Discuss take action on proposed policies regarding:

- **Citation issuance for noncompliant conditionally permitted uses;**
- **LMC action when a Town Recommendation is purported to adhere to an adopted Town comprehensive plan but appears to be unsupported by said plan.**

Staff Report – Andy Pichotta: As you are aware, the Zoning Code was recently amended to include several new conditionally permitted use classifications (Winery, Resort, Nature Based Operation). These new classifications will likely result in an increase in the number of conditional use permits (CUPs) issued by the Land Management Committee. Staff is proposing to create policies to address two issues that will likely arise from the anticipated increase in requests for conditionally permitted uses. The first policy relates to the issuance of citations for noncompliant conditionally permitted uses. This policy is intended to not only give staff clear direction as to how to react to CUP violations but also to provide an applicant or existing CUP holder with a clear understanding of the consequences associated with violating the conditions in an approved CUP. Chapter 240-76 Conditional Use Permits. (I) states “If a use is not conducted in conformity with the permit or this chapter, the conditional use permit may be terminated by action of the Land Management Committee.” Consequently, staff currently refers compliance issues relating to CUPs to the LMC for action, including the possible revocation of the permit. The proposed policy would clearly establish the expectation that repeated violation of the conditions associated with a CUP will result in a citation as well as potential LMC action. The second policy relates to circumstances in which a town recommendation is purported to be consistent with the goals, objectives and policies of an adopted town comprehensive plan, but upon review, does not actually appear to be consistent with said plan. This would most likely occur when a town (possibly in response to citizen concerns) is opposed to the establishment of a proposed use and seeks to tie their recommendation for denial to their comprehensive plan despite its being silent on the use or its anticipated impacts. As you are aware, denial of a proposed conditional use must either be justified by citing legitimate concerns regarding potential impacts to public health and safety or by citing specific and relevant guidance regarding a proposed use or its anticipated impacts contained within the goals, objectives or policies of an adopted town comprehensive plan. The proposed policies are as follows:

“Issuance of Citations for Noncompliant Conditionally Permitted Uses; In cases where a conditionally permitted use is found to be operation in violation of established conditions, staff shall inform the permit holder of such fact, in writing, prior to the issuance of a citation. Any violation of an established condition following the written notice shall be subject to the issuance of a citation for each specific instance when a condition is violated. Multiple violations or a single violation on multiple days may result in multiple citations. In cases where a citation is issued, the Conditional Use Permit shall, in a timely manner, be

referred to the Land Management Committee for consideration and action, including potential revocation.”

Rather than go through both of them, let’s take them one at a time. Any thoughts or concerns about this first proposal. Sanden asked about the nature of the citation; does it just let them know there is a problem or does it come with a penalty. Pichotta stated it comes with a penalty; similar to a speeding ticket, there are court fees associated with it. Sometimes we have found the only way to get someone’s attention is to give them a citation and ultimately fines. If you recall years ago we had a woman that had 40 plus dogs on what she called a rescue facility. Between us and the Town there was \$40,000 in fines hanging out there before we finally got her to do anything. As part of the court action, we had to drop most of those but we did ultimately gain compliance. Sanden asked whose discretion is the citation issued, a citizen or the zoning administrator going out there and witnessing it? Pichotta stated it could be either; we would not necessary issue a citation based on a citizen complaint unless it is verified. We have to be first hand aware that a condition has been violated. It would trigger a visit by us to determine that. If we found a problem, we would issue written notice and repeated violations would get citations. We would probably include a copy of this policy informing them of the process. The next proposed policy is:

“LMC action when a Town Recommendation is purported to adhere to an adopted Town comprehensive plan but appears to be unsupported by said plan. What we are trying to do here is proactively set up a process so if a Town submits a recommendation that isn’t consistent with their comprehensive plan we don’t have to figure out how to deal with it at that time. There is already a clear cut process.

In cases where a Town provides a Town Recommendation that purports to be consistent with that Town’s adopted comprehensive plan, but upon review appears to be unsupported by that plan, the Land Management Committee (LMC) shall, after holding a public hearing, defer action on the conditional use permit request and shall refer the issue back to the Town for additional consideration and clarification. Upon receipt of clarification and/or additional information from the Town the conditional use permit request shall be placed on an LMC agenda as an action item. The LMC shall make a determination as to whether said recommendation can reasonably be considered to be consistent with the goals, objectives, or policies of the Town’s adopted comprehensive plan. This determination shall be made by motion and is potentially subject to certiorari review by the affected town. If the Town Recommendation is found to be consistent with goals, objectives and policies of the applicable Town’s adopted comprehensive plan the recommendation shall be considered to be consistent with the Public Interest for that Town. If the recommendation is found to be inconsistent with the goals, objectives and policies of an adopted town comprehensive plan, or not applicable to the issue to which it is applied, the recommendation will not be considered to be consistent with the Public Interest for that Town. In either case, a decision regarding the proposed conditionally permitted use would then be made by the LMC.” Pichotta noted that we had an instance of this previously when there was a request for a heliport and the Town recommended denial based on consistency with their comprehensive plan. It was in fact silent on that use and I advised the committee that it was my opinion that it was silent on that. The committee then took the town recommendation as an advisory recommendation and ultimately approved the conditional use permit. The Town still feels they were slighted by that determination and staff doesn’t want to be put in that position again. So this would establish a process that clearly identifies what will be done if we get a recommendation that we have questions as to whether or not it is truly applicable. Sanden stated that the determination would then be made by the committee as to whether or not it requires further review by the Town. Pichotta stated yes. Chairperson Fetzer asked what does a Township have to go through? Pichotta stated our Town Recommendation Form says if one is quoting consistency with their Town Comprehensive Plan, they are asked to provide the language that is contained within their plan and actually applies to it. We do have most of the Town’s Comprehensive Plans, they are available through our website. Chairperson Fetzer asked if all of the Towns have comprehensive plans. Pichotta stated sixteen out of the seventeen have plans, Union does not. Chairperson Fetzer asked if they are working on that. Holst stated Union feels they are covered under the County Plan. Ross stated they had to be done by January 2010. Pichotta stated that any land use decisions made after 2010 have to be consistent with a

plan. If they had a subdivision ordinance or other Town ordinances relating to land use they would have an issue. But because they don't, they don't have an issue. Ross stated they can still write a plan. Pichotta stated yes. Chairperson Fetzer asked what kind of process do they have to go through amending their plans? Pichotta stated the Town Comprehensive Plan is actually a lot easier to amend than the County Plan. The Town Plan would run through the Planning Commission, go to the Town Board and hold public hearing on it. They could do it in a month or so. Sanden stated the intent is that they should update it. Chairperson Fetzer stated his concern is that when someone comes in you shouldn't change it to swing things one way and then change it to swing things another way. Sanden stated it was seen as a positive that as things change, if a Town gets more populated it could change. Holst stated it allows flexibility that a Town has to have. It's a living document, things change. Ross stated they wanted us to look out 20 years in those plans as best you could. But as you say, they are a living document with the opportunity to adjust. Sanden asked about the heliport issue. What if you put that back to the Town and there's nothing specific about heliports or aircraft in general but the general goal of the Town is to maintain a quiet condition. Pichotta stated that's why we talked about the fact that you don't have to address specific uses; you could address the likely impacts of uses. You could have a policy relating to the establishment of uses that have a high potential to create nuisance complaints or potential issues with neighbors. A Town could put in a catch-all type policy relating to impacts that could cover uses they didn't think of. Sanden ask if in one of the goal statements it is stated that it is the intent of the Town to provide a quiet neighborhood for residents and if that heliport issue went back to the town and the town came back to us citing that goal – would that address it. Pichotta stated that it likely would. Sanden stated he assumes every plan has some language like that, that states maintain a nice, quiet, livable community. Holst suggested that a plan should be simplistic, it shouldn't be so itemized that it becomes an ordinance. It should fall under generalization as opposed to specific criteria. Pichotta suggested that folks would be surprised at the goals, objectives and policies contained in a lot of comprehensive plans. A lot of them don't actually contain language like that. A broad goal that was properly worded and put in the right section would go a long way and it could be cited in a whole host of circumstances. Sarah Palodichuk and several other Town of Oak Grove residents expressed concerns about requiring the town to seek certiorari review of LMC decisions. They are also concerned because the Town is in the process of amending their comprehensive plan and aren't certain it is necessary. The relationship between town comprehensive plans and the issuance of conditional use permits by the LMC was also discussed by staff, the committee, and attendees. Several hypothetical permitting situations were also discussed.

Staff Recommendation: Staff recommends the LMC consider the above and, unless changes or additions are determined to be necessary or additional information required, approve the proposed policies as written.

Sanden moved to approve the proposed policies as presented/Ross seconded. All in favor. Passed.

Discuss take action on Travel/Training Requests. Pichotta stated there are no requests at this time.

Departmental Update and Future Agenda Items

Public hearing for filling and grading to improve existing boat ramp in the Town of Trenton.

Public hearing for a fabrication shop in the Town of Spring Lake.

Renewal of County Materials

Motion to adjourn at 07:18pm by Ross/Sanden seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

LAND MANAGEMENT COMMITTEE
REVISED MEETING AGENDA
Wednesday, October 17, 2012 – 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: November 7 th & 21 st , December 5 th and 19 th if necessary, all in 2012.	Chair
3	Approve minutes of the October 3, 2012 Land Management Committee meeting.	Chair
4	Discuss take action on a request for Site Plan Review for a storage building and roof extension in the Industrial District, pursuant to Pierce County Code, Chapter 240-75, for Thomas & Betts, owner on property located in the SE ¼ of the NW ¼ of Section 2, T24N, R18W, Town of Trenton, Pierce County, WI	Lund
5	Discuss take action on a request for renewal of a conditional use permit for Nonmetallic Mining for the Gilles Quarry by American Materials, agent on property owned by Marvin and Mina Gilles, 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.	Roy
6	Discuss take action on a request for renewal of a conditional use permit for Nonmetallic Mining for Greg Bisel on property located in the W ½ of the NW ¼ in Section 5, T25N, R16W, Town of Salem, Pierce County, WI.	Roy
7	Discuss take action on a request to amend site plan approval regarding the screening plan for Stanley & Beverly Boles, owners on property (Value Implement) located in Lot 1, Certified Survey Map (CSM) V1, P219, in the SW ¼ of the SW ¼ of Section 15, T26N, R18W, Town of Trimble, Pierce County, WI.	Lund
8	Discuss take action on proposed policies regarding: <ul style="list-style-type: none"> • Citation issuance for noncompliant conditionally permitted uses; • LMC action when a Town Recommendation is purported to adhere to an adopted Town comprehensive plan but appears to be unsupported by said plan. 	Pichotta
9	Discuss take action on Travel/Training Requests	Pichotta
10	Future agenda items.	Pichotta
11	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.

(10/5/12)

***Revised October 8, 2012 at 10:32AM.**

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



MINUTES - Pierce County Land Management Committee Meeting, October 3, 2012

Present: Jon Aubart, Joe Fetzer, Jim Ross and Eric Sanden

Absent: Jeff Holst

Others: Andy Pichotta, Emily Lund and Shari Hartung

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

Next meeting dates: October 17th, November 7th & 21st, all in 2012.

Approve Minutes: **Ross moved to approve the September 19, 2012 LMC minutes/Aubart seconded. All in favor. Passed.**

Public hearing to consider a request for a conditional use permit for General Retail and Services for a Greenhouse, pursuant to Pierce County Code, Chapter 240-36E in the Light Industrial District for George and Julie Jacques, owners on property located in the SE ¼ of the SE ¼ of Section 35, T27N, R20W, Town of Clifton, Pierce County, WI. Chairperson Fetzer invited George Jacques forward: Mr. Jacques stated they would like to put up a greenhouse. His daughters have been doing some of the work. Mostly they would be going to businesses selling hanging potted plants. Sanden asked how will you be getting your materials, by UPS or by trucks? Mr. Jacques stated he will be going to the Horticultural Supply in St. Paul.

Staff Report – Emily Lund: The Jacques are requesting a conditional use permit for General Retail & Services for a greenhouse. The property is located in Lot 2, CSM V12, P104, in Section 35 in the Town of Clifton. The request is for a commercial use to be established in the Light Industrial District. It is located on 3.33 acres. The Clifton Town Board recommended approval of this request on 9-5-12 without any specific conditions. The Town did not reference its Comprehensive Plan. Pierce County Code 240-15J the purpose and intent of Light Industrial zoning is stated in the staff report. Pierce County Code 240-36E allows general retail and services. The use would not appear to adversely affect the property in the area as it proposed to be located on one of the 4 lots created in 2009 for commercial development. The use is compatible with the adjoining agricultural and commercial uses. Applicants plan to grow annuals (petunias, etc.) and vegetables to sell to the public. All work will be done by hand with small tools and equipment; there won't be any automated equipment utilized at this time. They plan to sell fertilizers, soil, compost, garden ornaments, sun globes, pots and other items. Bulk dirt, compost and some larger plants are proposed to be stored outside the greenhouse. Plant waste material will be taken to the City of Prescott compost site. The other solid waste materials will be put in the dumpster shared with the north adjoining property. The applicant plans to run the business along with 6 other family members and volunteers. The applicants are proposing to work in the greenhouse Monday through Sunday 8 AM to 9 PM. The retail component is anticipated to be seasonal and open to the public May 1 – July 15 with the hours being 8 AM to 9 PM. The 3.33 acre property has an existing well, septic system and 2-storage sheds. The 30' x 30' shed will be used for their business but will not be accessible by the public. They propose to add a 10' x 28' greenhouse onto the 30' x 30' shed and build a separate hooped 21' x 48' x 11' greenhouse. Since the greenhouse is under 25,000 cubic feet, the commercial building code does not require plan submittal

for review & approval per SPS 361.30(1)(b). However, the building must still be constructed in accordance with commercial building code and Todd Dolan, the Town's Building Inspector, will be responsible for determining UCC compliance. Mr. Jacques asked what is meant by including a foundation. Lund suggested that he will have to work that out with Todd Dolan. Applicants propose to utilize the existing cement parking pad for one handicapped parking spot and the existing gravel driveway for guest parking area. They have enough room for over 10 parking spaces. Pierce County Code 240-54I requires handicapped parking spaces should include 2 percent of the total spaces created, with the minimum of one space. The applicants propose to have three on-premise advertisement signs which can be a maximum of 32 square feet in size per PCC 240-60N(1)(d) and PCC 240-61F(2). As indicated on the attached plot plan, one would be located along State Rd 29, the other at the intersection of State Rd 29 and 1250th Street and the third by the building. Applicant would need to keep signs out of the road right-of-way and out of the vision clearance triangle per PCC 240-B, C & H. PCC 240-76G talks about expiration of Conditional Use Permits.

Staff Recommendation: Staff recommends the Land Management Committee determine whether the proposed use in 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 that Land Management Committee approve this conditional use permit for General Retail & Services for a greenhouse with the following conditions:

1. Applicant understands that expansion or intensification of this use will require issuance of a new conditional use permit. If applicant has questions as to what constitutes expansion or intensification, Land Management staff should be contacted.
2. A land use permit shall be obtained for all future structures prior to construction. Applicant shall also comply with all relevant local and state ordinances and regulations and secure all necessary permits and licenses (e.g. Department of Safety & Professional Services (DSPS), Department of Health & Family Services, etc.).
3. Hours of operation shall be Monday through Sunday 8 AM to 9 PM.
4. Two regular parking spaces and a minimum of one handicapped parking space shall be delineated.
5. Up to three advertising signs may be placed and 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.
6. Applicants shall work with Todd Dolan, Clifton Building Inspector, to follow the commercial building code requirements from DSPS.
7. The use shall be established within 12 months of CUP approval. This conditional use permit shall be renewed every 2 years. Permit may be renewed administratively if no compliance issues arise.

Chairperson Fetzer opened the hearing to the public. No public comment. Public hearing closed.

Aubart moved to approve the conditional use permit for General Retail & Services for a greenhouse for George and Julie Jacques, due to the fact this is not found to be contrary to the public interest, nor detrimental or injurious to the public health, public safety or the character of the surrounding area, with conditions #1 - #7/Sanden seconded. All in favor. Passed.

Discuss take action on a request for Site Plan Review for General Retail and Services (Greenhouse) in the Light Industrial District, pursuant to Pierce County Code, Chapter 240-75, for George and Julie Jacques, owners on property located in the SE ¼ of the SE ¼ of Section 35, T27N, R20W, Town of Clifton, Pierce County, WI.

Staff Report – Emily Lund: This is site plan review for a proposed addition to an existing structure and construction of a new structure for commercial use. The property is located in Lot 2, CSM V12, P104 being part of the SE ¼ of the SE ¼ of Sec. 35, T27N, R20W, Town of Clifton. This request involves the construction and modification of commercial structures located in the Light Industrial zoning district. The address of the 3.3 acre parcel is N6531 1250th Street. Pierce County Code 240-15J is stated in the staff report. Because this is a commercial use, it requires Site Plan Review. The CSM creating this lot was recorded in 2009. An existing shared driveway is located along the north of the property and serves this lot and the adjacent lot to the North. The nonresidential driveway meets the minimum driveway width

standards. Applicants propose to utilize the existing cement parking pad for one handicapped parking spot and the existing gravel driveway for guest parking area. There is ample room for more than 10 parking spaces. Stormwater drainage will be overland flow onto the 3.33 acre property. There are drainage ditches to the east and south of the property to accommodate large rain events. Stormwater and surface water management on this property was addressed at the time of lot creation. The property is served by an existing private well and on-site septic system. The property is characterized by existing gardens, trees and landscaped vegetation. Plant waste material will be taken to the City of Prescott compost site. Other solid waste materials will be put in the dumpster shared with the adjoining property to the north. Plans for security lighting were not provided. No freestanding light poles are proposed. Applicant should be asked to detail any future lighting plans. Adjacent uses include agricultural and commercial. The applicants plan to add a 10' x 28' greenhouse onto the 30' x 30' existing shed and to build a separate hooped 21' x 48' x 11' greenhouse. Three signs are proposed. They can be a maximum of 32 square feet and must be out of the right-of-way. Applicants should also contact the Department of Transportation, Patty Paulik, to ascertain State sign regulation.

Staff Recommendation: Staff recommends the Land Management Committee consider the information provided in this report to determine if any aspect of this development, as proposed in the site plan, is potentially harmful to the health, safety, aesthetics and general welfare of the county and can be addressed through modifications to the proposed site plan. Staff also recommends the Land Management Committee consider including the following conditions in any plan approval:

1. Two regular parking spaces and a minimum of one handicapped parking space shall be delineated.
2. 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. WI DOT regulations shall also be adhered to.

Sanden asked if the reason the placement of the buildings isn't on the diagram is because of the size, it doesn't show the addition. Lund stated it is pretty much in the center. She presented a drawing of the hoop structure and placement. Sanden asked if there was going to be any additional lighting. Mr. Jacques stated no, there is one light out in the middle of all the buildings. **Sanden moved to approve the site plan review for George and Julie Jacques with conditions #1 - #2/Ross seconded. All in favor. Passed.**

Discuss take action on Travel/Training Requests. Pichotta stated there are no requests at this time and reminded the committee that zoning staff is attending a conference being held in Eau Claire this week.

Departmental Update and Future Agenda Items

Site plan approval for Thomas & Betts for two buildings in the Town of Trenton.

Motion to adjourn at 06:23pm by Ross/Aubart seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, October 3, 2012 – 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: October 17 th , November 7 th & 21 st , all in 2012.	Chair
3	Approve minutes of the September 19, 2012 Land Management Committee meeting.	Chair
4	Public hearing to consider a request for a conditional use permit for General Retail and Services for a Greenhouse, pursuant to Pierce County Code, Chapter 240-36E in the Light Industrial District for George and Julie Jacques, owners on property located in the SE ¼ of the SE ¼ of Section 35, T27N, R20W, Town of Clifton, Pierce County, WI.	Lund
5	Discuss take action on a request for Site Plan Review for General Retail and Services (Greenhouse) in the Light Industrial District, pursuant to Pierce County Code, Chapter 240-75, for George and Julie Jacques, owners on property located in the SE ¼ of the SE ¼ of Section 35, T27N, R20W, Town of Clifton, Pierce County, WI	Lund
6	Discuss take action on Travel/Training Requests	Pichotta
7	Future agenda items.	Pichotta
8	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.

(9/21/12)

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



MINUTES - Pierce County Land Management Committee Meeting, September 19, 2012

Present: Jon Aubart, Joe Fetzer, Jeff Holst, Eric Sanden and Jim Ross

Others: Andy Pichotta, Brad Roy and Shari Hartung

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

Next meeting dates: October 3rd & 17th, November 7th & 21st, all in 2012.

Approve Minutes: **Ross moved to approve the September 5, 2012 LMC minutes/Sanden seconded. All in favor. Passed with Holst not voting because of his absence from last meeting.**

Discuss take action on request for renewal of a conditional use permit for nonmetallic mining by County Materials, agent for B.S. Construction Inc. and Steve Schoeder Properties, on parcels located in the SE ¼ of the SE ¼ of Section 15, and the N ½ of the NE ¼ of Section 22, T26N, R15W, Town of Rock Elm, Pierce County, WI. Jim Small explained that Pete Krautkramer, the mine manager, and the blasters from Olson's Explosives are here; Kurt Oakes, General Manager and Engineer, and Brian LaRue, Sales Manager. Mr. Krautkramer explained they would like to get off the .35 inches per second peak particle velocity for the blasts. Mr. LaRue explained that a previous manager had agreed to the .35 inches per second before any expertise was here. They will propose tonight what Wisconsin has adopted; the Z-Curve, a very strict, conservative guideline that brings in the two parts of the equation. The .35 is just amplitude; the Z-Curve equation of the frequencies is a really important tool that has been taken out of their toolbox.

Staff Report – Brad Roy: BS Construction/Steve Schoeder Properties owns a mine which was expanded in 2006. County Materials is the current operator of the site. Activity in the mine has been significantly less since the opening of the County Materials Spring Lake Quarry. There is a small amount of blasting that takes place in the mine. Typically one or two times a year. The mining operation is moving closer to the neighboring residence which is causing concerns for the neighbors. There have been multiple instances in which “fly-rock” has landed on the neighboring property. In 2006 the two parties 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. Mining is currently approximately 550 feet from the house. The mining site has approximately 10 unreclaimed acres. Access to the mine is off of County Road S. County Materials intends to remove approximately 30,000 tons of material annually until its lease expires in 2015. Processing of the material will be done at the County Materials Spring Lake Quarry. Operations occur during daylight hours during the peak construction season, from Monday through Friday with occasional operations on Saturday. BS Construction intends to mine an additional one acre, towards Cty Rd S and then close and reclaim the mine. Peak particle velocity is limited to 0.35 inches per second. In 2011 there were numerous instances where the blasts exceeded the limit. The neighboring property owner would like a condition to be added to eliminate any fly-rock on his property.

*Fly-rock can be caused by multiple factors. The operator and blaster have techniques available which can minimize the potential for fly-rock. There are also suppression techniques such as

blasting mats available to minimize fly-rock. If fly-rock cannot be adequately managed it may be that the inclusion of a condition relating to the use of blasting mats is warranted.

The existing conditions are listed #1 - #13 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 surrounding area. If no additions or modifications are deemed necessary, staff recommends this CUP be renewed with the following conditions:

1. Hours of operation remain consistent daylight hours Monday through Friday, 6:00am to 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.
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 (48 hours) of any planned blasting. Peak particle velocity shall not exceed 0.35 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. Rock blown onto adjoining property will be removed by the operator at the request of the property owner.
13. Blast readings shall be provided to all adjoining land owners upon request.

Bill Sylla Jr, explained how the condition relating to peak particle velocity versus the Z-Curve versus other options was arrived upon. They were asking for a .2. At that time there were several municipalities throughout the State using that as their limit. He presented a chart that showed when blasting is perceptible, objectionable and uncomfortable for the person going through it. He lives in a town where they put a new sewer in and he was home when the blasting took place. They had made the charges low enough so the neighbors wouldn't notice. When we first talked about this, the discussion was having more blasts at lower magnitude. We're OK with a .35 and we know they occasionally exceed it. If they start designing to a .5 are they going to exceed that? 80% of the quarry is gone and we understand that people need rock. They feel there needs to be some reasonable limits on how the quarry is mined. It's in the staff report to add another condition about the fly-rock; we actually don't want another condition. We just want to inform the County and the blasters that there is a real liability and safety concern. He stood there last summer and the fly-rock is coming onto the property. They have to let the committee know. Sanden asked about the fly-rock, how often and how much are they experiencing? Bill Sylla Sr stated last summer they experienced fly-rock and there were two blasts this year, they experienced it on both blasts. The first blast was June 29th and there were two fly-rocks that he found. The second blast was a peak particle blast of .17 and didn't think with such a low peak particle velocity that there would be any. He mowed about a week after the blast and found two pieces of fly-rock. Last year they exceeded one blast to .61, well beyond a .50. They have blasted many times previously where it didn't produce fly-rock - so they should be able to reproduce those conditions so we don't have it now. Chairperson Fetzer asked Oakes and LaRue if there is anything that can be done to alleviate the fly-rock besides using mats. Mr. Oakes stated this year they have been nothing but successful in June and July. They stayed under the .35 and as far as the CUP,

everything was good. There is now a report that fly-rock went onto the neighboring property. He didn't know anything about the fly-rock occurring in July until he received the letter from the Sylla's today at their office. They design the blast to meet the CUP limits. Since they instituted the design parameters and they changed how the quarry is being developed they've been successful but the drawback is its more labor intensive to make a price competitive product. Mr. Sylla made a statement that correlated fly-rock to peak particle velocity. Mr. Oakes stated you can't correlate those two together. Holst asked if fly-rock is a site prep problem then. Mr. Oakes stated most of the time, yes. Holst stated so if you did a better job prepping your site you could control the fly-rock? Mr. Oakes stated that would certainly alleviate the fly-rock issue. Mr. Sylla, Jr stated they are OK with the conditions as they are. They had to mention the fly-rock because it's a safety concern. Holst asked what the duration of a shot is. Mr. Oakes stated typically a second, about 1.1 seconds. Mr. LaRue stated that's with a three deck shot with three powder columns. We were doing a full-face at 70 feet. How we designed it, we split that bench in half. They shoot, then shoot and carry it off. They have to bring in the crushing contractor. Mr. LaRue stated it's harder to clean up when you fragment that rather than going to the floor. Mr. Sylla Sr asked if they do 30,000 ton a blast. Mr. LaRue stated 30,000 ton a year. Mr. Sylla Sr asked if it took the four blasts last year to achieve the 30,000 ton. Mr. LaRue stated the four blast equaled 50,000 ton because of catch up. Mr. Krautkramer stated the problem now with benching is that they shot off the top half. The top half is the poor material. He needs to do a full-face to mix the good with the poor. The fly-rock issue, if he has to he will have three people there and after every blast they will walk Bill's property and pick everything up. Chairperson Fetzer noted that only if that's OK with Mr. Sylla. Mr. Sylla Jr stated that's not the issue. The issue is they are flying onto their property and they are a hazard. Once they are sitting on the ground, anybody can pick it up but a flying rock is dangerous. Mr. Oakes stated that if the blaster in charge feels an area needs to be cleared before a blast; it's his professional obligation to clear the blast area. Mr. Sylla Sr asked if they shouldn't be doing smaller size shots so there isn't this potential for fly-rock. Mr. Oakes stated it's not the size of the shot and it's not a matter of the peak particle velocity that causes the fly-rock. Holst asked what does? Mr. Oakes stated bench preparation, shot design, paying attention to loading. We can go through and design the shot and we get very good repeatability on vibration numbers. These past two shots this year have been excellent but there are quality issues. If the quality isn't there, the County or State has to go somewhere else to get their rock. It's important to make a saleable product and that's where shooting full-face comes into play. Mr. Sylla Sr asked if they should have to endure a greater vibration in the house so you can market your rock. Mr. Oakes stated all County Materials is asking for tonight is to adopt the Z-Curve at this location because we're taking into play frequency and amplitude. Chairperson Fetzer asked if the .35 is under or over the Z-Curve. Mr. Oakes stated part of it is in it and part is out. Chairperson Fetzer asked if that makes it better or worse? Mr. Oakes stated it makes it worse at a low frequency you are exceeding the Z-Curve. Chairperson Fetzer said you are saying a higher shot will make it less vibration? Mr. Oakes handed out graphs. Ross asked if County Materials gives a 48 hour notice of blasting, why would anyone be in that range during blasting? Mr. Sylla Jr stated it was last summer and all the kids were home and a camper was in the backyard, kids were playing there. We are now getting to a range where the rock could fly up and hit the house. Mr. Sylla Sr stated their property extends 200 feet back toward the quarry. It's 400 feet from the house but only 200 feet from the backyard. Holst asked if in your professional opinion if you increase your velocity it would diminish the occurrence of fly-rock in their yard, amount of shots they have to live with until you get out of there and what is the timeframe to be done with the quarry, 2015 is the year that is in the staff report. Pete Krautkramer stated he doesn't know where that number came from. It might be possible they will go over to where the road comes in and take that out of there too. But that's a lot further away from the house too. Holst stated you have an acre of hard rock to mine yet. Mr. Oakes stated blast vibrations are amplitude and frequency. Amplitude is the peak, when we refer to .35 inches per second that is the velocity. That's what is showing on the Y axis on the graph, the vertical line. Mr. Sylla Sr asked if the seismograph that they get the .35 or .5 reading, is that the same scale they use for earthquakes? Mr. Oakes stated yes. Mr. Sylla Sr stated it would be better to blast at a .8 rather than a .5? Mr. Oakes stated no, you are thinking Richter scale. You bring up a good point, the reason an earthquake does so much damage is that the frequencies an

earthquake generates are usually between 2 and 5 hertz. That is what's being shown on the X axis. When you look at the Z-Curve, down where the frequencies are low, the lower frequencies are 1 & 2 on the chart. That threshold for potential damage which is the slope line, that allows a structure to respond more. Mr. Sylla Jr stated it could come in lower and actually cause more damage? Mr. Oakes stated no, there is never been documented damage by the US Bureau of Mines, Northwestern University and Fiber Tech Engineering that has shown damage that has been documented from blasting at lower limits than the Z-Curve. He has had multiple discussions with Chuck Downing and David Siskind about this. Mr. Sylla Jr stated he has his paper here that shows some of his work that produced the Z-Curve and there was damage to structures, statistic events that have happened. As he was doing his data to come up with the Z-Curve, the data to say that it can't happen is not statistically valid. Mr. Oakes disagreed with that. This is what was adopted by the United States Federal Government and the State of Wisconsin. Sylla's house is plaster and lath on the inside. There is a dash line on the chart. If the structure is made out of plaster and lath, that is what they are held to be responsible. If the frequencies can increase, the likelihood of having damage is much less. If we can maintain frequencies of 30 hertz or even higher. Mr. Sylla Jr stated you have never had a blast that was less than 10 hertz. Mr. Oakes stated yes, he is sure there have been some blasts of less than 10 hertz. Mr. Sylla Jr and Chairperson Fetzer stated not on this data set. Mr. Sylla Jr stated they don't see why they can't maintain a .35 inches per second and still maintain a higher hertz. Mr. Oakes stated in order to get the higher hertz, you need the amplitude to get the higher frequency. If we can get recommendations here so we can use frequency in conjunction with amplitude, we can make things work better. That's where electronic detonators are really going to prove beneficial for us. We can shoot a signature hole, find the optimum blast timing to utilize and then get a frequency shift so we can get our frequencies in the 25, 28, 30 hertz range. Sanden stated the last time we looked at this curve, it wasn't so much an issue of damage as inconvenience or disturbance. If you are able to increase the frequency by increasing the peak particle velocity, does that translate to a more comfortable blast from their prospective as well as less damage? Mr. Sylla Jr stated the problem is this chart runs exactly backwards from theirs. The higher frequencies you create the bigger problem for people inside the house. It's a different vertical axis but the horizontal axis is exactly the same. They are operating well up in the range. It's actually way past uncomfortable by this data set. Mr. Oakes stated the Y axis is displacement. Holst asked if the .35 was an arbitrary number. Mr. Sylla Jr stated we were asking for .20 inches per second and they wanted the .50. Sanden asked if with higher particle velocity will we have higher displacement? Mr. Oakes stated not necessarily. It depends on the material. It's not the easiest limestone to shoot. We load the shots accordingly. If we could get frequency tied into the conditions, cycles per second, it doesn't allow the structure to respond to the wave going through the ground. Mrs. Sylla stated it's not only uncomfortable, people are losing their houses and they are trying to protect theirs. They have overcome all the taxes and now the valuation has gone down \$50,000. As a family they are the ones directly affected. She has been in the house during the blast and it isn't just rattling. Why should she be driven off her land because someone else has corporate problems, if the rock is not good she can't help it. Holst stated this is the only mine that has a number and he understands there are ways to protect the Sylla's. There should have been a pre-blast inventory of their property and have a neutral engineering firm come in. Mr. Sylla Sr stated they did do that but it was after the blasting. It's an old house and the foundation was cracked and he has re-caulked and re-grouted. It stood there fine and then they had this crazy blast, he thinks it was the first blast County Materials set off. They had fly-rock hit the window. It was over 1000 feet. He stated he feels the .35 would have never sent rock that far. Mr. Oakes stated what he would like to propose is to shoot a signature hole. Set up a single hole drilled in the ground. We set up a seismic array between where the hole is and the Sylla's house. We'll put a couple seismographs and bisect that length into thirds. From that single hole we can analysis that wave form in order to determine an optimum blast time to utilize with the electronic detonators. Through the optimum blast timing they can get destructive wave form interference. Mr. Oakes stated in order to get repeatability; we need to get the frequencies. The last thing he ever wants to be a part of is having safety compromised. He has been in the business for 30 years and has never had anybody hit with fly-rock, never had anyone hurt on a blast that he was responsible for or one of his crew was responsible for. They want to be a good neighbor. He is sure County Materials wants to be a good

neighbor. Mr. Krautkramer stated he stood in Bill's yard with him and they weren't worried about rocks flying. Mr. Sylla Sr stated no, he didn't feel safe. Those initial blasts were throwing rock over an acre of land. Sanden asked about the signature holes; are they to calibrate the process or to make measurements. Mr. Oakes stated the whole purpose is to shoot a single hole as you would load a production hole and the seismic array out there so when that one hole goes off it has its unique wave form. The software he has analyzes the wave form. They can start overlaying multiples - say for example we can use 2 rows, 10 holes long. Sanden stated you use wave cancellation then to configure the best blast. Mr. Oakes stated exactly. Mr. Sylla Sr asked what the last signature hole did. Mr. Oakes stated he doesn't think it was loaded in the same manner as this one. They want to use three decks at a given sequence between the powder decks going off. Mr. Sylla Jr stated we would like them to use the data to keep them below the .35. Sanden stated unfortunately, he isn't in their shoes, but it is a function of two variables and by focusing just on the particle velocity, it's kind of missing a bit. If they can get higher frequency and it might be higher particle velocity but the overall impact on your home and the comfort level; that should be less damage on the structure should be less noticeable within the home. Mr. Sylla Jr stated it's not, the higher frequencies are found to be more uncomfortable to folks in their home. That's why the .35 has been an acceptable standard for them. He has lived through one and it's not a great feeling but it's something they can handle. The .35 has worked for five years. They have stuck to their deal. They didn't even ask for a condition about the fly-rock. All we have to do is bring up the liability. Sanden stated you have the fly-rock and the comfort issue, they are two separate things. If you say .35, then they could go down one frequency and you would have a lot of damage to your house. You could conceivably have a .35 and have more damage to your house than at a higher frequency. Mr. Sylla Jr stated none of the blasts are down there. The .35 has worked. They would like to continue the CUP the way it is. Sanden asked if the signature hole can be done at .35 or the particle velocity work at that level. Mr. Oakes stated it can be done regardless but would be taking a tool out of the toolbox. It truly is a function of frequency and amplitude. Holst stated he understands your position and if you don't feel comfortable in your home then you have lost something. Let them shoot their signature holes and let us see what it does. If it's a problem, we can go back to the .35. If it isn't, they will get out of there a little quicker and alleviate the fly-rock. There are a lot of variables here for us to consider. Safety is our concern and his concern is your family being safe on your own property and County Materials being able to utilize the property and get out of your life. Mr. Sylla Jr stated it was in the report that it was closing in 2015 but we came in today and there is no inclination as to when it will close. Roy stated that the lease will end with Schoeder in 2015. Mr. Sylla Sr asked if they are obligated to take their 25,000 ton in 2015. Mr. Krautkramer stated they can't answer as to whether they will sign another lease. If they decide at that time there is material left they will want to renew the lease. Mr. Sylla Jr stated they thought the reclamation plan only includes a couple acres, are you now going to get another CUP and have another reclamation plan to expand it. Mr. Small stated it's not their quarry, they just lease it. Mr. Sylla Sr asked if they are going to get within the 400 foot setback of the home. Mr. Sylla Sr stated that Brad told him that was a negotiated issue. Pichotta stated Land Management has policy related to setbacks. Setbacks are 100 feet from property lines. The committee established the setbacks; agreed that they would be able to go within 50 feet of the property lines in certain locations as long as they increased it from 100 feet to 400 feet to keep them away from the house. If something different were to be proposed, it would be up to this committee to make a determination. Mr. Sylla Jr stated which is the same thing we're facing right now with the .35; the .35 was set as a standard, now that is open for debate, next the setbacks. Holst stated as long as he is on the committee, it will stay at the 400 feet setback to the house. He is an elected official but there are two citizen members that you have made an impact on. Sanden asked County Materials how many blasts they will have in the next six months? Mr. Krautkramer stated zero. Sanden asked how many they predict in the next twelve months. Mr. Krautkramer stated then they are going into the next 25,000 tons, his agreement with Schoeder ends in May, they have about 25,000 ton on the ground to crush so after next May they will be blasting. Sanden asked over the years they have been operating there, what is the average number of blasts. Mr. LaRue stated last year was eight. Holst asked why. Mr. LaRue stated they went in January for the signature blasts; four in the winter and then four in May. Mr. Sylla Sr stated

actually four where you took rock. Mr. LaRue stated we did the south face in four segments. We are just asking for, like the rest of the State of WI in residential areas to adapt to the Z-Curve. We'll use electronics and do the signature hole. Mr. Oakes stated they will always try to make things better. Mr. LaRue stated they are going to try and maintain a .35. Mr. Krautkramer stated he needs to shoot a full-face. Mr. Sylla Jr stated Mr. LaRue is saying they will continue benching and you are saying you need to shoot full-face. That's where it starts to get hard. Why can't you still shoot full-face just put in a smaller blast. Mr. Krautkramer stated he doesn't believe they can get much smaller and get a good blast. Mr. LaRue stated in this one letter that Jim wrote about, it asked would you rather have less blasts or more blasts. Smaller blasts, we'll have to shoot more times. Mr. Sylla Jr stated as you get closer to the house, you are going to have to shoot more times. We're OK with that. Mr. Oakes stated the closer you are to a structure; you are going to get higher frequencies. So as you get closer to that structure, you know the amplitudes (inches per second) are going to get higher but with the frequencies being higher there is less potential for damage to occur. The Z-Curve makes that big step up where above 40 hertz you are allowed 2 inches per second. We are always going to keep that minimized. That's where the destructive wave form analysis comes into play. Mr. Sylla Jr stated but that's going to be very uncomfortable. Mr. Oakes stated 2 inches per second would be damn uncomfortable, yes. Mr. Sylla Jr stated 4 or 5 years ago when you were blasting, it was OK to have a .35 because you knew you were further away and you weren't going to have difficulty because the amplitudes were going to be lower because of the distance. Now that you get closer, you are backing out of your deal and asking for higher lines. Mr. Oakes stated you are hitting the nail on the head. Since we are designing the shot this short of distance away, we're reducing the pounds. So we're asking that given pound of explosive to work harder. If something has to work harder, it's pushing harder backward. We're going to get a higher vibration. Mr. Sylla Jr stated but you can take less rock per blast. Mr. Oakes stated no, it's all a matter of powder factor, pounds per cubic yard. The easier the explosive can work the lower the vibration levels. Mr. Sylla Jr stated you could use less explosive to blast less. You could use less explosives and remove less rock. Mr. Oakes stated you are still going to be asking that pound of explosive to do a given amount of work. When you ask that pound of explosive to work harder, you are going to get higher vibrations. Mr. Sylla Jr stated you are saying if I blow up a pound of explosive somewhere in the quarry or if I back up and blow up 500 pounds of explosives, it's going to be the same at my house, it doesn't make sense. Mr. Sylla Sr asked about the question of the .35, if the committee decided on it. We wouldn't be here complaining about it. Chairperson Fetzer stated we want to make things better for you and that is hopefully what is being proposed, if we're wrong we will go back. He hopes what is being proposed will be better for you. Mr. Sylla Sr said we have no way of monitoring in the house what is uncomfortable. Sanden stated unfortunately, it's going to change with every blast. Sanden asked Pichotta if it would be feasible for staff to be there during a blast. Pichotta stated absolutely. Chairperson Fetzer stated his guess is they will be able to tell after a signature hole. Mr. Oakes stated to a degree. Mr. Sylla Sr stated one of the signature blasts went over. Mr. LaRue stated that was at 250 feet, well inside of the setbacks. Sanden stated he will try and preface it with, if things don't work out they will go back, especially with the fly-rock issue, he has no qualms about requiring matting if what he is about to propose doesn't work.

Sanden moved to approve the renewal of the conditional use permit for nonmetallic mining for County Materials, agent for BS Construction Inc and Steve Schoeder Properties with conditions #1 - #13, amending condition #6 to change "peak particle velocity shall not exceed 0.50 inches per second. A signature hole process will be conducted to minimize vibration. And add condition #14 Site preparation will be sufficient to eliminate fly-rock from leaving the site. #15 County Materials will return before the Land Management Committee in one year for evaluation, urging staff to be on hand during a blast./Holst seconded. Holst amended #12 to read "Operator shall ensure that fly-rock does not negatively impact adjacent properties." Sanden agreed to that and stated his condition #14 can be struck. Pichotta questioned the timeframe, suggesting that we might want them to come back more quickly. Sanden stated that is why he asked about the blasting, he wanted to have them come back in six months but he said there will be zero blasts. Come back after the signature hole? Mr. Oakes stated he would be fine with that. He would hope there would be enough time between the

signature hole and the first production blast that allows that to happen. Chairperson Fetzer asked if they could make that happen. Mr. Krautkramer stated yes, if he is going to bring in his equipment, they don't want to have him come back in three weeks. He'll do it. Chairperson Fetzer stated you know when these meetings are set and you can set up your signature hole. Sanden stated to contact staff so they can have someone out there as well. **Sanden amended condition #13, "County Materials shall come back before the Land Management Committee after the signature blast for a status report." Holst agreed. All in favor. Passed.** Chairperson Fetzer stated there will likely be a couple people out on the site for the signature hole. Mr. Sylla Jr stated he would like to be back for the signature hole. Mr. Krautkramer stated he will let everyone know a month ahead of time.

Discuss take action on Travel/Training Requests. Pichotta stated there is a request to attend the State Cartographer's Office on the future of aerial photography in Eau Claire on Friday, September 28, 2012 by Rand Kluegel. **Sanden moved to approve the travel/training request for Rand Kluegel/Ross seconded. All in favor. Passed.**

Departmental Update and Future Agenda Items

Conditional use permit for a nursery in the Light Industrial District in the Town of Clifton and associated site plan approval.

Motion to adjourn at 07:41pm by Holst/Ross seconded. All in favor. Motion carried.
Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, September 19, 2012 – 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: October 3 rd & 17 th , November 7 th & 21 st , all in 2012.	Chair
3	Approve minutes of the September 5, 2012 Land Management Committee meeting.	Chair
4	Discuss take action on a request for renewal of a conditional use permit for nonmetallic mining by County Materials, agent 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
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.

(9/7/12)

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



MINUTES - Pierce County Land Management Committee Meeting, September 5, 2012

Present: Jon Aubart, Joe Fetzer, Eric Sanden and Jim Ross

Others: Andy Pichotta, Jim Kleinhans and Shari Hartung

Excused: Jeff Holst

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

Next meeting dates: September 19th, October 3rd & 17th, all in 2012.

Approve Minutes: **Ross moved to approve the August 1, 2012 LMC minutes/Aubart seconded. All in favor. Passed.**

Public hearing to consider a request for a conditional use permit for a Recycling Facility in the Industrial District, pursuant to Pierce County Code Chapter 240-37.1(C & D) for Paul Larson (Paul's Industrial Garage), owner on property located in Lot 2, Certified Survey Map (CSM) V2, P15, being a part of the SE ¼ of the SE ¼ of Section 13, T25N, R19W and part of the SW ¼ of the SW ¼ of Section 18, T25N, R18W, all in the Town of Diamond Bluff, Pierce County, WI.

Chairperson Fetzer invited Paul Larson forward: Mr. Larson explained that right now they pick up co-mingled recyclables. At the present time, the recycling center in Ellsworth doesn't take that so they take their recyclables into Minnesota. They have been doing it for over two years and they would like to be able to handle it themselves. It will save on fuel and time. They can collect more recyclables locally. Ross asked if it was a collection point. Mr. Larson stated they go out and collect, bringing them back, sorting and then compacting them. Sanden asked about the size of the vehicles they use. Mr. Larson stated they have split-body trucks; one side is for garbage and the other side is for recyclables. When they come back they dump the garbage in the transfer station and dump the recyclables on the floor and put them in roll-offs to take to Minnesota. Sanden asked if the truck traffic would increase. Mr. Larson stated they use their own trucks. They do one trip per truck each day and they own eight or nine trucks.

Staff Report – Jim Kleinhans: Paul contacted us about getting into the recycling program. He has been talking to the DNR and the Solid Waste Department. There isn't much in the zoning code under Ch 240-37.1. It talks about recycling facilities; for sorting and transferring and it's located in the Industrial District. Chapter 201 of the Solid Waste Code covers Solid Waste Management for recycling and composting facilities. Paul will also have to go before the Solid Waste Board. The Town of Diamond Bluff recommended approval of this request on August 9, 2012 without reference to their comprehensive plan but suggested planting 12 spruce trees on the south side of the building. The Department of Safety and Professional Services will have to approve the building because of the size. The Department of Natural Resources Waste Materials Management Specialist approved the application for this new materials recovery facility (MRF) last December. Under WI Administrative Code NR544; Paul will have to self-certify that he is complying with that program. What Paul intends to do is single stream recycling of paper, plastics, glass, tin, aluminum, cardboard, etc, primarily during day time hours and employ a couple of additional employees. Equipment will include a baler, forklift, magnetic separators and conveyors. Some mechanical sorting will be done. Materials will be processed and baled for shipping to

markets. The building is designed for the transfer of materials from trucks backing into the east side of the building and loaded out the west side of the building. So no service doors will face Highway 35. The building will be equipped with an employee restroom so a sanitary reconnection permit will be needed and has already been applied for and approved. Adjacent land uses include the solid waste transfer station, a highway shop, general agriculture and residential districts in the Village of Diamond Bluff. This facility is located along the Great River Road Scenic Highway. The intention is to initially process recycling materials for the Village of Bay City that could provide approximately 50 tons per month. After operations are running efficiently they intend to add the materials they presently collect and truck to a facility in the Twin Cities. There is an existing stormwater retention basin. Paul, Dave and I looked at it, it's filled with water so it is either is filled with sediment and not draining correctly or it's undersized for the facility. Mr. Larson stated that the basin had recently been cleaned out.

Staff Recommendation: Staff recommends the Land Management Committee determine whether the proposed use at the proposed location would be contrary to the public interest or would be detrimental or injurious to public health, safety or character of the surrounding area. If found to be not contrary to the above, staff recommends the LMC approve this conditional use permit with the following conditions, in addition to those suggested by the Town of Diamond Bluff Supervisors:

1. A sanitary permit will be required prior to construction for the domestic wastewater from this building. We can strike #1; they already have the Reconnection Permit for the wastewater.
2. DNR approval for a holding tank to accept industrial floor drain wastewater shall be secured. Paul stated his plumber has obtained that as well.
3. A copy of Commercial Building plan approval by the Department of Safety and Professional Services shall be provided to the Land Management Department prior to construction.
4. Twelve spruce trees shall be planted along the south side of the proposed building within 12 months of this approval along with any other mitigation as directed by the LMC.
5. Any new advertising signage will require a land use permit.
6. A stormwater pollution prevention plan (Notice of Intent) regarding roof and parking lot surface water runoff be approved by the WI DNR.
7. A license to operate this recycling facility shall be obtained from the Pierce County Solid Waste Management Board.
8. The conditional use permit shall be renewed in twelve months to insure permit compliance with the LMC and Solid Waste Management Board decisions. On this last condition the committee might want to specify if it has to be done in front of the committee or administratively.

Chairperson Fetzer opened the hearing to the public. No public comment. **Public hearing closed.** Pichotta suggested under condition #8 that renewal be done administratively unless compliance issues arise. **Ross moved to approve the conditional use permit for a recycling facility for Paul's Industrial Garage, due to the fact the proposed use at the proposed location is not contrary to public interest, nor detrimental or injurious to public health, public safety or the character of the surrounding area, with conditions #2 - #8 modifying #8 to read "The conditional use permit shall be renewed in twelve months. Permit shall be renewed administratively unless compliance issues arise."/Sanden seconded. All in favor. Passed.**

Discuss take action on a request for Site Plan Review for a Recycling Facility in the Industrial District, for Paul Larson (Paul's Industrial Garage), owner on property located in Lot 2, Certified Survey Map (CSM) V2 P15, being a part of the SE ¼ of the SE ¼ of Section 13, T25N, R19W and part of the SW ¼ of the SW ¼ of Section 18, T25N, R18W, all in the Town of Diamond Bluff, Pierce County, WI. Chairperson Fetzer invited Paul Larson forward: Mr. Larson said he would let Jim explain.

Staff Report – Jim Kleinhans: With any industrial development we look at site plan review. Locations are such that you apply the standards in the code and identify things, by priority, to assure site designs that promote compatibility between land uses and to create safe and attractive layout; structures that promote proper access to streets, transportation and protect property values. The Town of Diamond Bluff wanted

to have spruce trees planted along Hwy 35. They weren't specific about the size or locations and Paul hasn't presented a landscaping plan. He requested that we postpone that until the building is up. Paul went through this in 2008 when he did his flea market out there. He planted some shrubs that survived and some trees which didn't. We are going to want to ensure, with the big building, that the trees make it. We want to get a minimum size on the trees so they are effective. The building is 36 feet tall and with the height of the building there is an extra foot of separation from the setback, so he meets that requirement. The code information is provided in the staff report. It's to make things industrial or commercial a little less noticeable on the landscape. Northland Buildings was contracted for the building project. The steel building will be a cold storage design with 26 ft sidewalls and a peak height of 36 feet. A bathroom is proposed for the NW side of the building that will tie into the existing septic system serving the office building and that has been approved. The well is located near the parking lot between the office building and this proposed building. WI Administrative Code NR812 which dictates separation distances between uses, does not have a separation distance to a recycling facility so that's not an issue. The Town of Diamond Bluff recommended 12 spruce trees. It's good to use evergreens because they give year round coverage. I don't know if 12 is enough when you are thinking about 102 feet along the Hwy 35 corridor. If they are 10 feet apart, that may just screen it when you are in front of them. It may take more or a mix of fencing and trees. There is a stormwater detention basin established back in 2008 and Paul said he cleaned that out. That would be reviewed by the Department of Natural Resources, Jim Devlin. The hillside north of the property drains out of an agricultural field and a steep hillside that is wooded. That has caused some problems in the past. He has a large berm developed that's ripped that takes the runoff water down into the light industrial area. So it won't impact the immediate area of the recycling facility. In the road right-of-way on Hwy 35, a picture is included, Paul had some sand fill brought in, he is grading that out and has topsoil on it and he will be seeding it. So that is addressed. Mr. Larson currently has 17 employees and with the recycling center he may be adding a couple more. The parking lot east of the office provides 12 parking spaces and there are four additional parking areas around the office building. There are no handicapped parking spaces defined. Typically people do not come into the office as it is a drive-thru facility. Roll off containers will be stored to the north of the new recycling building and on the new proposed parking lot just east of the proposed recycling building. Additional external lighting for this recycling building is on the north side for loading and unloading of materials. The recycling center will primarily be operated during daylight hours. Assuming every truck that comes in and leaves will go through the scale, so the traffic circulation comes off of Hwy 35 into the facility and exits through the same driveway. Screening of the open storage area behind the transfer station; Paul converted a semitrailer into a storage container for electronics (TV's and computer monitors) that is placed behind the transfer station to help screen the scrap metal bins. There are hardwoods planted there so we will see what it looks like when the leaves are off.

Staff Recommendation: Staff recommends the Land Management Committee review the information provided with this report plus any public concerns to determine whether changes or additions to the site plan are warranted to comply with the purpose and intent of the zoning ordinance. Staff suggests the following items from this report be specifically addressed:

1. Approval of a vegetative buffer plan and timeline for implementation. That is something that should be brought back to this committee when the building is up and that needs to be done within 12 months of this approval.
2. Restoration of the Hwy 35 ditch. This one can be scratched because it's already done.
3. Stormwater pond design and maintenance. We will need a sign off from the Department of Natural Resources saying that the current design or capacity is adequate.

Sanden stated that 12 trees on a 102 foot distance doesn't sound like a lot but on the other hand it's less than 10 feet apart. As they mature they are going to branch out at least five feet in each direction. Kleinhans stated the building is 102 feet long and they don't need to be right in front of the building. We may want to stagger them or spread them out because the people traveling along Hwy 35 or the ones living right across the street may see. Those are all hardwood trees and when leaves come off they will be able to see. Mr. Larson stated they have a five foot berm up there and they will put the trees on top of that.

Once we get the building up, we can take a look and see what we can do to make it more attractive. Kleinhans stated 12 would be the minimum because that's what the Town of Diamond Bluff requested. He agrees with Paul that we should take a look at the building, take some photographs and bring it back before the committee. Get a height and based on the berm and locations of the trees. Paul is going to be storing dumpsters behind the building and it would be nice to screen that even though it's industrial. Sanden stated because of the nature of the business they will need easy truck access going in and out. To block out this one building when a lot of the other will be visible, he doesn't want to overdo it. The height of the trees would have to be a balance so the trees are large enough to be affective sooner than later but then it would be cost prohibitive. He was thinking around six foot trees. Kleinhans stated the larger tree the harder it is to get them to grow. It's pretty sandy soils. A six foot tree would be something you would want to consider out there instead of a seedling. Sanden asked if it would be out of the ordinary if they requested a plan be drawn up between now and when the building is put up and brought back before the committee for final approval. Kleinhans stated we don't have anything to react to now, but you can visualize what the 12 trees would look like in front of a 100 foot building. It could be more effective to screen the dumpsters and Paul's garage. It would be a good idea to figure out what it will look like once the building is there. There needs to be a management plan with the planting of the trees. Pichotta suggested potential conditions: #1 Approval of a vegetative buffer plan and timeline for implementation shall be presented to the Land Management Committee within seven months. Plan shall include a minimum of 12 trees, 6 feet high. #2 Documentation of DNR approval of stormwater management shall be submitted to the Land Management Department.

Sanden moved to approve the proposed site plan for a recycling facility for Paul's Industrial Garage with conditions #1 - #2 as proposed/Ross seconded. All in favor. Passed.

Discuss take action on request for renewal of a conditional use permit for a Private Outdoor Recreational Use/Rodeo in the General Rural Flexible 8 District by Mark Anderson, owner on property located in the SE ¼ of the NE ¼ of Section 9, T26N, R19W, Town of Oak Grove, Pierce County, WI. Staff Report – Andy Pichotta: Mr. Anderson operates a horse boarding stable along US Hwy 10 and in 2009 he received a CUP to operate commercial rodeo events. The number of events varies from year to year. A Special Event Permit is also required from the Town of Oak Grove. The property is located in Section 9, Town of Oak Grove and is zoned General Rural. The property is located along Hwy 10, but access to the events is off of 1090th Street. Tents for shelter and satellite toilets for sanitary facilities have been used for the events and it has been determined that this will continue for any future events. No commercial structures will be constructed for the events. Parking is along 1090th St; Pierce County Code §240-54 requires 1 parking space for every 4 patrons. There have been no parking issues at the hosted events. Events are during daylight hours. A public address system is utilized and directed to the north. Staff has not received any complaints about the events. The Town of Oak Grove was contacted regarding this renewal request; staff has not received any issues or concerns about the renewal from the Town. The existing conditions are:

1. This permit shall be valid for two years or if compliance issues arise.
2. A land use permit shall be required for any buildings located or constructed on the site.
3. Any on-premise signs shall be permitted by Pierce County.
4. Solid waste dumpsters or waste containers be located on site and maintained.
5. Hours of operation shall be from 12:00pm until dark.
6. Adequate liability insurance shall be maintained.
7. Property and containment fences around the facility shall be maintained.

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

1. This permit shall expire in two years. Permit may be renewed administratively if there are no compliance issues.

2. A land use permit shall be required for any buildings located or constructed on the site.
3. Any on-premise signs shall be permitted by Pierce County.
4. Solid waste dumpsters or waste containers be located on site and maintained.
5. Hours of operation shall be from 12:00pm until dark.
6. Adequate liability insurance shall be maintained.
7. Property and containment fences around the facility shall be maintained.

Sanden asked what kind of parking facilities do they have. Pichotta stated they utilize a field. Kleinhans noted that they have parking attendants. Chairperson Fetzer asked when the last rodeo was. Pichotta stated that he believed in 2011. Ross asked if they have any other type of events. Pichotta stated that they typically hold one or two rodeo events per year.

Aubart moved to approve the conditional use permit for a Private Outdoor Recreational use/Rodeo for Mark Anderson with conditions #1 - #7/Sanden seconded. All in favor. Passed.

Discuss take action on proposed 2013 Land Management Budget. Pichotta reported: Pichotta stated this includes a combination of four different budgets; Planning, Zoning, GIS and Surveyor which comprise the Land Management Department budget as a whole. It is slightly higher than last year. The directive from the Board this year was to offset the increase in personnel costs by reducing operating costs. Given that the department's budget is 95% personnel, 5% operating costs, it is just about impossible to whittle away at operating costs without impacting our ability to do our jobs. He noted that he was able to reduce operating costs by \$2466.00. County Planner budget: Pichotta discussed each line item and explained that health insurance went up substantially because an employee with single coverage was replaced by an employee that now has family coverage. In the operating costs of the Planner budget, Pichotta reduced Other Professional Services by \$2500. Everything else is proposed to remain the same which ends up being a 4.8% increase. The Zoning budget is much the same, reduction in longevity, a little increase in retirement, 1.6% when you factor in step increases and cost of living increases to the grid, 0% increases in all the operating costs. Ross asked about the publication of legal notices and asked if we have looked into ways of reducing costs or are they set. Pichotta stated they are pretty well set. We actually switched from box ads to columns because they are cheaper. Some time ago the committee discussed whether we should publish agendas or just post them. The LMC opted to continue publishing them in the interest of transparency and keeping the public informed. It would be cheaper not to publish them but then people would have to go on the County's web site versus looking at them in the Herald. Chairperson Fetzer asked whether you could put an ad in the Herald that stated "if you are concerned with County Meetings, check out this website". Pichotta stated he would have to get a legal opinion to see if it met the purpose and intent of Chapter 985 relating to public notice. County Surveyor; personnel side of things is a 1.8% due to increase in salaries, reduction in longevity, operating costs are status quo and hope gas prices don't go up. GIS, once again an increase in salary, decrease in longevity, operating costs to remain the same. The Other Professional Services is some licensing for Arc View products which didn't make sense to take that out of the Land Records Modernization Fund. We had until several years ago funded much of our GIS data development through the General Fund through that line item but it has been reduced substantially and we put the main thrust of GIS data development into the Land Records Modernization Fund - which is very appropriate. Sanden asked about the line item Retirement Employer, why it went up by 15.8%. Pichotta stated there is only one employee's salary in here, the formula changed with the Budget Repair Bill. Aubart stated WRS just changed their contribution rate and that's the increase in the employer contribution. Pichotta stated the personnel costs are provided to us by admin, that's not really something we have much to say about. Park Development; this is a fund that for a lot of years \$600.00 was put into the fund when a new lot was created by a CSM and when lots were created by plats it was 10% of the raw land value or a land donation. The Parks Committee also has access to this fund and any expenditures of this fund need to be consistent with the Pierce County Parks Plan. We have been involved in a couple different things. A year or two ago, we budgeted for the purchase of 20 acres adjacent to the existing County Park on County Road O. The large expenditure shown for 2012 is the development of a boat ramp on Trenton island. We are hoping to recoup much of the expenditure through a variety of

DNR grant programs. The WI Fund is a program where folks who meet certain income requirements can get assistance to replace failing septic systems. Land Information Grant is when someone records a document in the Register of Deeds Office, a portion is retained by the County and a portion is sent to the State. The portion sent to the State; if the County doesn't trigger a specific threshold that they were able to retain themselves, the State will grant some of your monies back to you to further your Land Records Modernization Plan. We typically retain enough dollars where they don't give us money back. This year we were granted \$680.00. The money we actually retain is placed in the Land Records Modernization Fund. The Land Records Modernization Fund is the fund through which we implement the Land Records Modernization Plan and is governed by the Land Information Council which was created about a year or two ago. That was mandated by the State for us to continue to participate in the program. The council meets once a year to review proposed expenditures out of the Land Records Modernization Fund to determine whether or not they are consistent with the Land Records Modernization Fund. It did away with the multiple departments chewing away at that budget. We hadn't utilized that fund up until six or seven years ago and it had several hundred thousand dollars in it. We started to use that for GIS data development and Register of Deeds Office used it for their life cycle payment for their software which is \$25,000 per year, plus some other things that may or may not have been consistent with the Land Records Modernization Plan. There wasn't previously that formal tie in with the fund and so now the Land Information Council is the gatekeeper of that fund. The recommendation from the Council is just that to you. What we are proposing to purchase out of that fund is a flatbed scanner that was requested by the Register of Deeds Office for approximately \$7500.00. Andy stated that he had done some research and found several meeting the spec that were cheaper than that. He stated that he had talked to Information Services who indicated that they will get three bids and purchase the cheapest one. Other proposed purchases are two receipt printers for the Register of Deeds Office, GIS updates (Bulberry & ProWest), Migrate to ArcMap, COGO Trimble and River Falls Sections. The total expenditure amount is \$34,493. If we don't need to replace the flatbed scanner, if it doesn't die this year, we would use those dollars to further COGO Trimble and River Falls. Sanden stated he hoped we could find a scanner for less than that. Pichotta stated it needs to be able to scan 11 x 17 and be a flatbed. Revenues; Pichotta has anticipated a little increase in permitting, so he is optimistic that we will have an increase over this year. Other revenues are anticipated to stay the same. Capital Improvements Plan, he keeps bumping vehicle purchases out a few more years every year. We have a 1998 Jeep Cherokee, 2001 Chevy pickup and a 2002 Ford pickup, all starting to show their age. Some of the miles put on them are fairly rough miles, driving across corn fields and down big hills. Ross asked if you consider buying used vehicles. Pichotta stated we do buy used although the F150 was purchased new. It was actually cheaper than the one it replaced. The 2001 Chevy was from the Highway Department. We will keep bumping those out as long as we aren't spending hundreds of dollars a month for maintenance. However, it may be at some point, one may die and we will have to come in with an unbudgeted expenditure for a new vehicle. The other new equipment we need to be aware of is our survey equipment. It's getting hard to get parts. The technology has changed. Its twelve years old. He believes in 2001 they spent \$80,000 or \$90,000 on it. Pichotta is suggesting looking into leasing something. It may be more money in the long run but we wouldn't have to replace it. It would be a smaller yearly cost. Pichotta suggested that if issues pop up that would likely be covered versus us having to repair. Aubart stated the technology has changed a lot in twelve years. Chairperson Fetzer stated in ten years the technology will change again. They would keep you up to date on things. Pichotta stated when we come to that we'll bring the surveyor in to present options. Aubart asked if Pichotta thought they could wait that long. Ross suggested we could budget some money for 2013 for a possible lease program. It would give you a chance to look into it, if you don't need it, you don't use it. Aubart asked if the software or firmware is up to date. Pichotta stated it is his understanding that there are some issues with the existing software. Pichotta suggested we could use a figure of \$7500.00 to look into a lease option with the understanding that if it's determined that it's something we can put off or we can limp along, we just wouldn't spend those dollars. We will add that and noted that the budget would be going up from 2.39% to over 3%. Ross stated everybody is very mindful of the fact we need to keep our budgets down but we also need to function as a government body

and we need the tools to do that. In looking at what you have done in cost savings for the County in utilizing vehicles for so many years this shouldn't be an issue. Pichotta noted we were one of two departments that cut 15% off and the other was Land Conservation. Pichotta is anticipating no changes in staff and similar amounts in revenue. Aubart stated as he sits on a number of committees, Pichotta and staff do a very good job of preparing the committee and he really appreciates that. **Ross moved to approve the 2013 budget as proposed with the increase of \$7,500.00 to the Capital Improvements Plan, survey equipment for 2013/Sanden seconded. All in favor. Passed.**

Discuss take action on Travel/Training Requests. Pichotta stated there is a request to attend the 2012 Fall Conference for WI County Code Administrators in Eau Claire on October 3-5, 2012. He is hoping to send the appropriate person regarding wetlands, floodplain and mining for Jim, Emily and Brad. It won't be overnight. Kleinhans stated Emily is an officer so she may want to attend all three days. There is a tour of the EOG mine in Chippewa so Brad would like to attend that. On the last day there is a discussion about Towns and Counties and comprehensive planning and zoning. Because it's so close it would be prudent to take advantage of the training. **Sanden moved to approve the travel/training request for the Fall Conference for WI County Code Administrators as submitted/Ross seconded. All in favor. Passed.**

Departmental Update and Future Agenda Items

Renewal of the Schoeder Quarry out in Rock Elm.

Pichotta noted that it had looked like we would be having a discussion on a proposed moratorium on frac sand mining but, that due to process issues; it was taken off the agenda. He noted that he had put together some materials on existing regulations and processes in the County as it is. Materials include an analysis put out by the Center for Land Use Education; which is a collaborative effort by the University Extension of UW of Steven's Point. They reviewed our zoning ordinance as well as our comprehensive plan for our ability to adequately regulate frac sand mining as well as those of other counties. The determination through that review was that we are one of the few Counties well prepared to deal with these things. The document that he put together describes the processes we have, some of the existing conditions, the number of mines we have, the relationship between Town Comprehensive Plans and the issuance of CUP's by this committee. The chief reasons for declaring a moratorium is to determine whether or not your ordinances are adequate to protect public health and safety and if they are not to make adjustments to them in order to make yourself able to address those issues. We have expended a lot of effort trying to ensure that our Towns understand their abilities through our processes as well as their abilities otherwise. There was a recent court decision regarding Cook's Valley that basically formalized a Town's ability to adopt a licensing ordinance which allows them to regulate such things as nonmetallic mining within their Town but it applies not on a zonal basis, it applies across the board. The other interesting thing about licensing ordinances is unless they are exempted they apply to even grandfathered mines that aren't subject to County Zoning. It's another way a Town can have a lot to say within their borders. There are six or seven Towns in the County right now that have moratoriums on mining. In order to take a look at their comprehensive plan to give us the guidance they want if someone does propose a new mine and some are looking at licensing ordinances as well.

Motion to adjourn at 07:10pm by Sanden/Ross seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

AMENDED 8/29/12
LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, September 5, 2012 – 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: September 19 th , October 3 rd & 17 th , all in 2012.	Chair
3	Approve minutes of the August 1, 2012 Land Management Committee meeting.	Chair
4	Public hearing to consider a request for a conditional use permit for a Recycling Facility in the Industrial District, pursuant to Pierce County Code Chapter 240-37.1(C&D) for Paul Larson (Paul's Industrial Garage), owner on property located in Lot 2, Certified Survey Map (CSM) V2, P15, being part of the SE ¼ of the SE ¼ of Section 13, T25N, R19W and part of the SW ¼ of the SW ¼ of Section 18, T25N, R18W, all in the Town of Diamond Bluff, Pierce County, WI.	Kleinhans
5	Discuss take action on a request for Site Plan Review for a Recycling Facility in the Industrial District, for Paul Larson (Paul's Industrial Garage), owner on property located in Lot 2, Certified Survey Map (CSM) V2, P15, being part of the SE ¼ of the SE ¼ of Section 13, T25N, R19W and part of the SW ¼ of the SW ¼ of Section 18, T25N, R18W, all in the Town of Diamond Bluff, Pierce County, WI.	Kleinhans
6	Discuss take action on request for renewal of a conditional use permit for a Private Outdoor Recreational Use/Rodeo in the General Rural Flexible 8 District by Mark Anderson, owner on property located in the SE ¼ of the NE ¼ of Section 9, T26N, R19W, Town of Oak Grove, Pierce County, WI.	Roy
7	Discuss take action on proposed 2013 Land Management Budget	Pichotta
8	Discuss take action on Travel/Training Requests	Pichotta
9	Future agenda items.	Pichotta
10	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 (Amended 8/29/12@9:44a.m.)

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



MINUTES - Pierce County Land Management Committee Meeting, August 1, 2012

Present: Jon Aubart, Joe Fetzer, Eric Sanden and Jim Ross

Others: Andy Pichotta, Jim Kleinhans, Brad Roy and Shari Hartung

Excused: Jeff Holst

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

Next meeting dates: August 15th, September 5th & 19th, October 3rd & 17th, all in 2012.

Approve Minutes: **Sanden moved to approve the July 18, 2012 LMC minutes/Ross seconded. All in favor. Passed.**

Public hearing to consider a request for a conditional use permit for a Nonmetallic Mining Operation in the Agriculture Residential and Industrial Districts, pursuant to Pierce County Code Chapter 240-37A and Reclamation Plan hearing, pursuant to Pierce County Code Chapter 241-15A(2)(a), for Wisconsin Industrial Sand Company, agent for Diamond Bluff Investments LLC, Holst Farms Inc, William McCusker, MOAP LLC, WTW Properties, Steven Burmood, Helen Holst, William F. Holst III and William Holst IV, owners on property located in Sections 1, 2, 3, 4, 10, 11 and 12, all in T25N, R19W, Town of Diamond Bluff, Pierce County, WI. Chairperson Fetzer invited Rich Budinger forward: Rich Budinger, Regional Operations Manager, introduced Lauren Evans, Regional Sustainable Development Coordinator, Loren Merchen, Mine Manager for the Bay City operation, Michele Maxson, Regional Environmental Health and Safety Coordinator, Mark Krumenacher, Hydro geologist Consultant from GZA Environmental and Eric McLeod, Legal Counsel. Mr. Budinger gave an overview of the company and their community involvement, number of employees, financial contributions and projects they are working on. They have identified an opportunity to develop an underground mine in Diamond Bluff. They submitted an application to Diamond Bluff Township and held a public informational meeting at the Bluff's. They appeared before the Diamond Bluff Town Board and received an approval with recommendations to the Land Management Committee. They are an experienced industrial sand mining company that services many markets including glass, water filtration, construction, foundary, animal bedding, oil and natural gas. Mr. Budinger stated the economic and employment benefit the proposed underground mine in Diamond Bluff will provide along with the Trenton facility.

Staff Report – Brad Roy: WISC is requesting a Conditional Use Permit for a new mining operation in the Town of Diamond Bluff. Activities on the site would include blasting and screening underground as well as stockpiling and loading on the surface. The material from the proposed mine would be processed at the recently permitted processing facility in the Town of Trenton. A Reclamation Plan was also submitted for the above ground disturbance and will be discussed. No action is required for the Reclamation Plan. WISC has also submitted a request for a Nonmetallic Mining operation to the Town of Oak Grove for recommendation. The town currently has a moratorium on Nonmetallic Mining and has not given a recommendation. Pierce County requires a town recommendation as part of the CUP application. The proposal encompasses 59 parcels totaling 1,867 acres. The primary use of the land is

agriculture. Much of the land is forested and undeveloped. Other uses include low-density residential and a scrap metal business in the Industrial District. Adjacent land uses are also agriculture and low-density residential. Access to the proposed mine entrance site is off of 1005th St. The current use of this site is a single family residence and active agriculture. Almost all of the above ground disturbance will be on this site. The only other above ground disturbance will be the future ventilation shafts. An adjacent undeveloped property to the mine entrance site has access from 1005th St. The road will need significant upgrades if the proposed facility is approved. The applicant and the Town of Diamond Bluff have discussed a road agreement for 1005th St. No formal agreement has been reached at this time. WISC is proposing to create three mine openings at an approximate elevation of 770 feet within the bluff. A ramp will need to be constructed to provide access to the mine openings. The existing road is at an approximate elevation of 720 feet. The mining process will be consistent with that conducted at the Maiden Rock and Bay City mines. WISC will use room and pillar mining where the sandstone will be mined in parallel tunnels approximately 30 feet wide separated by 70-foot wide sandstone pillars. The mining will be done by drilling and the use of blasting agents. The blasted sandstone will be moved using diesel powered front end loaders to an initial screening to remove large rocks and then conveyed to an outside stockpile where another front end loader will load it into trucks for delivery to the new Trenton plant. The conveyor from the mine to the outside stockpile will be a fixed height, but will pivot horizontally. The applicant has expressed a willingness to add a watering system to the top of the conveyor to mitigate dust. The proposed structures include an office and maintenance/storage building. Outside storage will include raw sand waiting for transport and temporary storage of steel and equipment intended for use in the mine. The applicant is proposing to operate the facility 24 hours a day, seven days a week with up to 22 employees. WISC has indicated that it may convert the existing residential structure into the Office Building. This would require approval from the Department of Safety and Professional Services. The applicant submitted a conceptual request to the WisDOT regarding the Hwy 35/1005th St. intersection. WisDOT recommends that the intersection be upgraded to the B1 class. This will widen the intersection to allow trucks to enter and exit simultaneously and create a 200' right turn lane on northbound Hwy 35. Ventilation shafts are anticipated in the future to provide clean air to the underground mine. The exact location of any potential shafts cannot be determined at this time. They are typically located on flat, easily accessible, leased property with access paths for maintenance and monitoring. One high capacity well is proposed on the site. No washing will be done on the site. The water will be used for dust suppression and other uses. There is a residential well and septic system. These will be analyzed to determine if they will be suitable for the facility. The WDNR permits high capacity wells. Any new high capacity well application is required to be subject to an environmental review. DNR hydrologists will evaluate proposed wells for any potential impacts. Proposals that have the potential to impact protected resources undergo an environmental assessment process by the DNR. The mining activity will be at approximately 770 to 800 ft; the Water-Table elevation in this area is mapped at approximately 700 to 720 ft. The Wind River runs through the mine entrance site and the eastern edge of the site is in the Floodplain. The proposal is for the existing 1005th St. to be moved into the Floodplain. Two stormwater ponds are also proposed within the Floodplain and the Shoreland area. These activities require additional information and permitting. The proposed mining operation will be required to develop and implement 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. WDNR regulates and monitors storm water and process water through the WPDES Permits. The WPDES permit ensures that water samples are collected and analyzed to demonstrate that water is not discharged that could negatively impact surface water. A Fugitive Dust Plan has been developed for the operation. The plan details the measure to be taken to reduce roadway dust from stockpiles and roadways during periods of dry or windy conditions. The plan details the use of a watering truck and potentially a sweeper for roadways and water cannons for the stockpiles. The WDNR Bureau of Air Management permits and monitors emissions of nonmetallic mining and processing operations. Their jurisdiction ranges from extraction to shipment. The Bureau of Air Management has indicated that the applicant has begun the permitting process for the

proposed facility. Concerns have been raised in other “frac sand” mining operations about the health effects of silica dust.

- In 2011 the DNR conducted a Silica Study to describe what is currently know about sources, health effects, exposures, controls and the regulatory status of silica in Wisconsin as well as in other states and countries. The Report states *“A recurring theme from the literature review and survey is that very little conclusive information exists regarding sources, controls or levels of silica present in ambient air. This lack of data means it is not currently possible to determine conclusively whether or to what extent the quantity, duration or types of silica emissions in the state may be a public health concern.”*
- On November 11, 2011 a group of citizens submitted a petition to the DNR for the promulgation of rules to govern respirable crystalline silica. That petition was denied on January 30, 2012. Deputy Secretary Matt Moroney concluded that: *“Because silica emissions are a component of particulate matter emissions, existing regulations that govern fine particulate matter can be used to control these emissions.”*

A Reclamation Plan was developed for this site.

- The structures, vents and ramp are to be removed.
- Mine openings are to be closed in accordance with agreements to be determined with the WDNR and to allow continued ingress and egress of bats.
- Final slopes will match predevelopment topography. 3:1 slopes cannot be obtained because of the location of 1005th St. and the Wind River.
- The flat areas will be returned to a condition for potential agricultural use.
- The sloped areas will be seeded with natural grasses.
- The final land use will be dependent on future land use trends.

Wisconsin Department of Safety and Professional Services establishes uniform limits on permissible levels of blasting resultant to reasonably assure that blasting does not cause injury, damage or unreasonable annoyance to persons or property outside any controlled blasting site area. SPS 370 addresses “unreasonable annoyance” as well as injury and damage to persons or property by requiring a pre-blasting survey, adherence to established blasting schedules, use of seismographs meeting minimum specifications and control of adverse effects. WISC will use controlled blasting techniques to minimize ground vibrations and seismographs to measure and document the resulting ground vibrations. WISC will offer pre-blasting surveys to residents or owners of dwellings or other structures and respond to claims of impacts. No blasting schedule has been proposed at this time. The Town of Diamond Bluff recommended approval of this request on June 14, 2012, without reference to the Town Comprehensive Plan, with the following comments:

- All trucks must be tarped so no sand blows out. Better than a roll bar tarp.
- Similar conditions applied as the WISC Bay City mine, which includes the following conditions #1 - #26 listed in the staff report (it should be noted that not all those conditions are applicable to this site.)

Staff Recommendation: Staff recommends the Land Management Committee determine whether the proposed use at the proposed location will be contrary to the public interest or will be detrimental or injurious to public health, public safety or character of the surrounding area. If found to be not contrary to the above, staff recommends that the LMC grant this conditional use permit with the following conditions, as well as any additional conditions deemed appropriate by the LMC or as suggested by the Town of Diamond Bluff or area residents:

1. Applicant shall submit verification of lease agreements before mining is conducted.
2. Comprehensive water testing shall be conducted annually for residential wells located within the boundaries of the mined area. 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, two times each year. Test results and the base line data tests shall be provided to the Department of Land Management.

3. A 100-foot buffer shall be maintained from the active mining to the boundaries of non-leased properties, Mining under a leased property shall be a minimum of 100' from any well. A 200-foot buffer shall be maintained around structures.
4. Any intensification of use or change in approved plans will require the issuance of an amended conditional use permit.
5. A map of mining activity and areas of future expansion shall be provided to the Zoning Office annually.
6. Applicant agrees that any erosion issues that arise shall be addressed to the satisfaction of the county.
7. Verification of an agreement with the Wisconsin DOT shall be submitted before mining extends under Hwy 35.
8. WISC shall develop a plan to respond to damage claims to wells or structures by surrounding land owners. WISC shall offer pre-blasting surveys to residents or owners of dwellings or other structures within 1500 feet (or as established by the Town of Diamond Bluff) and shall respond to claims of impacts/damage.
9. A ground water response plan, including accurate determinations of the ground water level and which details resources to be used to protect the quality of groundwater beneath and adjacent to the extraction operation, and a proposed response to encountering groundwater, shall be provided. Groundwater elevation shall be monitored annually and the results submitted to the Zoning Office.
10. Engineering analysis shall be conducted to demonstrate slope stability for the reclamation of the mine entrance area. Reclamation shall be according to submitted plans and shall be completed within one year of ceasing mining operations.
11. A formal road agreement with the Town of Diamond Bluff shall be established and provided to the Zoning Office prior to any site disturbance.
12. Applicant shall obtain all necessary permits for the proposed development within the Floodplain and Shoreland area.
13. Applicant shall pay the Nonmetallic Mining fee to the Zoning Office prior to site disturbance.
14. The financial assurance for reclamation shall be reviewed and approved by Corporation Counsel before mining commences.
15. WISC will 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 from such emissions.
16. The operator shall provide notice to the County of any orders to cease and desist from MSHA.
17. All loaded trucks shall be tarped in a manner acceptable with the Town of Diamond Bluff.
18. 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. If they are not required, applicants shall submit verification from those agencies stating that the plans are not required.
19. Applicant shall implement Fugitive Dust Plan as presented. Modifications to the Fugitive Dust Plan may be required by the LMC if warranted.
20. Applicant shall identify blasting frequency and all blasting shall be done by a certified state licensed blaster. Notification to all surrounding landowners within 1500 feet shall be given notice of the blasting schedule. Blasting shall be restricted to six days a week.
21. Applicant shall follow all recommendations and receive all necessary permits from WI DNR, Department of Safety and Professional Services, WisDOT, MSHA and other agencies if required.
22. Applicant shall obtain all necessary permits for structures or signs not discussed in this plan from the Zoning Office.
23. An annual audit, detailing mining activities to date and demonstrating adherence to approved conditions shall be submitted to Pierce County Land Management Department by January 31st.
24. This permit shall expire in two years.

Chairperson Fetzer asked that anyone that has a comment to use the podium, give your name, the township you live in and with the number of people that may want to speak, please try to limit your comments to five minutes.

Chairperson Fetzer opened the hearing to the public. Sarah Palodichuk, Town of Oak Grove, stated she has concerns about this process being very fast. Her #1 request is to delay a decision on this. She feels time is important. The people are getting together to try to make their voices heard. They don't have the resources to do that and she questioned whether the committee has had access to those resources individually. Her #2 concern is the Pierce County Code and Zoning. She understands that the application is appropriate for the land it is applied for. Just because it's permissible doesn't mean it's beneficial. The Pierce County Code has a distinction between Light Industrial and Heavy Industrial. She feels a 24/7 operation should be in a Heavy Industrial area and not next to a low density, residential area. She feels Highway 35 is a valuable resource and there is no regard for the Great River Road. Her #3 concern is the conflict of interest. She isn't sure if there is a conflict of interest but the perception is there. Bill Holst's family has a lot of land and with Jeff being Chairman of Diamond Bluff Board, Chairman of the County Board and Chairman of this committee. The perception is so strong it creates skepticism. The issue for the Land Management Committee is for health, safety and welfare. Your job is to weigh the will of the people into it and not just say that this is permissible. She feels the wells being tested within the boundaries each year are just the land owners who are making a ton of money and feels that recommendation should include more testing for a wider space. The Town Recommendation is advisory in nature, it's not binding. It's not based on their Comp Plan. She questioned if this proposal is for Oak Grove and Diamond Bluff as two separate mines or if it's one mine in Diamond Bluff. Pichotta stated this request is only for operations in Diamond Bluff. She asked if it wouldn't be possible to limit the mine to a certain size to begin with. She stated the staff report says something about an amendment for any change in intensity. She suggests limiting it to a couple hundred acres for the next two years and then let Diamond Bluff review it. She feels they are trying to get this in for the next 30 years under the rules so it gets grandfathered in. If trucking is a major issue and it doesn't affect people, make them do the majority of it at night. Bill McCusker, Diamond Bluff, one of the land owners that has signed on for the mine, his family has been on that place since 1870 so he takes this seriously. He went to the mine in Bay City and looked at the processing plant and spent all day there. Other than the penetration, he couldn't see any big deal about it. He walked up the bluff and people had horses eating grass, they were growing corn, just like always except there was this 30 foot hole in the side of the bluff. He looked for trucks and they were running every ten minutes. He didn't see a traffic issue. He went to the processing plant in Bay City; it was so quiet he thought it was closed until he knocked on the door. The noisiest thing there is the train; it's been going through there for a hundred years. He asked if anything can happen until Oak Grove makes a decision? Roy stated yes, this is for operations proposed to occur in Diamond Bluff. That comment about Oak Grove was just to notify the committee that this is not the full scope of the plan. There is another piece that can't be acted on at this time. Mr. McCusker stated he didn't see any traffic problem, noise or dust. Pam Joel, Oak Grove Township, stated that we have just been given an honor that the Great River Road is one of the most scenic places to drive in the United States. Just when the economy is starting to come around, we have to look at where we live and make it an exciting place in a positive way. We don't want to look at just a few people's pocketbooks and have them benefit and everybody else stay depressed. She lives on Highway 35 and there are plenty of trucks creating environmental problems every day. She doesn't want to see a short term fix of development with a few jobs, all can create a wonderful St. Croix Valley with lots of resources. Connie Turley, Oak Grove, her property is adjacent to the proposed mine property in Oak Grove, she is concerned about property values and homes that are for sale now and not being sellable after the mine is there. Her roads are not maintained by the County, yet she is required to pay her share of taxes. She is concerned about conducting her business in her home, which requires her as an educator, to conduct classes over computer and telephone lines with blasting going on constantly that will interfere with her livelihood. Jim Drost, invited by a resident in the area is from Stillwater, he has a background in mining and research engineering, BS and MS degrees from UW of Madison. His master's degree research was on frac sand, floatation and flocculation. He has been a mining engineer for 45 years. He doesn't feel the DNR has the manpower or the expertise to properly deal with frac sand. There have been more than a dozen loopholes brought into the statutes and administrative codes of the DNR. He stated what precipitated this is Assembly Bill #8 or ACT 21, which he read part of. He stated the DNR has different

laws and regulations depending on whether it deems the operations to be a minor or major source of air pollution. In addition, they have removed the fugitive sand measured in respect to air pollution particulates. Originally the Bill (NR407.105) said major source; any stationary source or any group of stationary sources that are located in one or more contiguous or adjacent properties that are under the same person or persons under common control. His interpretation of that is three mines are lining up just a quarter of a mile away from each other, get to come under minor source of air pollution because under that clause they would have to be owned or operated by the same source. Most of the miners will state that the polyacrylamides are fairly stable and do not degenerate into acrylamide which is a neuro toxin. They need to be testing for that. He also stated that the DNR will state where they can put their washwater or wastewater. He said the DNR stated that they can discharge onto the surface of the groundwater and used as they so decide. He feels the DNR is saying they can put their silica silt, not all of it comes out when they settle it, back onto the ground where they say bacteria takes care of it. Based on his calculations for a 150 ton per hour plant for 24 hours a day, it will jettison nearly half a million gallons of water a day. They need 3000 to 3700 gals of water to circulate, about 10% of that has to be removed in order for there mine to function. He discussed NR815 in regards to discharge of water into wells. Ila Drost, read a letter regarding water pollution, polyacrylamides, chemical additives, coagulants, groundwater contamination, chemicals, etc not known. It also regarded EPA and DNR water testing protocol. Debbie McClure, Oak Grove Township, stated she is not necessarily opposed to mining. She has been to Town meetings and shocked at the perception of this being a done deal. She has talked to 38 people and only two knew anything about this. This will impact her if the wind blows in her direction. Just because Oak Grove isn't in the plan today it doesn't mean it won't affect her. She is asking for time to give the people the opportunity to ask questions. Bert Levy, Oak Grove, he is echoing the feelings of the people here that don't have monetary gain from this issue. He also stated we have no active journalism or press in the area to inform the people. He feels the 99 page proposal is a lot to absorb and react too, what happens in Diamond Bluff will filter into Oak Grove. The road is going to have significant more truck traffic. He is concerned about health implications from silica dust and his well possibly getting a little lower in 20 years. Ruth Wood, River Falls, County Board Member, questioned a number of the recommended conditions stating that it seems like the company doesn't have to be responsible; water testing, road traffic, degradation of roads, etc. She stated that she is questioning the language of the recommendations because it seems like they are leaving the company lots of leeway to do exploitation and that the County seems to be willing to cede responsibility. She knows it's usual for the conditions to be two year renewal, but it seems like the ones she is aware of involve far less potential impact than this proposal. It seems like it provides a long time before things are checked. She asked if it would be useful for the Land Management Committee to reconsider some of the 26 stipulations before the proposal is acted upon. Pichotta stated that as far as the time-frames go, two years is mandated by our code. As far as nonmetallic mining, the purpose of that renewal is to determine whether the conditions that were established are adequate to mitigate negative impacts to neighboring properties. We have a County Materials Mine up on Highway 128, we have them on a three month tether where they come back in every three months and we do status reports with the Town Board as well as residents of the area. This committee is very responsive when there are issues or conditions that don't seem to be addressed adequately. Ms Wood asked who checks. Pichotta stated staff, the Town Board as well as the neighbors as well as the folks that manage the mine, everyone that is impacted or interested. As far as the conditions we are recommending; we have two active CUP's that have been in place for almost a decade, and the conditions are similar to the conditions associated with those other uses. As Brad noted in the staff report, the Town of Diamond Bluff wanted to see similar conditions to those of Bay City. The proposed condition relating to six days of blasting, that was what was in place in Bay City and because the Town of Diamond Bluff wanted to see similar conditions – it was included. Roy noted that condition #23 requires an annual report from the company to staff demonstrating compliance with the conditions. If we get complaints throughout the year, those are addressed. Ms. Wood stated she feels it's a huge operation and it's a long time and would like the proposal to start on a smaller basis. Kenneth Langer, Oak Grove Township, asked about the number of vents. Roy stated they have not been determined at this time, the

mine would know when they need them. The committee could impose a limit if need be. Mr. Langer asked how many they have from Maiden Rock to Bay City. Mr. Budinger stated they have two ventilation shafts at the Maiden Rock facility and one at the Bay City operation. Mr. Langer asked if they spread them out as you are tunneling. Mr. Budinger stated, yes, it depends on ventilation, the air quality and when their next plan for a ventilation shaft would be. Right now they don't have any plans at Bay City for an additional one in the next twelve months, Maiden Rock they are potentially looking at one next year. It depends on where they are as far as ventilation; typically on a mine this size they are looking at five to ten ventilation shafts over the course of the mine and geography, not all will be active at the same time. They would activate ventilations shafts and decommission ventilation shafts. The goal is to get fresh air as closest to the working environment underground as possible. Mindy, Oak Grove Township, concerned about the adverse health effects and silica dust and feels this is not an industrial area. Kathy Breen, Oak Grove Township, new resident, referenced a letter to the editor in the Minneapolis paper in which it was stated that the economic benefit of tourism to Pierce County is \$4.25 million a year. She wishes they would look at the negative impact of the economic part. She hopes there is an informational meeting that all can get the straight story before there is a decision made. Ken Langer, Jr, Oak Grove, stated he has a problem with rushing through this. The sand isn't going anywhere. Kim Anderson, Oak Grove, her concerns are air, water and noise pollution, traffic, health ramifications and impact on nature, the things that you can't see as well as the things you can. She has a hard time seeing what benefit there could be to the population at large when you factor in the risks. Ms. Palodochuk brought up mining spills, preventative preservation is much better than going back and fixing it. Ms Anderson, a valid concern is the ground water for the residents. She wondered if the company could put in writing for a piped in water processing plant for the peoples whose wells have been damaged. Graham Ryan, Maiden Rock Township, he commented on the recommended condition that Diamond Bluff was to develop a road agreement. Chippewa County decided that the mining is accountable for up to \$3 million dollars in damage per year, so that is how much they collect from the trucking companies in Chippewa County. He questioned if the water testing is being done by the same company as in Maiden Rock, GZA Environmental, Mark Krumenacher, is the Vice-President of that company. He was a speaker at a summit in Denver; the lecture was Winning Battles Against Anti-mining and Anti-development. He thinks the water testing should be looked into. Tom Breen, Oak Grove Township, asked if the mining representatives can comment on the status of two cases where the DNR was pursuing prosecution of mining companies for pollution, one in Trempeleau County and one in Burnett County. Pichotta summarized a letter from Victor and Karon Langer, Town of Diamond Bluff, who are not able to be here; they are supportive of the mine and state that we need the 52 new long-term jobs with no investment on the part of the County or the Town of Diamond Bluff. They recognize that there are negatives to it. They recommend that the County Board institute a tonnage fee until mineral rights valuations are added to real estate taxes instead of imposing a moratorium until this clears. If needed the State Governors Office should be involved in resolution to more equally assess taxes. Kleinhans summarized a letter from Fred Harding, Maiden Rock, his concern is primarily about traffic and the load out facility. His letter stated that he has asked the question of WISC as to how many truck traffic trips would be per day, per hour, per minute. He did not get an answer. He talked about fully loaded trucks, road wear and tear as compared to bicycles, motorcycles and automobiles. He suggests that if we let WISC use the roads for profit we should follow the lead of Wood County and assess an impact fee per vehicle. He noted that Highway 35 was named as the prettiest drives in America. Kleinhans noted that notice of this hearing was published for two consecutive weeks, Andy, Brad and I have all talked to some of the folks in this audience and some others to discuss the plans. The plans have been in our office for weeks. People are always more than welcome to come into our office to discuss it. **Public hearing closed.** Mr. Budinger stated he is aware that a lot of people are nervous about this proposed mining operation. Industrial sand mining has been going on for over a hundred years. Their company has a tremendous amount of experience both in underground mining and surface mining. They operate a surface mine in northern Illinois, it's one of the largest industrial sand mines in the United States if not the world. That mine has been in operation since the late 1800's. Glass, water filtration, foundry have always been a big part of their business. They are very experienced miners as far as environment, the

safety of the workers and the engineering, in a successful manner. They are an environmentally responsible company. They track their carbon footprint, their diesel usage, dryer fuel usage and have goals put into place to reduce that every year. They continue some improvement projects at their facilities to minimize water usage and have done some new technology. Those goals are sustainability goals and environmental goals that have as much weight as our production and prosperity revenue we generate. Mr. Budinger invited people to visit the website. As far as the blasting for six days instead of seven days; that is the condition put on our Bay City mine. The Maiden Rock facility condition is for seven days. As these two year renewals come up, modification to the conditions, additions and sometimes even subtractions of conditions occur. It's an on-going process. We have been able to successfully operate Bay City mine under its conditional use permit since 2007 when we first acquired the property and 2004 was the first conditional use permit in Bay City. The County has a tremendous amount of experience with nonmetallic mining and industrial sand mining. They have been working with them for quite some time. They felt they went beyond what they had to do with mailings and informational meetings and contacted the Red Wing Republican Eagle and the Pierce County Herald with a press release. WISC is asking the committee to consider seven days a week for blasting. It allows them more flexibility with spreading it over seven days. Eric McLeod, stated condition #3, the 100 foot buffer shall be maintained from the active mining to the boundaries of non-leased properties, Mining under a leased property shall be a minimum of 100 feet from any well. The remaining issue in the clause is: A 200 foot buffer shall be maintained around structures. A structure could mean any small structure or shed, that aren't of any concern. He feels that condition should relate to residences and that limitation would apply on non-leased property. If there are structures on leased properties, those would be matters for the landowners who are leasing their property to WISC. They would like that clarified to know what the Land Management Committee intends there. The company has been operating successfully under these existing conditions in two other locations and concerns of the type that have been raised haven't materialized. The final issue he would like to address is the effectiveness of DNR enforcement. There are those that think they have been pretty aggressive in their enforcement and those that think they have been ineffective. It's difficult for the Land Management Committee to assess that and effectively presume that a State regulatory body that's charged with this authority isn't doing their job and therefore there's a need to duplicate those efforts and micro-manage those issues at a local level. This committee gets to review the operation of this facility every two years and make sure those conditions are working. If there are concerns about the lack of enforcement or regulation that should apply from State regulatory body, that can be a factor. There were some suggestions that the County should impose certain fees, those are issues the County Board can take up but ultimately they are legal issues that are legislative and not properly the subject for the Land Management Committee to entertain. If there are additional conditions that the committee believes it wants to consider, we would ask that the committee give us an opportunity to address them. Mr. Budinger stated our company operates under a financial model where as significant an investment as this is, requires a certain amount of time. The other two operations run under the financial model of a 30 year investment; which means as we deplete our reserve base, we are also pursuing other acquisitions. It is a large geographic area; all 2900 acres will not be mined at the same time. We will mine 40 to 70 acres per year all underground with the exception of ventilation shafts. The farming, agricultural use and industrial use will continue without being disturbed. The frac sand floatation and flocculation process is six to seven miles away. We are not washing sand or a wash process at this location. The wash process is at the Trenton facility to the south of the proposed Diamond Bluff mine. The application does not include a large amount of groundwater usage. Mark Krumenacher, we feel we have addressed most of the issues when we submitted the application. There is no better sustainable way to mine than underground and leave all existing land use on top untouched. We're affecting less than ten acres and one road - 1005th Street. Traffic will be on Highway 35, the Great River Road. That road is designed for 8 to 10 thousand vehicles a day. Currently the use is 20 to 30% range. The highway is maintained as a State Highway per WI DOT to meet global economic demands. The mine is an economic industry. Tourism also uses that highway. If there wasn't an economic reason to have that highway there, having that tax money to pay for it; it wouldn't be there. It's a Mississippi River corridor highway, its major rail, major water borne freight, it's

a major highway. It's an economic lifeline and tourism is conveniently added to that. The DNR and US EPA regulate the environmental industry. They have senior staff that manage silica sand and a mining expert to help manage the environmental issues. These issues for silica sand are not necessarily unique to the sand mining business. Storm water concerns, air quality concerns, groundwater, surface water concerns are all very important and that's why the DNR is there to protect them. People have addressed property values repeatedly, that's why we hired two real estate appraisers from this area to assess property values. We wanted them to do an independent study and have the second one review the first one's work. There is no evidence that the mine will have any negative impact on property values. He addressed the comment about his appearance at the summit titled Addressing Challenges in Obtaining Special Use Permits for Nonmetallic Mining or Industrial Sand Mining. He has given the presentation about eight times. The presentation addresses all the challenges that are important for any mining operation. It's important for the mining companies to recognize what the environmental concerns are; the property values, economic concerns, reclamation concerns, so they can address them; the social, traffic and environmental issues. If you don't act like a good neighbor and become part of the community, your license to operate isn't going to happen. Aubart asked about condition #3, addressing the 200 foot from all structures instead of residences. Roy stated we issue permits for a lot of structures that have a lot of value, so providing protection to those structures should be considered. In the past it has been just residences. This is just a recommendation to give those other structures some protection. Aubart asked what is a structure, a pump house? Roy stated technically, yes. It's hard to draw the line from a pump house to a \$60,000 pole barn. Sanden asked about those that are on leased properties. Is there a precedence that they are under a separate agreement with the lease? Roy stated once you get onto leased land, that's the power of the agreement. If the landowner wants to keep a setback in place, they can request it. Pichotta stated one thing you could do if you are interested in differentiating between minor structures and principle structures. You could simply say principle structures, that wouldn't include accessory structures or garages. As far as non-leased property, you could modify the condition to reflect that. If folks are on leased property they are being compensated by the company for their presence there. Ross commented on the tourism on the Great River Road. The Department of Tourism does an impact study for all 72 Counties in the State. They conduct the impact study at the end of each year. It's a consolidation of trying to track numbers and growth in the tourism sector. In Pierce County in 2006 we had an impact from tourism dollars of \$33 million. We had a dip in the number in 2008 or 2009, directly affected by the economy. In 2010, it was \$39 million in annual spending related to tourism. Great River Road was selected as the prettiest drive in the USA. We went up against in the semi-finals, Big Sir Highway and in the final round, against Hana Highway in Hawaii. We have people travel from all over the world; Japan is a heavy visitor to the Laura Ingalls Wilder site. The sand on the roads is not an issue, if it were, people would be hearing about it from him. The trucks are tarped, he watches them every day on the Great River Road. He never has to sweep up sand. He respects the views of everyone here tonight. He witnesses this seven days a week, if it were a problem or if it becomes a problem, we will be addressing this. When sand does get on the road, it's swept up immediately. He sees the sweepers on a regular basis. We do have an increase in tourism every year. We have an increase in traffic counts related directly to tourism and he works closely on a regular basis with the Department of Tourism. Sanden asked WISC, the mines that he has dealt with have always been above the water table. Could you address the issue of the mining activity going down to 800 feet with the water table of 720 feet? He understands there isn't any washing going on but what other implications would there be. On page 2, the mining activity will be at 770 to 800 feet and the water table is mapped at approximately 720 feet. Mr. Budinger stated what that describes is the sea level elevations – mining at this site will also be above the water table. At the top of the bluffs there is approximately 220 to 250 feet of limestone cover. The elevation of the mining horizon is elevation 770 to 800 feet above sea level. So when we talk about the water table being at 720 ft, it's 50 to 60 feet below the mining horizon. It's very similar to the way they operate at Bay City and Maiden Rock. Sanden asked about the reclamation plan. The final slopes will match predevelopment topography. 3:1 slopes cannot be obtained because of the location of 1005th St and the Wind River. Mr. Budinger stated with the topography that exists currently, they will be constructing a ramp approximately 40 feet to go up to 770 to

800 feet. The slope that is out there is steeper than a 3:1 so the ramp will be a cut and fill, we'll cut where the portals are going to go and use the material as fill for the ramp. The reclamation plan has us removing the ramp or that fill and original topography will be reestablished. Sanden asked about the Town of Diamond Bluff recommendations, one he didn't see is #6 dealing with sufficient trees being removed from site triangle. Roy stated that went into the DOT review of that specific intersection, when we looked at that we did separate out the conditions that the Town of Isabelle wanted for that specific site. Sanden asked about the condition stating - 590th St shall be restored to the Town of Isabelle satisfaction, should we address that? Roy suggested that the recommended condition stating, "A road agreement with the Town of Diamond Bluff shall be reached before construction" is the equivalent. Anything Diamond Bluff wants done to their road should be put in that agreement. Sanden asked about #19, outdoor storage of equipment. Roy stated the reason for that one is because the Bay City mine is neighboring DNR property. So we didn't want any outside equipment storage being done on DNR property; noting that this was another site specific condition that doesn't apply to this specific property. Sanden echoed what Ross stated and added this process isn't just a formality and the LMC has dealt with a lot of mines for a long time in Pierce County. Committee members have become familiar with this process and he has been on the LMC long enough to have seen even larger groups than this- so large that it required that we move to a different venue. After the conditional use permit process for that mine there was a lot of skepticism and now there are just one or two people that continue to have concerns. If they do grant this tonight, this is just the beginning, not the end. If there is any violation, you bring them to us and we'll put them on a short leash. As Andy was saying, we have one mining company that comes back every three months because they didn't fulfill their obligations. With these things in place (CUP), it gives us leverage to say you aren't doing what we want you to do and we can pull the permit at any time. **Aubart moved find that the proposed use at the proposed location is not contrary to public interest, nor detrimental or injurious to public health, public safety or the character of the surrounding area and to approve the conditional use permit for a Nonmetallic Mining Operation in the Agriculture Residential and Industrial District and Reclamation Plan for Wisconsin Industrial Sand Company, with conditions #1 - #24 modifying #3 to read "principle structures on non-leased property"**. Sanden suggested amending condition #24 to have them back in 6 months for a status report. Chairperson Fetzer asked Mr. Budinger how long before they are up and running. Mr. Budinger stated they will be starting in October according to the development plan, he would say six months, although he isn't sure as to what magnitude. It will be several years before the mine is at full capacity. **Sanden seconded the motion and suggested amending condition #24 to include "Applicant to come back before the Land Management Committee in one year for a status report"**. Aubart agreed. All in favor. Passed.

Discuss take action on a request for Site Plan Approval for structures associated with a Nonmetallic Mining Operation in the Agriculture Residential District for Wisconsin Industrial Sand Company, agent for Steven Burmood, owner on property located in the SE ¼ of the NW ¼ of Section 12, T25N, R19W, Town of Diamond Bluff, Pierce County, WI. Chairperson Fetzer invited Rich Budinger forward: Mr. Budinger stated they have submitted their proposed site plan along with the conditional use permit application. The maps show a very small area of disturbance, it shows the ingress and egress off of Highway 35, the scale of the property and where the portal activity will be. The ramp will climb up to 40 feet to access the elevation where the portals will be. They will develop three portals; one being a primary, the second a secondary and the third for equipment to transfer raw sand out of the mine. The reason for the primary and secondary, besides ventilation is for fresh air intake and for emergency exits. The stockpile - for dust suppression they will have water cannons and a water wagon on the property and a spray bar. The sand has a natural moisture level of 3% and has clay in it. Typically dust won't be a problem. There is the potential if the material is exposed to temperatures, wind, dry conditions, that the crust of the material will dry out. That's where they will manage it with the water cannons, dust suppression, the water wagon and adding of water through the conveyor. They will have a road agreement with the Town of Diamond Bluff and they will be maintained and managed. Kept clean of sand and swept on a regular basis and any areas that would be dust generators around the traffic area will be concrete,

asphalt or managed with the water wagon. The stormwater plan shows the retention ponds and the flow of stormwater, there will not be any discharge of stormwater off the property. The proposed maintenance building and residence will be the administrative building and will remain on-site. The appropriate permits for the sanitary system will be obtained. The high capacity well will be on-site for utility water and to be able to fill a water wagon. They would like to turn over the water wagon in ten to fifteen minutes maximum. Also they run about 150 to 200 gpm to work the water cannons effectively. The windier it is the more effective these dust suppression cannons are. Sanden asked what the expected height of the stockpile will be. Mr. Budinger stated the stacker height will be 59 feet above the road grade. The maximum size of the stockpile without causing mechanical failure would be at the base of the conveyor. The top of the conveyor would be 59 feet, the pile would max out at 57 or 58 feet. Sanden asked if they will use an adjustable conveyor. Mr. Budinger stated not vertically but horizontally to create a pile similar to what is predicted on the drawing. The idea is to maximize the stockpile within that small footprint and also minimize the fall of material. So they could build the pile all the way up to the conveyor and move it a foot at a time and the material would build up and there wouldn't be a drop. If we were starting a new pile it would be dropping 59 feet. Because of the elevation of the mining horizon and where the portal is we didn't feel it was necessary to have the ability for vertical movement or an extendable motion on the conveyor. Sanden asked if they will be using a chute at the end of the conveyor. Mr. Budinger stated the sand will be dropping straight from the conveyor. The drop would be minimized through the management of the motion. The material is wet, 3% moisture. It's not a concern of it being actively blown across the property unless it dries out. At that point, it's already been in place on the stockpile and we have the ability to manage it through the dust suppression, the fugitive dust plan, the water wagon and the dust suppression cannons. We also have the option of adding water to the sand while it's being put into the stockpile if we're predicting challenging conditions. It makes it more difficult to handle as far as loaders and putting into the trucks but sometimes that would be more beneficial. Ross the main concern relating to blowing dust is when it is coming out of the dryer and into a railcar? Mr. Budinger stated yes, at that point the material has 0% moisture. We use chutes that retract into the railcars and trucks. When that material comes to a transfer point, it has to be encased and closed. The best way to do that is to have the retractable spout, a Pepco Spout, they have a seal that will sit on the truck and the railcar so that negative pressure in the air is being collected. The dust collector engineering and management at the mine site is not necessary for this material because it has moisture in it. We feel it's going to be appropriately managed through the dust suppression systems that we have identified. We can show evidence of it at our current facilities. Sanden stated that became an issue at another site and they are basically shutting down when it is windy. Mr. Budinger stated as a situation shows itself, with their continued improvement process, if there is a benefit to having a rock ladder, where the material is not falling all the way down, it's in a chute and it builds a stockpile from the bottom up, they will use one. Ross asked about an emergency exit. Mr. Budinger stated you are speaking about the portals, MSHA, one of their regulations is to have two ways to exit and enter the mine. If we are in the mine and there happens to be equipment breakdown that is blocking personnel from exiting a fire or some sort of emergency that people cannot exit the mine; we have a turn around and head into a different direction, we have flagging drills in the mine if people can't see. It's essentially like in basements of homes where people have to have a window and two ways out. Its similar in mines to have a primary and secondary exit.

Staff Report – Brad Roy: Site Plan Review is required for all Commercial and Industrial developments. The purpose of the review is to assure site designs which promote compatibility between land uses, create safe and attractive site layouts and structures, provide proper access to streets and transportation, protect property values and contribute to efficient land use in Pierce County. Access to the site is off of 1005th St. All vehicles entering the site will use the same access point. The trucks will enter the site and to be loaded with sand. The trucks will make a continuous forward path and exit the site. The proposed plan has 16 parking spaces with one space reserved for handicap parking. Pierce County Code §240-54 requires one space per employee during the peak shift as well as 2 spaces for manufacturing/ trade contractor establishments. The applicant anticipates 22 total employees at the site working various shifts. Restrooms are proposed to be located in the Office Building. The existing residential septic system will be assessed

for the future use. The lighting is intended to stay onsite in the working areas. MSHA regulates lighting and may require modifications to the plan. Outside storage will include raw sand waiting for transport and temporary storage of steel and equipment intended for use in the mine. None of the outside storage areas except the raw sand storage have been depicted in the plan. The plan anticipates the need for one high-capacity well as well as one potable water supply well on the site. Rich addressed the high capacity well. The site will have two storm water retention areas. They are proposed to be located in the Floodplain. Additional information and permits will be needed. The area is heavily vegetated. Additional screening may be needed along 1005th St. A Fugitive Dust Plan has been developed for the operation. The plan details the measure to be taken to reduce roadway dust from stockpiles and roadways during periods of dry or windy conditions. The plan details the use of a watering truck and potentially a sweeper for roadways and water cannons for the stockpiles. No advertising signs have been proposed at this time. Adjacent land uses are also agriculture and low-density residential.

Staff Recommendation: Staff recommends the Land Management Committee review the proposed site plan and determine if any changes or modifications to the plan are necessary.

Sanden moved to approve the proposed site plan for a Nonmetallic Mining Operation for Wisconsin Industrial Sand Company, agent for Steven Burmood, owner, as presented/Ross seconded. All in favor. Passed.

Public hearing to consider a request for Expansion of Nonconforming Structures in the Agriculture Residential District for John & Monica Robey, owners on property located in the NE ¼ of the SW ¼ of Section 15, T26N, R15W, Town of Rock Elm, Pierce County, WI. Chairperson Fetzer invited Mr. & Mrs Robey forward: Mr. Robey explained they have a doorway off the house with no porch or anything for access that is five feet off the ground. They would like to build a porch there. The milk house roof is shot and they have water running in there and would like to raise the floor but then they lose ceiling space. They would also like to add onto the calf shed for more space.

Staff Report – Jim Kleinhans: Mr. & Mrs. Robey contacted us several years ago about some modifications to their building. At this time they would like to pursue the request for expansion of both nonconforming structures into the road setback. County Road S has a 100 foot setback from the center of the road or 67 foot from the right-of-way. There were no existing buildings to allow for setback reductions so they are pursuing the conditional use permit for an expansion of a nonconforming structure. The land use permit issued in 2005 was on the west side of the residence that met the setback. But they did change the front entrance to their house and put a door on the south side. They would like to add a deck to meet the doorway that is five feet above grade and have that part of the house handicap accessible. The lean-to addition to the milk house is 73 feet from the centerline. John submitted plans. The Town of Rock Elm Supervisors approved this request at the July 9, 2012 meeting based on the fact that they aren't going any closer to County Road S than existing buildings are currently. The septic system was replaced in 2005 during the last building expansion. The applicant also requested that we include a 24ft x 30 ft expansion on shed #4 on the plot plan. Mr. Robey stated they are only actually adding 9ft on instead of 24ft. Mr. Kleinhans added that when we do a land use permit we typically add in the minor structures and the permit fee is based on the most expensive permit required. This is a little different because that particular shed is not a nonconforming structure but John asked for it to be included because that is all part of his request for his buildings. All conditional use permits expire 12 months from the date of issuance just as the land use permits do.

Staff Recommendation: Staff recommends that the Land Management Committee determine whether the expansion of a nonconforming structure at the proposed locations would be contrary to public interest, nor 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 CUP with the following conditions:

1. 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.

2. The applicant shall work with the local building inspector, Todd Dolan, to ensure compliance with the Uniform Dwelling Code (UDC) requirements.
3. The work shall be completed within 12 months of approval.

Chairperson Fetzer opened the public hearing. No public comment. Public hearing closed. Mr. Kleinhans noted that he had heard from a neighbor, Robert Huebel and that Mr. Huebel indicated his support for the request. **Ross moved to approve the request for a conditional use permit for Expansion of Nonconforming Structures for John & Monica Robey, due to the fact this request is not found to be contrary to public interest nor detrimental or injurious to public health, public safety or the character of the surrounding area, with conditions #1 - #3/Aubart seconded. All in favor. Passed.**

Public hearing to consider a request for Filling and Grading in the Shoreland Area, pursuant to Pierce County Code Chapter 240-41E, in the General Rural District for Mark & Lisa Erb, owners on property located in Section 33, T26N, R16W, Town of El Paso, Pierce County, WI. Chairperson Fetzer invited Mr. & Mrs. Erb forward: Mrs. Erb stated their property is adjacent to Vino in the Valley. They established a walking trail. It was the opinion of their attorney that they didn't need a conditional use permit but that opinion was not shared by Judge Boles.

Staff Report – Jim Kleinhans: Mr. & Mrs. Erb purchased their property in 2010. In the fall they hired a contractor to develop the walking trail adjacent to the Rush River along 400th St. Staff was made aware of it, we exchanged some letters and here we are with a plan developed by the Land Conservation Department to finalize the stabilization of the hillside. Roughly 3800 feet of disturbance on average slopes of 29% which triggered the need for a conditional use permit for the Shoreland Area. During the fall of 2010 they did incorporate some straw bales and grass seed with the oats at a rate of 10 lbs per acre. On those slopes that was insufficient for stabilizing the hillside. The vertical slopes left over from the bulldozer action took someone with expertise on stabilizing critical sites. You have the plan as proposed. The Town of El Paso Supervisors commented on this request during their November 8, 2010 meeting without identifying any specific concerns.

Staff Recommendation: Staff recommends the Land Management Committee determine whether approval of this conditional use permit would be contrary to the public interest, or 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 CUP with the following conditions:

1. The erosion control plan shall be implemented as designed by September 15, 2012.
2. Department staff shall be notified of the completed project to verify permit compliance.
3. Any unforeseen erosion that may occur in the future within the disturbed area shall be addressed to the satisfaction of the county.

Chairperson Fetzer opened the hearing to the public. Dan Fisher, Town of El Paso Supervisor, we have discussed the proposal and the Town is in favor of what is proposed. **Chairperson Fetzer closed the public hearing.** Ross asked if September 15th is a doable date and that you are clear on the three conditions. Mrs. Erb stated yes. **Sanden moved to approve the request for after-the-fact Filling and Grading in the Shoreland Area, for Mark & Lisa Erb, due to the fact this request is not found to be contrary to the public interest, nor detrimental and injurious to public health, public safety or the character of the surrounding area, with conditions #1 - #3/Ross seconded. All in favor. Passed.**

Discuss take action on temporary extension of a conditional use permit for BS Construction Inc and Steve Schoeder Properties, on property located in the SE ¼ of Section 15 and the NE ¼ of Section 22, T26N, R15W, Town of Rock Elm, Pierce County, WI. Staff Report – Brad Roy: Roy stated we have a mine that has generated a lot of concerns out in Rock Elm with the neighboring property owner. Due to scheduling, they couldn't be here before the permit expired - the property owner is OK with this also, they would like to temporarily renew it and come in on September 19th. **Staff Recommendation:** Staff recommends the Land Management Committee temporarily renew the conditional use permit for

this nonmetallic mine, with existing conditions, thru November 1, 2012 or until such time as all interested parties are able to attend, whichever comes first. **Aubart moved to approve the temporary extension of the conditional use permit for BS Construction Inc and Steve Schoeder Properties thru November 1, 2012 with the existing conditions/Sanden seconded. All in favor. Passed.**

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

Departmental Update and Future Agenda Items

Pichotta stated we could get by without having a meeting on August 15th. He needs to convene the Land Information Council before he presents the budget. Aubart and Sanden stated they would not be available on the 15th. The next meeting will be September 5, 2012.

Motion to adjourn at 09:19pm by Sanden/Aubart seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, August 1, 2012 – 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 15 th , September 5 th & 19 th , October 3 rd & 17 th , all in 2012.	Chair
3	Approve minutes of the July 18, 2012 Land Management Committee meeting.	Chair
4	Public hearing to consider a request for a conditional use permit for a Nonmetallic Mining Operation in the Agriculture Residential and Industrial Districts, pursuant to Pierce County Code Chapter 240-37A and Reclamation Plan hearing, pursuant to Pierce County Code Chapter 241-15A(2)(a), for Wisconsin Industrial Sand Company, agent for Diamond Bluff Investments LLC, Holst Farms Inc, William McCusker, MOAP LLC, WTW Properties, Steven Burmood, Helen Holst, William F. Holst III and William Holst IV, owners on property located in Sections 1, 2, 3, 4, 10, 11 and 12, all in T25N, R19W, Town of Diamond Bluff, Pierce County, WI.	Roy
5	Discuss take action on a request for Site Plan Approval for structures associated with a Nonmetallic Mining Operation in the Agriculture Residential District, pursuant to Pierce County Code Chapter 240-75, for Wisconsin Industrial Sand Company, agent for Steven Burmood, owner of property located in the SE ¼ of the NW ¼ Section 12, T25N, R19W, Town of Diamond Bluff, Pierce County, WI.	Roy
6	Public hearing to consider a request for Expansion of Nonconforming Structures in the Agriculture Residential District for John & Monica Robey, owners on property located in the NE ¼ of the SW ¼ of Section 15, T26N, R15W, Town of Rock Elm, Pierce County, WI.	Kleinhans
7	Public hearing to consider a request for Filling and Grading in the Shoreland Area, pursuant to Pierce County Code Chapter 240-41E, in the General Rural District for Mark & Lisa Erb, owners on property located in Section 33, T26N, R16W, Town of El Paso, Pierce County, WI	Kleinhans
8	Discuss take action on temporary extension of a conditional use permit for BS Construction Inc and Steve Schoeder Properties, on property located in the SE ¼ of Section 15 and the NE ¼ of Section 22, T26N, R15W, Town of Rock Elm, Pierce County, WI.	Roy
9	Discuss take action on Travel/Training Requests	Pichotta
10	Future agenda items.	Pichotta
11	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.

(7/20/12)

PIERCE COUNTY WISCONSIN
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MINUTES - Pierce County Land Management Committee Meeting, July 18, 2012

Present: Jon Aubart, Joe Fetzer, Eric Sanden and Jim Ross

Others: Andy Pichotta, Brad Roy and Shari Hartung

Excused: Jeff Holst

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

Next meeting dates: August 1st & 15th, September 5th & 19th, October 3rd & 17th, all in 2012.

Approve Minutes: **Aubart moved to approve the June 20, 2012 LMC minutes/Ross seconded. All in favor. Passed with Sanden not voting because of absence at the last meeting.**

Public hearing to consider a request for a conditional use permit for a Heavy Industrial Use (Sand Processing Facility) in the Industrial District for Wisconsin Industrial Sand Company, agent 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. Chairperson Fetzer invited Rich Budinger forward: Rich Budinger, Regional Operations Manager, introduced Lauren Evans, Sustainability Coordinator, Michele Maxson, Regional Environmental Health and Safety Coordinator, Mark Krumenacher, Hydro geologist and Consultant from GZA and Eric McLeod, Legal Counsel. Mr. Budinger gave a general overview of the company and their community involvement, number of employees, financial contributions and projects they are working on. On April 11th they submitted a conditional use permit application to Trenton Township. On May 1st they held a community information meeting at the Bluff's on Hwy 63. They mailed out flyers with information to a one-mile radius from the proposed facility in Trenton and the proposed underground mine in Diamond Bluff and Oak Grove. On May 3rd they appeared before the Trenton Planning Commission and on May 9th they appeared before the Trenton Town Board, May 23rd they had a pre-application meeting with Pierce County to go through the application process. On June 21st, they appeared before the Pierce County Board of Adjustment to review the variation on building heights. Recently they submitted the site plan and conditional use permit application being reviewed this evening. Several issues have been brought up through the planning commission and community meeting; within their application they have included an extensive report that highlighted numerous issues and concerns. Several recommendations were included on the approval from the Town of Trenton; berm along Hwy 35 with trees on top, lights shall be adjusted away from residences, noise controls shall be implemented, berm shall be constructed along Cty Rd K to block the view of the railroad, all rail cars shall be behind the berm on Hwy 35 and trucks shall have a drive-through unload to avoid back-up alarms. The one recommendation that they have a question about is the berm along Cty Rd K, they recently created an aerial view of the area along Cty Rd K and map. This was presented to the committee with an explanation. Sanden stated on page 3 of site plan, you have a storm water pond at the top and then on the bottom an optional retention, is that for overflow? Mr. Budinger stated the optional retention is an existing feature. The idea is that it would continue to be a retention area for storm water. We're not planning on building anything there.

Staff Report – Brad Roy: WISC is seeking a permit for a Mineral Processing Facility in the Town of Trenton. At this site sand will be received, washed, dried, screened and shipped either by rail car or truck. The materials will come from a proposed mining operation to be located nearby in the Town of Diamond Bluff. When this was written staff had not yet received an application for the proposed mining operation, we have since received the application and it is scheduled for a future meeting. The applicant is also seeking exemption to the 35 foot structure height requirement to allow for several structures up to 60 feet. On June 21, 2012 the Board of Adjustment granted a height variance for six structures on the proposed site for heights greater than 60 feet. The property is located in Sections 28, 33, and 34, in the Town of Trenton. The property is zoned Industrial. Pierce County Code §240-15K states: the Industrial District is established for the purpose of allowing those industrial uses that are more intensive than those uses allowed in the Light Industrial District. The purpose of the district is to accommodate a heavy volume of traffic, the potential need for rail access to parcels and the presence of noise and other factors which could pose a nuisance in other districts. The intensity and use of land as permitted in this district is intended to facilitate the total range of industrial uses. There is not a use classification specifically for a Sand Processing Facility. This application is being processed as a Heavy Industrial Use due to the scope of planned activities and the potential for impacts from the proposed facility. Pierce County Code §240-88 defines Heavy Industrial Use as - Uses such as manufacturing, assembling, fabrication, processing, bulk handling, storage, and trucking which are likely to generate significant levels of traffic, noise, pollution, vibration, dust, fumes, odors, pesticides, herbicides, or other hazardous materials, fire or explosion hazards, or other undesirable conditions which are unsuitable for any other district. The applicant is proposing that the facility operate 24 hours a day, seven days a week. The plant will produce approximately 1 million tons of sand per year. Raw sand will be transported to the site by truck from Hwy 35 and entering the site from 830th St. The trucks will enter a drive-thru structure and unload the sand in a below grade pit. The trucks will make a continuous forward path and exit the site. The sand will be conveyed from the pit to a building where it will be crushed and screened and further conveyed to a covered storage structure (Raw Sand Storage) or an outside stockpile. The stored material will be collected and liquefied and pumped to the Wet Process Building. The sand/water slurry will be separated into a course/fine fraction. Chemicals are added and dewatering screens are used to aid in the separation process. The course product will be conveyed to storage ahead of the Dryer. Fine material washed out of the sand will be allowed to settle and be dewatered mechanically and then sold for various uses or used for reclamation at the adjacent mining operation or returned to a mine as part of the reclamation process. Sand stored after the Wet Process will be conveyed to a Rotary Dryer where the moisture content will be reduced to less than 1%. From the Dryer the sand will be conveyed to the Screening Plant where it will be separated in 8 separate products and stored in steel storage silos. From the storage silos sand will be conveyed to a rail load out system or to the truck load out. The rail system will use a weigh hopper to state a predetermined amount of sand before it is further conveyed to the rail car. The truck system will utilize a platform scale. It is anticipated that 90% of the material will be shipped by rail. It will average 40-45 rail cars per day. Waste sand will be reused for engineered fill or mine reclamation. The proposed plan includes the construction of six rail sidings to the BNSF Railroad. The sidings will be used for storage and in the loading process. The applicant is proposing to construct a berm between the proposed rail sidings and the BNSF rail line. Trees are also proposed atop the berm. Pierce County Code §240-29 D allows the Land Management Committee to grant height exemptions for structures over 35 feet up to 60 feet – as long as required setbacks are increased by not less than one foot for each foot the structure exceeds 35 feet in height. The applicant is requesting this exemption for the Truck Dump Structure – 45 feet, Scalper – 60 feet and Truck Load structure – 39 feet. These proposed structures at the proposed locations satisfy the requirements of §240-29 D. Other equipment proposed to be used onsite includes front-end loaders, maintenance vehicles, personnel vehicles, rail cars, track mobiles, end-dump trucks and contractor vehicles. The plan anticipates the need for two high-capacity wells to supply the approximately 300 gallons per minute the plant needs when in operation. 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. Some water will be lost through retention of the fines and

drying of the sand. The WDNR permits high capacity wells. Any new high capacity well application is required to be subject to an environmental review. DNR hydrologists will evaluate proposed wells for any potential impacts. Proposals that have the potential to impact protected resources undergo an environmental assessment process by the DNR. 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. The site will have two storm water retention areas; no storm water will flow off-site. Concerns relating to the chemicals used in the wash process and the potential for ground water contamination have been raised. The polymers and the quantities used by WISC have been reviewed and approved by the WDNR. It is anticipated that the proposed plant will be required to develop and implement a Storm Water Pollution Prevention Plan and a Spill Pollution Control and Countermeasures Plan. These plans will identify potential sources of storm water pollution and spills of oil-related materials and other chemical, and establish controls to minimize any potential impacts to surface waters. WDNR regulates and monitors storm water and process water through the WPDES Permits. The WPDES permit ensures that water samples are collected and analyzed to demonstrate that water is not discharged that could negatively impact surface water. Due to the design of the proposed plant, the applicant does not anticipate the need to obtain a WPDES Permit. A Fugitive Dust Plan has been developed for the operation. The plan details the measure to be taken to reduce roadway dust from truck traffic on paved roads and railway dust from rail traffic, during periods of dry or windy conditions. Any evidence that dust from truck or rail traffic is causing excessive fugitive dust emissions will trigger fugitive dust control measures to be implemented which includes the use of a watering truck or street sweeper. Any sand that is spilled on tracks will be cleaned up regularly. The plan states that during rainy periods or periods when roadways surfaces are wet or partially snow covered there is no need to implement fugitive dust control measures. Roadways are to be inspected daily during the dusty periods and the railway is to be inspected during each shift to determine need for cleanup. The plan does not address dust control methods for any stockpiled sand on-site or the sand transfer points through the progression of processing. The plan does not address additional dust control measures to be taken in instances of exceptional events, such as high winds, where stated dust control methods are not adequate. Various methods for dust suppression are proposed on the site. All loaded trucks will be tarped on the site. The Dryer and screening devices will be equipped with a dust collection system. During the rail/truck loadout process each hopper, conveyor and loadout spout will be dust collected, and the dust will be reintroduced back into the stream and loaded with the sand. All traveled areas will be paved. Numerous concerns have been raised about the health effects of silica dust. In 2011 the DNR conducted a Silica Study to describe what is currently know about sources, health effects, exposures, controls and the regulatory status of silica in Wisconsin as well as in other states and countries. The Report states *“A recurring theme from the literature review and survey is that very little conclusive information exists regarding sources, controls or levels of silica present in ambient air. This lack of data means it is not currently possible to determine conclusively whether or to what extent the quantity, duration or types of silica emissions in the state may be a public health concern.”* On November 11, 2011 a group of citizens submitted a petition to the DNR for the promulgation of rules to govern respirable crystalline silica. That petition was denied on January 30, 2012. Deputy Secretary Matt Moroney concluded that: *“Because silica emissions are a component of particulate matter emissions, existing regulations that govern fine particulate matter can be used to control these emissions.”* The WDNR Bureau of Air Management permits and monitors emissions of nonmetallic mining and processing operations. Their jurisdiction ranges from extraction to shipment. The Bureau of Air Management has indicated that the applicant has begun the permitting process for the proposed plant. 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. The crusher, which is a noise generator, will be enclosed to limit its exposure. The vacuum pumps in the wet process will be housed in separate buildings to reduce exposure. 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 Trac-mobile which will reduce the noise from moving the rail cars. A Traffic Impact Analysis (TIA) was completed for the

facility to determine if improvements were needed at the Hwy 35/830th St intersection. The analysis was reviewed by WisDOT and it was concluded that the 330 foot right turn lane and the 150 foot long bypass lane on Hwy 35 are adequate to store/handle the increased level of trucking at the intersection with 830th St. It was also recommended that individual trucks be spaced a minimum of 2 minutes apart. The Traffic Impact Analysis stated that the peak traffic would be 16 trucks entering and exiting per hour. Adjacent land uses are nonmetallic mining to the east and west, residential to the north across Hwy 35 and agriculture to the south. Higher density residential, a Rural Residential 20 District (allows 20 residences per 40 acres), is located near the proposed site approximately one-half mile to the south. Staff has received concerns from nearby residents about the proposed facility.

The Town of Trenton recommended approval of this request on May 9, 2012 without reference to the Town's 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 Wisconsin Mississippi River Parkway Commission (WIMRPC) recently passed a Resolution relating to frac sand mining and processing within the Great River Road National Scenic Byway Corridor. A copy of the letter and resolution is enclosed for your information.

Staff Recommendation: Staff recommends the Land Management Committee consider whether the proposed use at the proposed location would be contrary to the public interest or would be detrimental or injurious to public health, public safety or the character of the surrounding area. If determined to be not contrary to the above, staff recommends that the LMC approve the conditional use permit with the conditions listed below as well as any additional conditions deemed necessary to address concerns raised by the Town of Trenton or area residents:

1. Activities shall be conducted consistent with the submitted plan.
2. 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. Copies of permits and approvals shall be provided to the Land Management Office.
3. Applicant shall obtain all necessary permits for any future structures or signs not presented in this plan from the Zoning Office.
4. Applicant shall obtain a sanitary permit prior to the construction of any structures.
5. Applicant agrees that any erosion or storm water issues that arise shall be addressed to the satisfaction of the County.
6. WISC 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 from such studies.
7. Any polyacrylamide flocculants must be used consistent with WI DNR permits.
8. The Fugitive Dust Plan shall be modified to include dust suppression methods for any stockpiled materials, at sand transfer points, and during instances exceptional events such as high winds.
9. The operator shall provide notice to the County of any orders to cease and desist from MSHA.
10. This permit shall expire in two years and may be renewed administratively if no compliance issues arise.
11. The Town of Trenton's recommendations/comments shall be adhered to.

Additionally, if this request for a conditional use permit is granted, staff further recommends that an exemption to the 35 foot height requirement be granted for the proposed Truck Dump, Truck Load, and Scalper structures.

Chairperson Fetzer opened the hearing to the public. Ann Marie Rose, Hager City, most of the questions are for the board. She stated she will see the processing plant from her house in the winter. Twelve years ago they purchased their home and were told that it was Industrial land close to them and it

was a sand pit with not much activity. She questioned why there haven't been public meetings regarding this issue. A realtor from Red Wing stated that homes go down approximately 45% in value near sand mines. She has heard that zoning allows this. WISC is owned by an Ohio Company, she asked how many employees will be hired from Pierce County and what contractor is going to build this facility. She wants to know if they will be from Pierce County. She talked to a relative that stated frac sand mining may end any day. If WISC starts building and they are halfway through this process and the sand becomes worthless, she wants to know how this is going to be taken care of and cleaned up. David Husom, Ann Marie's husband, grew up near a sandpit; Southdale. Those are all nice beautiful homes and shops now. The Red Wing Airport may force the plant to close if the airport expands. Tourism is a major issue for the area. He would call this a job killer. They are not going to come down if there is a truck every four minutes. Someone is investigating the traffic that turns from Prescott and the traffic that will enter near their area. He contacted Fairmont Minerals and was put in touch with their HAZMAT person. He received a material safety data sheet with information about Silicosis and stated that they are working 40 hours a week around this stuff and residents will be living with it 168 hours a week. Sand is hazardous and the DNR is overlooking this. His other concern is other County's looking at this same issue. Pepin County is looking at a moratorium and Goodhue is currently talking to its attorneys. His recommendation would be to table this tonight and do a public hearing. Doug Van Heerde, lives on County Rd K, wanted to know if he could see the photos submitted. With the facility operating 24/7 and trucks going by, how does that not affect the quality of life? He suggests also that this be tabled and more studies done. Sarah Palodichuk, has questions for Rich, she want to know who defines excessive fugitive dust, where the standard comes from, because there will be sand spills. There is no good data on sand mines of this size, as far as ambient air is concerned, she feels you have to respect both sides of what inconclusive means. How long does WISC intend to use the processing plant? If there is 20 years of sand, does that mean the processing plant goes out in 20 years. She would like to know what the difference is between open-pit mines versus underground mines. She also asked about reclamation and if underground mining requires reclamation. If you have the waste material being put back into the mine, how often is the process of reclaiming the underground tunnels? That economic development in one part of the County will benefit the whole County; you have to look at a parallel, that putting 384 trucks on the highway is also going to affect the whole County. 384 trucks is the number of trucks with 16 per hour at the peak. The committee has a choice and she feels public health, public safety and the character of the surrounding area, you can justify saying no to this issue. You have water issues, silica sand issues and public safety, a big stretch of road that is filled with motorcycles and tourists, you add trucks and there are going to be problems. Ken Regelman, representing his cousin that has property on County Rd K and Hwy 35, she lives in Japan and she feels she hasn't received any information on this issue other than the letter regarding this meeting. Mr. Budinger stated as far as property values, they conducted a study done by two licensed appraisers that looked at a corridor that identified similar properties that did have mining operations and an area that didn't. One appraiser found there were no negative impacts due to Industrial Use and Sand Processing. They had another appraiser verify the work of the first appraiser. As far as employees, they do not hire specific individuals from a specific area, if you are qualified, you may be able to get a job. He hires the most qualified person. They do not know who will be the contractors for this job if they receive the conditional use permit. They won't know until they go through the bidding process. As far as frac sand being worthless in the future; yes there is always the opportunity for a new and improved product to come out on the market. If there is an alternative to frac sand, Fairmont Minerals will also be marketing and producing that product as well. They have been in this business for decades. They are very experienced. They are one of, if not the largest industrial sand producer in the United States. There is a reason they are successful. If frac sand was going to be worthless, they would not be pursuing the investment opportunities. Mr. Budinger has not heard anything about the airport expansion and how it would affect their operation. As far as the deserted plant, how many years will they be operating, they look into a 30 year business model, including reserves. They are constantly trying to keep a 30 year life on reserves to support any further capital investment on the processing facility as well. It's a standard they are held up to in the longevity of their plants and investments. The traffic issues along Hwy 35 or Hwy 63, he isn't

aware of any issues with the DOT. He is aware of a stretch of highway recently replaced by Mathy Construction or Monarch Paving between Prescott and north of Oak Grove. The Material Safety Data Sheet (MSDS) for silica, they are required to have them. The MSDS sheet on silica, which is the product they produce, has many details on the origin, the hazards, if flammable, etc. Certain criteria on a MSDS sheet that is standard. So the MSDS for crystalline silica does list inhalation hazard for silicosis, it's a hazard of silica. We've been through several stages of occupational health safety training and awareness. Also programs designed to eliminate silicosis in the work place. Silicosis is in several other industries, not limited to industrial sand mines and processing facilities. It is an occupational hazard monitored by several regulations by Department of Labor which is divided into two categories, Mining (MSHA) and Industrial (OSHA). MSHA comes through on a consistent basis to test our employees like we test the employees on a more frequent basis. If there is ever an area that appears to be above regulated exposure levels we would be required to wear respirators. We do not have any of those areas identified where we have to wear respirators. When we stand up in front of our community, whether it be a public hearing or information meeting; we hold ourselves in a very professional manner. We take a tremendous amount of pride in our ethics and integrity. As we are stockpiling material, if wind is blowing across the pile or any spillage, loadout of a railcar, that is all fugitive dust. We have prevention methods. The responsible person on site is the Plant Manager. When checking the weather and knowing it's going to be windy, the stockpiles are going to be watered. Mr. Krumenacher stated that excessive in a fugitive dust plan is anything that is visible and what Rich tried to explain is that the Plant Manager, on a daily basis, determines that and will implement the fugitive dust plan by watering the stockpiles and keeping the roads wet. Ms Palodichuk stated there is no standard. Mr. Krumenacher stated the biggest aspect of this permitting process is the air permit. There is nothing regulated more tightly. The air permit regulates dust and air emissions. The emissions are about silica dust and burning natural gas to dry the sand. It's all about the silica dust and a little about diesel exhaust from the trucks. Ms Palodichuk asked if the air permits specifically regulates silica dust. Mr. Krumenacher stated yes, when the State did their study on silica dust exposure, they concluded they cannot specifically regulate silica dust; they regulate dust. What the processing facility is going to process is mine silica sand so the theory is the dust can come from processing the silica sand. So if you can control the dust, you are controlling the potential exposure to silica dust. The air permit specifically addresses particulate matter which is in the dust and the dust is crystalline silica dust. Mr. Van Heerde, isn't the dust what the neighbors are complaining about in Maiden Rock? Isn't that a bad thing? Debra McClure, are you going to be controlling the trucks going in and out and how much dust? Mr. Budinger stated we have a vendor communication relationship. We have an inspection process on site, the truck loader is typically also the lab tech, has a list of what they have to inspect, tarps, excessive sand buildup due to any spillage. There is training process each truck driver has to go through, no jake braking, tarps are in working condition, no littering, no speeding, community related concerns and also if there are any issues it's recorded immediately so the client can address it immediately. Fairmont Minerals is a member of two organizations: Industrial Minerals Association (IMA) and National Industrial Sand Association (NISA). There is a code of conduct that the members have to adhere to. Other issues are also covered from water use and storm water. NISA covers Silicosis and occupational therapy. As long as we can compete in the market place and operate safely, continue to get permits, we will be back every two years. We'll be here for infinity. We see a very strong future in the oil and gas industries, frac sand, there are different types of profit media from ceramics to silica coated products and we are involved in all those markets. Mr. Budinger also talked about another large mine; Wedron that has been in operation since the early 20's, is thousands of acres and continues to acquire property. Mr. Budinger explained reclamation of the sand waste and its uses, animal bedding, clay tilling into agricultural fields for retention of water, storm water, land fill capping, engineered fill, it could be used by the neighboring Highway Dept for sand and gravel operation or by Holst excavating, or hauled back to the mine to fill in the tunnels. As the materials accumulate at the plant it will be removed immediately. He reiterated all the economic benefits back into the community. Mr. Krumenacher discussed tourism and stated that a study had been done two years ago. The population of Maiden Rock is currently 150 and at one time it was 300. There are ten businesses that were considered tourism

businesses and five of those have come into the Village since 2006, at timeframe in which the mine was in operation. The design study of capacity for Highway 35 is eight to ten thousand vehicles per day. The current capacity is 1500 to 3400 per day for the trucks. Mr Van Heerde asked about the Flood Runs. Mr. Budinger stated they do not operate the trucks during the Flood Runs, one in the spring, one in the fall, they shut down in the afternoon for the 100 mile garage sale, they do not run trucks south of Maiden Rock during Stockholm Art Fair and there are several Saturdays and specific events they don't switch railcars out during Summerfest because of the safety issues. They have not been asked to by the Townships or the County, they understand that is a safety issue. Debra McClure asked about the DOT study, the 8 – 10 thousand vehicles per day, is that based on pure numbers. Or is it based on axels, for example stating that a garbage truck is the same wear and tear on a road as 1000 cars, impact is much higher than actual volume. Mr. Krumenacher stated the capacity study isn't a weight study. Mike Miller, Trenton Township, asked when you make your decision about this conditional use permit, have you seen the air quality permits? Pichotta stated that an applicant doesn't typically secure all necessary permits before seeking a conditional use permit to establish the use. Mr. Miller stated let's assume you vote in favor of this and you get a bad air quality permit back with heavy concerns, that can't affect your decision because you have already approved the permit. Pichotta stated the conditional use permit will require them to come back every two years for renewal and if there is an issue that comes up sooner or later, we have the ability to have them come back in at any point if it was determined that the conditions associated with the permit are not adequate to protect public health and safety. Mr. Miller asked if the public gets involved at that point or not. Pichotta stated all LMC meetings are open to the public. It would not however require a new public hearing. Dick Bunce, Town of Trenton Chairperson, stated they issued their comments on what they wanted to see. They have a separate operation currently in the Town. He did a survey of the residents around there and no one had a complaint. He went to the plant unannounced. He didn't have to wear ear or eye protection. They were dumping trucks and sprinkling water on sand. They were running a big vacuum. He was told it's a vacuum that runs on anything the sand is moving on; a conveyor or a loader or in a railcar that takes the extra dust and puts it into a big tank at which point they take it out of there and put it back in the mine. He asked if it controls the dust. They told him everything that moves on a conveyor or a track is controlled by the vacuum. The outside sand at the Hager Plant, a small pile, is just there for emergency if they have problems with a truck or something. He asked the other board members to drive by and take a look. They haven't had any complaints at their meetings and the mine has been there for five years. He stated they are asking to put an industrial project on an industrial site if the State and the DNR blesses it. He has no objection. Sanden asked about the proximity of Industrial Zone and Residential area. How long has this area been zoned as Industrial? Pichotta stated the Town of Trenton didn't come into County Zoning until mid or late 1980's. It's his understanding that this area was primarily zoned Ag Residential prior to 1998. In 1998 when the County did its comprehensive land management plan each Town was given the opportunity to establish zoning districts and this was the zoning scheme that the Town Board asked for at that point. Sanden stated because it was comprehensive, the Industrial and Residential were zoned at the same time. Ross stated that if something comes up that is a major issue, he is going to want to see it and will want to take a look at what the problems are. We represent the folks that live and work in these areas. He lives and works in these areas. As far as the comment about LMC members pushing things through, he sits on nine committees for this County. He doesn't make a single decision without understanding and thinking about it. Sometimes he sits on 20 meetings a month. Rarely does he see this kind of turnout so he's not sure how that opinion was formed. Sanden asked if there is any precedent in a facility like this for hours of operation. Pichotta stated that is one of the factors as to why it is considered to be a heavy industrial use. The purpose of the district is to accommodate heavy volumes of traffic, heavy noise and factors that would be a nuisance in other districts. Something operating 24/7 is more industrial in nature than other uses. The other facility operates in the same timeframe and it's in the Industrial District. Each conditional use permit application is judged on its own merits. If you were to allow 24/7, an Industrial District would be the appropriate place to allow that. Sanden stated it is Industrial District but on the other side of Hwy 35 it is Rural Residential District. Pichotta suggested that raises the importance of site plan review where you attempt to address screening

issues and also this conditional use permit process is intended to identify conditions necessary to mitigate negative impacts on adjoining properties. Sanden asked about road repair if there is excessive damage to Hwy 35. Would that be something we would do or the DOT would visit. Pichotta stated State Highways are intended for a higher level of use than other roads. That would be something the DOT would address. The Town has the jurisdiction of maintenance of Town roads and the County on County roads, the State on State roads. His sense is that if the DOT didn't feel this road was adequate to handle the volume and magnitude, we would have been so informed by the DOT. Sanden asked Mr. Budinger about considering setting up an information board, points of contacts for the citizens to deal with a person on a daily basis or having monthly meetings. Mr. Budinger stated the way they have handled communications at the Maiden Rock operation as well as in Menomonie; they recently added informational mailings, newsletters, etc, relisting their contact information, availability with the open-door policy. As construction begins at any of their operations, they would begin communicating at that level, a more frequent level for the first year. Then as they would evolve with a Citizen Advisory Committee; that would either go to monthly, quarterly, or semi-annually. Right now at Maiden Rock we hold monthly CAC meetings; at Menomonie they hold quarterly meetings. Sanden stated the committees seem to make really good sense before they get to us. Mr. Bunce, Town of Trenton Chairman, stated they have Ralston Purina who operates 24/7 and Thomas & Betts work 24/7 when they have the work. They had some problems when Thomas & Betts when they had their expansion and the committee saw fit to go by our recommendation to add a berm and the local residents have been happy with that as far as mitigation for noise. With every industrial development that they have in Trenton, there are always issues. It's a decision you have to make if it falls into the parameters of what those other operations do, the jobs they generate, the impact they have on the public. We have other issues down there, they wouldn't be the only ones that operate 24/7. Sanden asked if we reiterate what the Town put as their conditions? Pichotta stated they are referenced in the recommended conditions. **Aubart moved to approve the conditional use permit for a Heavy Industrial Use (Sand Processing Facility) for Wisconsin Industrial Sand Co, agent for William F. Holst III, due to the fact that 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 - #11 and also grant an exception to the 35 foot height requirement for the proposed Truck Dump, Truck Load and Scalper structures/Ross seconded. All in favor. Passed.**

Discuss take action on a request for Site Plan Approval for a Heavy Industrial Use (Sand Processing Facility) in the Industrial District for Wisconsin Industrial Sand Company, agent 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. Chairperson Fetzer invited Rich Budinger forward: Mr. Budinger stated that, as was presented, the facility will have a rail siding; the berm in between the main line and siding, as well as details for storm water runoff, location of administrative buildings, restrooms, traffic pattern as trucks enter the property. There is adequate room for the trucks so they don't have to back up, they dump the load into the hopper and continue the forward motion through the property. We wanted to minimize back-up alarms; it will be a hissing instead of a beep. Sanden stated he is confused, it looks like the BOA allowed structures up to 60 feet and then there are some exceptions. Pichotta stated the BOA took action on several proposed structures that were taller than 60 feet. The Land Management Committee's jurisdiction is limited to allowing structures greater than 35 feet but not greater than 60 feet. A number of proposed structures required BOA approval whereas the Land Management Committee had the authority to authorize an exception to the 35 foot requirement – between 35 and 60 feet is LMC jurisdiction. Ross asked what is a Trac-mobile? Mr. Budinger stated Trac-mobile is a piece of machinery that has casters that drop down onto the rail and also retract the tires so they can move on the rail and across the yard as well. It's a way to shuttle railcars on site. They will have two Trac-mobiles on site, one will be a backup. The capacity is to move ten empty cars or less, move them through loadout and place them on the out bound track.

Staff Report – Brad Roy: We're here to look at the site plan for the approved facility. A lot of the information here is redundant. Site Plan Review is required for all Commercial and Industrial

developments. The purpose of the review is to assure site designs which promote compatibility between land uses, create safe and attractive site layouts and structures, provide proper access to streets and transportation, protect property values and contribute to efficient land use in Pierce County. Access to the site is off of a private driveway which connects to 830th St. All vehicles entering the site will use the same access point. The trucks will enter a drive-thru structure and unload the sand in a below grade pit. The trucks will make a continuous forward path and exit the site. The Traffic Impact Analysis stated that the peak traffic would be 16 trucks entering and exiting per hour. The proposed plan has 36 parking spaces with one space reserved for handicap parking.

- Pierce County Code §240-54 requires one space per employee during the peak shift as well as 2 spaces for manufacturing/ trade contractor establishments.
- The applicant anticipates 30 total employees at the site working various shifts.

Restrooms are proposed to be located in the Crew and Administration Buildings. The plan proposes one wastewater disposal system site to serve the two buildings. A lighting plan for the site was developed (Drawing 4) and was included in the CUP application. The lighting is intended to stay onsite in the working areas. MSHA regulates lighting and may potentially require modifications to the plan. The proposed plan includes the construction of six rail sidings to the BNSF Railroad. The sidings will be used for storage and in the loading process. The applicant is proposing to construct a berm between the proposed rail sidings and the BNSF rail line. Trees are also proposed atop the berm, but the plan does not detail the type, number or height of the trees. One condition put on the BOA Variance, when they looked at screening of these tall structures was that White Pines be planted on top; no number or height. They appear to have left that to your discretion. Outside storage will include temporary stockpiles of raw sand, washed sand and tailing from dewatering operations; steel and equipment intended for use in the proposed plant, backup processing equipment; and redundant or scrap equipment. None of the outside storage areas, except the raw sand storage, have been depicted in the plan. Other than the proposed trees on top of the berm adjacent to the rail no other vegetative screening has been proposed in particular along the southern edge of the site. High density residential is one-half mile to the south. The applicant has indicated that much of much of the disturbed area will be vegetated. There was a submittal they made to our office that indicated the seeded areas. No advertising signs have been proposed at this time. The Town of Trenton recommended approval of the CUP request on May 9, 2012 with the following recommendations which are also relevant to Site Plan Review:

- 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.

Staff Recommendation: Staff recommends the Land Management Committee review the proposed site plan and determine if any changes or modifications to the plan are necessary.

Aubart asked about the height of the berm. Mr. Budinger stated the berm in its existing height is probably 10 – 12 feet above Highway 35. The property on the plant side of the berm is 5 feet lower. As far as any enhancement or extension to the berm, we don't have any plans to raise it any higher than it is. The way the rail lays in, the berm is at the point where the tracks pinch off and return back to the main line. There may be some room for extension and they will do that. They want to maximize storage behind the berm. The number and type of trees; they will use white pine and will fill in empty space. They haven't identified a number of trees. Sanden asked what they plan to do on the south side as far as screening. Mr. Budinger stated on the south side there is some natural screening, a pine grove and cottonwoods. They don't have any plans to add trees now, any opportunities in open space after the construction, they would want to plant trees. There are some tree identifications on the site plan, page one. Sanden stated there is natural vegetation on the southeast but what about on the southwest? Mr. Budinger stated they designed that to be green areas for grass. Storm water ponds will be on both sides of the driveway there. There is a potential to plant trees along there. Pichotta stated that in the future if screening is thought to be

inadequate, we have, in other cases, asked for berm heights to be higher or required additional screening. You could address such issues at renewal or call for a status report. **Sanden moved to approve the proposed site plan for a Heavy Industrial Use (Sand Processing Facility) for Wisconsin Industrial Sand Co, agent for William F. Holst III, with condition #1 added, White Pines and other trees adequate to screen buildings shall be planted on berm along Highway 35/Aubart seconded. All in favor. Passed.**

Discuss take action on status report and potential modification of a conditional use permit for Nonmetallic Mining in the General Rural District by 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 of the SE ¼ of Section 16, all in T27N, R15W, Town of Spring Lake, Pierce County, WI. Chairperson Fetzer invited Jim Small forward: Mr. Small stated Pete Krautkramer will be speaking. Mr. Krautkramer, Manager of the Spring Valley Quarry, explained he is here to ask for longer hours; 6am – 6pm, Monday through Friday and 8am to noon on Saturday. They have come up with a fugitive dust plan and have purchased a weather station with which they don't have to rely on just the production people at the premise. The weather station gives them the wind, humidity, everything. They have it set so that when the wind gets up to 25 mph they will stop production. It's on computer and the lady at the scale monitors the computer and writes down the wind speed, temperature and everything else. We were asked to lower the sand pile and within a month it was lower. He hired a man and his main job is to water the road, piles and keep the dust down. The other item was to plant 12 foot trees on top of the berm. He gave the Town of Spring Lake Board Members a tour. Up on the berm, the wind was 9mph. When you are on top, the trees which are pretty much all along the highway, are 20 feet above the berm. He doesn't want to disturb the vegetation on the berm. There is an access road for the farmer that rents the south property. He goes along the berm, so he isn't inside their gated area. If they plant more trees, they will have to build the berm up. He spoke to a person about planting trees and he told him he would have to have a 10 foot area on top to drive on. He would have to close off the farm entrance to the lessee. The first question was when they are going to get the screening/lime production down in the hole, which creates the most dust. He told the committee it would be spring of 2014 and they are on track for that but he needs a little more land. They have 30 acres of unreclaimed land now. They are asking to increase that 10 more acres to give them a little more room. He had Mike, Gary and Richard there during washing and producing lime; peak production with the crusher running. They stood on the berm. You couldn't hear any crushers. He could hear the screening a little bit. Sanden asked if upping the acreage from 30 to 40 acres would give you the room to be able to bring the floor elevation down quicker. Mr. Krautkramer hopes to bring the floor elevation in half of the quarry, south half, down next spring. He is going to be putting the lime production screening plant on the north half of the quarry which they are down 30 – 40 feet right now. Sanden asked if the 10 acres would be visible from the road. Mr. Small stated that area would be on the south side and the aesthetics wouldn't change at all.

Staff Report – Brad Roy: County Materials received 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. The operation plan states that excavation would create a floor elevation of 1050 feet above sea level, where all activity would be conducted. The average current floor elevation is 1100' and the processing area has an approximate elevation of 1160'. Modified and new conditions to mitigate the impacts to neighboring landowners created by operation activity above the extraction area were added at the April 4, 2012 permit renewal:

- Hours of operation shall be 7am to 5pm Monday through Friday. Operation shall be closed on holidays. (*Previous condition: Hours of operation shall be 6am to 6pm Monday through Friday, 8am to noon on Saturday. Operation shall be closed on Sundays and holidays.*)
- Stockpiles shall be a minimum of 10 feet below the height of the berm at all times.

- 12 foot spruce trees shall be planted and maintained in a manner to create a continuous barrier atop the berms.
- A Fugitive Dust Plan shall be developed. The plan shall be presented to the Town of Spring Lake for comment and presented to the LMC for review and approval within 6 months.
- Applicant is allowed to water anytime necessary to mitigate off-site dust impact.

The LMC requested a status report in 3 months to see if the added conditions have improved the situation for the neighbors and to review the Fugitive Dust Plan, if completed. When crushing equipment is placed onsite it is located within the quarry, below grade. The wash plant and other operational structures are located above the quarry. This makes the operation more noticeable visually and audibly. County Materials intentions are to place the structures within the quarry, as space allows, limiting the impacts to the surrounding areas. There are 30 unreclaimed acres on the site. This is the maximum allowed by the CUP. Stockpiles have been lowered below the berm. Trees have not been planted atop the berm at this time. A Fugitive Dust Plan was developed for the site and presented to the Spring Lake Town Board in May and is included for your review. Plan objectives are:

- Procedures that CMC personnel will follow to control fugitive dust emissions
 - Environmental conditions requiring corrective actions
 - Steps that will be followed to bring emissions within appropriate ranges
 - Steps that CMC will take to demonstrate that corrective procedures are followed and to verify that the quarry is controlling avoidable fugitive dust emissions
- Unpaved roads will have watering and other dust suppressant materials applied as the primary control.
 - Paved roads will be washed and swept as needed.
 - Stockpiles will be watered and have the drop distance minimized
 - Material Transfer Points will minimize drop distances and suspend crushing and screening operation in high winds.
 - Record keeping and employee training are also important parts of the plan.

The existing conditions of the permit are listed in the staff report #1 - #29.

Staff Recommendation: Staff recommends the Land Management Committee approve the presented Fugitive Dust Plan, if appropriate, and 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 modify this conditional use permit for a nonmetallic mining operation with the following conditions (potential modifications in **bold**): A change to #25, if you want the applicant to come back in 3 months or at a later time and #28 to now state “The approved Fugitive Dust Plan shall be implemented as approved.

1. Applicant shall follow all recommendations and receive all necessary permits from all relevant departments and agencies.
2. Hours of operation shall be 7am to 5pm Monday through Friday. 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 pond design shall be completed by a State certified engineer. The pond design shall be reviewed and approved by the Pierce County Land Conservation Department.
5. Erosion control shall be installed prior to any mining. All erosion control measures shall be submitted to the Zoning Office for review and approval prior to any mining.
6. Road access shall be permitted by WI DOT and a Uniform Address Number shall be obtained from the Zoning Office.
7. Reclamation shall be completed consistent with submitted plans.
8. Mine operation and design shall be consistent with the approved plans. Zoning Office shall be notified of any deviation from the plans.
9. Zoning Office shall be notified if ground water is encountered.
10. All structures and signage shall be permitted by the Zoning Office.
11. An elevation benchmark shall be established.

12. The reclamation financial assurance information shall be reviewed and approved by Corporation Counsel before mining commences.
13. Applicant shall comply with NR 135 Annual Reclamation Permits.
14. Property owners located within 1000 feet shall be given reasonable notice of all planned blasting. This request shall be waived for landowners who request not to be given notice.
15. Well tests for nitrates, suspended solids, and dissolved solids shall be conducted for all existing wells within 1000 feet of the proposed mining operation to establish a baseline, and for all other properties as agreed upon by County Materials (Jones, etc.). This shall be completed prior to blasting. Wells shall be tested annually thereafter. All results shall be provided to the Zoning Office.
16. A copy of the Storm Water Pollution Prevention Plan and Spill Prevention Control and Countermeasures shall be submitted to the Zoning Office.
17. The recycling of concrete products shall be allowed.
18. This CUP shall be reviewed for renewal in one year.
19. County Materials Corporation shall conduct operations on the site consistent with the standards specified in the letter from CMC to Pierce County dated 3/13/07.
20. All loaded trucks shall be covered (tarped) prior to leaving the site.
21. The quarry shall have no more than 30 unreclaimed acres at any given time. The storm water pond and processing area are to be included in the unreclaimed acres.
22. Applicant shall conduct decibel readings during mining operations at; the property line, 1320 ft from the property line, and at 1½ miles from property boundary, and shall submit results to the Land Management Department. Such readings shall be taken three times annually, and at locations agreeable to Land Management Department staff and County Materials. An initial reading shall be made prior to operations to establish a baseline.
23. A four-strand barb-wire fence shall be placed around the active mining operation along with appropriate signage.
24. A lockbox with access key shall be made accessible to emergency personnel.
- 25. Applicant shall provide a status report to the LMC in 3 months.**
26. Stockpiles shall be a minimum of 10 feet below the height of the berm at all times.
27. 12 foot spruce trees shall be planted and maintained in a manner to create a continuous barrier atop the berms.
- 28. The Fugitive Dust Plan shall be implemented as approved.**
29. Applicant is allowed to water anytime necessary to mitigate off-site dust impact

Mike Jacobson, Spring Lake Town Supervisor #2, the Land Management Committee has been very active on this site. When Pete came, he begged for a chance and he has done a good job for them. Pete has been accessible. He brought the entire board up there for a visit. Our concerns are as follows: site visibility, the berms went down, a dust plan, it's no longer subjective, if the wind is at 25mph they stop production and start watering. They always have someone watering, they paved past the scale and that keeps Hwy 128 cleaner. The other issue was noise, when we were there, everything was running. You can hear it but it probably isn't over or above any mandated level. Squeezing them on the hours sent a strong message. He believes they deserve the 6am to 6pm because they are trying to make a living and they aren't running it in the winter. They are donating materials at cost or below cost; breaker rock on washout, they needed some things in the Town Cemetery. He doesn't see a truck now that doesn't have its tarp down. They need to go deeper and once they are deeper some of those issues will go away. Opening up another 10 acres, they would put it to good use; it's not a lot extra. Aubart asked Mr. Jacobson about the issue of trees on the berm. Mr. Jacobson stated he loves trees but they were up there and if they have to put trees on the berm the service road goes away, so the farmer couldn't get to his fields and the snowmobile trail would probably go away. The trees are growing and it's full of vegetation. Ms. Jensen agreed that the trees probably wouldn't help. The dust plan has really helped with her allergies. Sanden asked Mike about the shortened hours, are you implying that you wouldn't like to see the 6am to 6pm hours reinstated. Mr. Jacobson stated the original hours were even longer and then it went to 6am to 6pm, then they were shortened up even more. The 6am to 6pm doesn't seem excessive. They need to run a business. If you go beyond that, he feels you will have more people back here. Mr. Krautkramer stated he does need that Saturday morning back, he needs hours. He stated they are really hurting with the 7am to 5pm. Evelyn Jensen, neighboring property owner across Hwy 128, stated that she isn't happy with the idea of the hours

going back. She presented a recording of the noise from inside her house. She complained about the constant noise. She presented pictures of the machinery right across from her house. She stated they do work in the winter time. She stated the dust is gone. She stated that they have been promised that the equipment is going down in the quarry and it hasn't happened yet. They have alleviated her health problems and she enjoys not being woken up in the morning. They have done a good job with the truck traffic. Sanden asked Ms. Jensen if we were to expand the hours to 12 hours, would she find it more acceptable to go from 6am to 6pm or 7am to 7pm. Ross asked what the Saturday hours are? Richard Johnson, Spring Lake Town Supervisor, there is a lot that has gone on in the last four/five years, everyone was upset that it was approved in the first place. Before he worked for Pierce County, he worked construction. If you don't get overtime, you can't make a living. That is a contractor that comes in to do the crushing; they come in three/four times a year. You can see the quarry from Highway 128 but there is a farmer's field and the driveway. He was up there for a tour. They stood by the scale and he didn't know they were crushing because it was down in the quarry. The screener and the washer were going and he has heard farm tractors with choppers that made more noise than that. He will back them on the hours: 6am to 6pm and four hours on Saturday. He lives in the same Section 16 to the northwest of the quarry and he doesn't even have the back-up alarms. Sanden asked Pete to address the noise issue. Mr. Krautkramer stated that he has stood on the berm and on the highway; he wants to have a good neighborhood. He made a note about the hissing back-up alarms and he will look into this. He has to please MSHA first with the safety of his people. **Ross moved to modify the existing conditional use permit for CMC-Spring Valley LLC (County Materials) with conditions #1 - #29 extending the hours of operation to 6am to 6pm, Monday through Friday, Saturday 8am to noon, changing #21 to 40 unreclaimed acres, leaving #25 to have a status report in three months, striking #27 and changing #28 to The Fugitive Dust Plan shall be implemented as approved/Aubart seconded. All in favor. Passed.**

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

Departmental Update and Future Agenda Items

Public hearing for a Nonmetallic Mining (Underground Operation) in Diamond Bluff

Site Plan Approval for the mining operation

Public hearing for expansion of Nonconforming structures in Rock Elm

Public hearing for Filling and Grading in Shoreland Area in El Paso

Extension of renewal of a conditional use permit for BS Construction/Schoeder Properties in Rock Elm; The renewal comes due in August and both parties are asking for it to be heard in September.

Motion to adjourn at 08:57pm by Ross/Aubart seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, July 18, 2012 – 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 1 st & 15 th , September 5 th & 19 th , October 3 rd & 17 th , all in 2012.	Chair
3	Approve minutes of the June 20, 2012 Land Management Committee meeting.	Chair
4	Public hearing to consider a request for a conditional use permit for a Heavy Industrial Use (Sand Processing Facility) in the Industrial District for Wisconsin Industrial Sand Company, agent 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
5	Discuss take action on a request for Site Plan Approval for a Heavy Industrial Use (Sand Processing Facility) in the Industrial District for Wisconsin Industrial Sand Company, agent 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
6	Discuss take action on status report and potential modification of a conditional use permit for Nonmetallic Mining in the General Rural District by 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.	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.

(7/6/12)

PIERCE COUNTY WISCONSIN

DEPARTMENT OF LAND MANAGEMENT & RECORDS

Pierce County Courthouse
414 W. Main Street P.O. BOX 647
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MINUTES - Pierce County Land Management Committee Meeting, June 20, 2012

Present: Jon Aubart, Joe Fetzer, Jeff Holst and Jim Ross

Others: Andy Pichotta, Jim Kleinhans, Brad Roy and Shari Hartung

Absent: Eric Sanden

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

Next meeting dates: July 18th, August 1st & 15th, all in 2012.

Approve Minutes: **Aubart moved to approve the June 6, 2012 LMC minutes/Ross seconded. All in favor. Passed with Holst not voting because of absence at the last meeting.**

Discuss take action on a screening plan for Stanley & Beverly Boles, owners on property (Value Implement) located in Lot 1, Certified Survey Map (CSM) V1, P219, in the SW ¼ of the SW ¼ of Section 15, T26N, R18W, Town of Trimble, Pierce County, WI.

Staff Report – Emily Lund: The screening plan for the Value Implement property is under review tonight. The property is located in Section 15, Town of Trimble and is zoned Commercial. The Land Management Committee reviewed and conditionally approved the site plan for expansion of Value Implement on 4-18-2012. Condition number 10 established that “A screening plan that is acceptable to neighbors shall be submitted to the Land Management Committee for review.” Staff wrote a letter to applicants to remind them of this condition on 5-3-2012. A screening proposal with signatures of 3 of the 4 adjacent residential property owners was sent to staff on 5-11-12. One neighbor would still like additional screening established. Staff inspected the site 6-14-2012 and found 30 Black Hills Spruce trees planted in a line that followed the northwest property line. The tree heights ranged from 9 to 12 feet tall and they were spaced 16 to 20 feet apart.

Staff Recommendation: Staff recommends the Land Management Committee review the established screening to determine whether or not it provides sufficient screening between the commercial expansion and the existing residences.

Phillip Blodgett, neighbor, stated that their biggest concern is the distance between the trees. Out of the first 21 trees, 10 are 10 feet and over. They would like to see 13 more trees put in between those. He doesn't see this as being much of a screening plan, it's more of a landscape plan. He talked to Buhl's nursery and they stated that the trees could have been planted 8 feet apart and staggered. They don't have a problem with the business itself. He doesn't want this to drop the value of his property. They aren't happy with what's there and would have appreciated being able to go over the plan first. Chairperson Fetzer stated that while he appreciates the Boles enthusiasm for getting it done but the committee understood that there was going to be a cooperative plan brought back to the LMC. Stan Boles stated he wouldn't want to plant them any different. They put them off of the highway so they wouldn't be affected when they plow snow. They talked to two people about planting and they both stated 16 feet apart. He thought if they waited until the next meeting, it would get too late to plant trees. They were budding out. They weren't going to put them through the middle. They put them around the edge of the road, 16 or 18 feet off, 16 feet apart. If they plant another row of trees, they're going to use up the lot. He stated they are

willing to plant trees on the Blodgett's property. Mr. Blodgett stated that Liz approached you about the issue and those trees could have been staggered. They want a screening plan, not a landscaping plan. Mr. Boles stated he has seen people put in 20 foot trees and two or three years later only a third of them are living. Mr. Blodgett stated that is why we supported the use of 10 to 12 footers. Mr. Boles stated they can't put trees high enough to block your view. Mr. Blodgett stated that we discussed that here and he understood that. Jay Boles stated he made an offer to plant trees on their property. Chairperson Fetzer stated we weren't looking for another meeting here. We were looking for some cooperation. He thought there would be a quick meeting with the neighbors, come up with a plan and if you couldn't come up with something then we would. Jay Monson, Value Implement, stated that the Boles have been very proactive whenever they have asked for something. Mr. Boles stated they spoke with the other neighbors. Lund stated that Keith Johnson, property owner to the east, was contacted and he has big trees present on the property already. Mr. Blodgett stated he has a lot right there. If he wanted to sell that lot he couldn't. Mr. Blodgett stated it was talked about at the meeting that it was going to be tight and keep people from driving back there. They would like 13 more trees planted that are 10 feet tall between those trees. Ross stated that we had talked about defining the area to isolate the property and he feels they have accomplished that part of it. It's defined, there is a line there. Aubart stated the condition read that a screening plan acceptable to the neighbors shall be submitted to the Land Management Committee for review. This is after-the-fact. We're stuck, we're not reviewing anything. Elizabeth Blodgett, neighbor, stated going back to the initial planting of the trees; she came home from work and stopped at Value Implement to see what was going on. Al Hines stated they were planting trees. This was the first time she met him and Stan Boles. She asked what they were planting the trees for. Mr. Hines stated for Stan Boles. There was only 6 or 7 trees planted. Ms Blodgett told him they are beautiful trees but this is supposed to be a screening plan and they are too far apart. I asked who I talk to. Mr. Boles told her, I'm not pulling these trees out and you can call whoever you want. She called someone at the Land Management Department and feels someone should have come out and done something. But he continued to plant and nobody stopped him. They are not doing what they are supposed to do. She doesn't want to have to worry about backing into somebody else's customer in her yard. Holst stated he thought that was another condition on there that a private road sign be put up. Lund stated there is a sign up. Holst stated the screening plan is just that - to screen it, not to make it invisible. We typically do ask that trees be staggered, as they will fill in faster. Since you already have them planted in a row, he suggests planting 10 more trees staggered at 10 feet back and ,once the other have filled in, cut them out. If Blodgett's don't want them in their yard, the burden lies upon the applicant. Aubart stated we have to have a resolution. Ross asked if there is ever any intent to bring equipment through the trees onto that road? Mr. Boles stated no, this is how Mr. Hines recommended to plant or when they grow up you won't have a nice looking tree. Two different tree guys said to put them 16 feet apart. In front of their house they are 16 feet apart, down on the side they are farther apart because of the septic thing and he didn't think they needed that many. He thought it was urgent to get them planted because they were budding out. Mr. Blodgett reiterated that Stan was supposed to present a screening plan - this is after-the-fact, now there is an issue. His recommendation is to plant trees in August. He feels Stan should give the County \$5,000 to \$6,000, the cost of the trees, when the trees are put in, in August, you get your money back. If he doesn't do it the County can plant the trees. Ross asked why a plan wasn't submitted. Mr. Boles stated he thought it was getting late to plant trees. What would you do to use the least amount of property so they wouldn't be damaged by the snow plow? We planted all the way to the end so you would have a pretty drive. We went off the highway 20 feet. If we plant another row we're going to use 36 feet of property. Aubart reiterated that there is no screening plan to approve. Lund noted that in the past, the LMC has taken it upon themselves to determine where the trees should be planted. Holst stated when the neighbors haven't been able to reach a civil agreement, then we have come forward to establish a plan.

Holst moved to require the planting of 10 additional trees to be located offset from the existing trees, starting at existing tree #12 off the highway, with trees located 10 feet from the line of existing trees, trees are to be Blackhill spruce that are 9-12 feet tall and shall be planted later in this growing season. In 5 years, applicant may come back before the Land Management Committee to

review the tree screening requirement and, if the front line of trees fills in enough to provide adequate screening, the 10 trees may be removed/Ross seconded. All in favor. Passed.

Discuss take action on review and approval of Department forms and applications including Conditional Use Permit and Rezone applications and Town Recommendation Form.

Staff Report – Andy Pichotta: Staff has been advised by the County’s Corporation Counsel Office to periodically bring the Department’s forms and applications to the LMC for review and approval. Said approval establishes the forms and applications consistency with the Pierce County Code.

Staff Recommendation: Staff recommends the Land Management Committee review the attached forms and applications to determine whether changes or clarifications are necessary. If no changes are needed, staff recommends the forms and applications be approved as written.

Pichotta reviewed the information required/requested on the Map Amendment (Rezone) application, fee, current zoning, requested zoning, legal description, proposed use and reason for rezone. Applicants will typically fill this out to the best of their ability and if they have questions relating to legal descriptions, etc, we’ll walk them through filling them in. All the forms/information is on our website. The Town Recommendation Form, this highlights the need for a Town recommendation and also has some of the language out of the Comprehensive Plan relating to the use of a Town’s Comprehensive Plan and recommendation. The Town Recommendation Form is used for a variety of things. Holst stated the forms are easy and simple to use from a Township point of view. Chairperson Fetzer asked how long we have been using the existing forms. Pichotta stated ever since he has been here. After the Comprehensive Plan they were tweaked to reflect the new language and the Town Recommendation Form. We had a Town Recommendation Form prior to the Comp Plan, back to 2001. These things have been discussed but the forms had not been reviewed by the committee.

Pichotta reviewed the information required/requested on the Conditional Use Permit application, much the same information, appeal rights also. He noted there is one more reading for the Agribusiness/Agritourism code language so the committee will probably see this again assuming we add those new uses. The next page is for proposed use, affidavit, this gives staff and the committee the ability to conduct a site visit to make, creating a plot plan using the County’s interactive GIS - for those who are computer savvy and the Town Recommendation Form. The process has seemed to work well. One of the things we struggle with is trying to get Town’s to understand the relationship between the Comprehensive Plan and conditional use permit issuance. Brad Roy and Andy went out to 12 or 13 Towns to discuss Farmland Preservation and as part of that they presented a discussion piece about conditional use permits and Comprehensive Plans. We are giving towns the ability to control and shape uses within their town without assuming the liability associated with administering their own ordinances, by simply utilizing their Comprehensive Plan. If you are comfortable with the forms I would encourage you to approve as written.

Aubart moved to approve the Department forms and applications including Conditional Use Permit, Rezone applications and Town Recommendation Form as submitted/Ross seconded. Ross stated that an issue had come up about broadband recently and someone said that there is a lot of things businesswise that happen and people don’t get their permits so it’s difficult to identify whether they need broadband or not. They apparently don’t want to go through the high expense of getting a permit. Is there any place where you are aware of, because the fee is so high, that businesses aren’t securing permits? Pichotta stated a conditional use permit is only necessary for a use that meets a certain magnitude. Our Home Occupation and Home Business permits are over the counter and are relatively inexpensive. I would suggest that our fee structure and the way we approach businesses is actually very supportive of entrepreneurial type things versus stifling them. We are much more open to new business endeavors. Our fee structure for these types of uses is actually much less than in many other places. **All in favor. Passed.**

Discuss take action on potential change to Land Management Committee (LMC) meeting time.

Staff Report – Andy Pichotta: The LMC has historically met at 7pm. A number of years ago the Committee considered moving meetings to an earlier time but ultimately decided that, in the interest of

ensuring that the public had an opportunity to attend, meetings would continue to be held at the usual time. Emily compiled a list of meeting times for zoning committees and boards of adjustment (or their equivalent) for other Counties in the region. That compilation is attached on the back of the staff report. As you can see, they vary widely; folks meet at 6:30pm or 7:30pm, 9:00am, 8:00am, 1:00pm - so they are all over the board. Historically we have sought to have meetings in the evening, the thought being that folks would be more able to attend things that they are concerned about. Would an applicant be able to get off during the day? Certainly they would. Folks are able to come get land use permits from us during the work day but a concern would be that if you weren't the one applying - would you be able to take a half day off of work because you are concerned about what your neighbor is doing? That was a large part of the reasoning that the committee considered when it opted to keep meetings in the evening. Pichotta noted that after some informal discussion with folks it does sound like there would be support for bumping the time up an hour or so. Pichotta suggested that since we have a substantial break between this meeting and the next, July 18th, if the committee opts to make a change, it would be reasonable to make a change for that meeting. Holst stated it doesn't matter to him, it's always much easier to do it later in the day but it's neither here nor there. Ross stated he is in the same boat as Jeff; 6:00pm would be nice so if it's a long meeting you aren't too terribly late. Aubart stated the earlier the better for him. He would prefer to move it up to 5:30pm or 6:00pm. Chairperson Fetzler stated 5:00pm was brought up and he feels that is a little too early, 5:30pm would be good, no matter where you are in the county, you can get to Ellsworth within a half hour, 5:30pm or 6:00pm would be good. Chairperson Fetzler stated last time, Eric said 5:00pm would be a little early but 5:30pm or 6:00pm would work.

Aubart moved to change the Land Management Committee meeting start time to 6:00pm on the 1st and 3rd Wednesday's of each month starting with the July 18, 2012 meeting/Ross seconded. All in favor. Passed with Holst opposing. Pichotta suggested that if, for some reason, we find the new start time isn't working we can always change it later.

Discuss take action on Travel/Training Requests. Lund stated she and Jim are planning to attend the West Central Zoning Association meeting at Whitehall on Thursday. Holst moved to approve/Ross seconded. All in favor. Passed.

Departmental Update and Future Agenda Items

Status report from County Materials

CUP for a processing plant in the Town of Trenton

We may have a subdivision review if it is approved by Land Conservation

Motion to adjourn at 07:56pm by Holst/Aubart seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

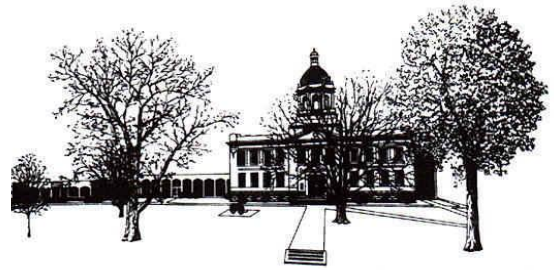
**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, June 20, 2012 – 7:00 p.m.
County Board Room, Pierce County Courthouse,
414 W. Main St. Ellsworth, WI 54011**

#	Action	Presenter
1	Call to order	Chair
2	Next meeting dates: July 18 th , August 1 st & 15 th , all in 2012.	Chair
3	Approve minutes of the June 6, 2012 Land Management Committee meeting.	Chair
4	Discuss take action on a screening plan for Stanley & Beverly Boles, owners on property (Value Implement) located in Lot 1, Certified Survey Map (CSM) V1, P219, in the SW ¼ of the SW ¼ of Section 15, T26N, R18W, Town of Trimbelle, Pierce County, WI.	Lund
5	Discuss take action on review and approval of Department forms and applications including Conditional Use Permit and Rezone applications and Town Recommendation Form.	Pichotta
6	Discuss take action on potential change to Land Management Committee (LMC) meeting time.	Pichotta
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.

(6/8/12)

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



MINUTES - Pierce County Land Management Committee Meeting, June 6, 2012

Present: Jon Aubart, Joe Fetzer, Eric Sanden and Jim Ross

Others: Andy Pichotta, Jim Kleinhans, Brad Roy and Shari Hartung

Absent: Jeff Holst

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

Next meeting dates: June 20th, July 18th, August 1st & 15th, all in 2012.

Approve Minutes: **Ross moved to approve the May 16, 2012 LMC minutes/Aubart seconded. All in favor. Passed with Sanden not voting because of absence at the last meeting.**

Public hearing to consider a request for a conditional use permit for expansion of a nonconforming structure in the Agriculture Residential District for Dixie Brown, owner, on property located in NE ¼ of the SE ¼ of Section 7, T24N, R16W, Town of Maiden Rock, Pierce County, WI. Chairperson Fetzer invited Ms. Brown forward: Ms. Brown explained she is requesting to get a conditional use permit to build a new home on her property that was owned by both her parents and her grandparents previously. When talking to Jim, she found out, because of the setbacks, she would have to build into the hillside so they are proposing to put it on the existing footprint and expand to the back, not toward Highway 35 or 452nd Street.

Staff Report – Jim Kleinhans: Ms. Brown has a residential property of 1.81 acres. It's located along Highway 35 and on a corner. In an intersection we look at setbacks from the road, setbacks from the town road and the vision clearance triangle. In this case, the right-of-way setback on Hwy 35 was pretty excessive. So we considering setback averaging and used the neighboring property owned by Mr. Glaus and that did not provide her enough relief to build what she wants to build. Her requested conditional use permit is for expansion of the existing structure. Maiden Rock Town Board approved this request on May 3, 2012 with the following comment: New house will sit on the old house footprint expanding but not towards Hwy 35 or town road. The well is located in the basement of the existing home. They proposed to move the foundation back to allow the well to be underneath the proposed deck and build the home on the existing location so they can connect to the existing septic system that was replaced in 1998. The existing building footprint is approximately 24 feet by 45 feet. The proposed footprint with a 2 car garage, screen porch and deck is roughly 60 feet by 57 feet. The property is subject to a scenic easement with the Department of Transportation where single family residences are allowed. Pierce County Code §240-76 (G) states that "all conditional use permits shall expire 12 months from the date of issuance where no action has commenced to establish the authorized use." They have been clearing the site in hopes of getting a permit from this committee.

Staff Recommendation: Staff recommends the Land Management Committee determine whether the expansion of a nonconforming structure at the proposed location would be contrary to the public interest, or 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 with the following conditions:

1. The applicants shall obtain a Pierce County Sanitary Permit for reconnecting to the existing septic system.
2. 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.
3. The home shall maintain a 10 foot setback from rear and side lot lines, 10 foot setback from the drainfield, 5 foot setback from the septic tank, 75 foot setback to 452nd Street and not exceed 35 feet in height above the grade elevation.
4. The applicant shall work with the local building inspector, Todd Dolan, to ensure compliance with the Uniform Dwelling Code (UDC) requirements.
5. The use shall be established within 12 months of CUP approval.
6. The deck shall be constructed to provide access for well maintenance.

Chairperson Fetzer opened the hearing to the public. Matthew Costello, owner north of Ms. Brown's property, stated he doesn't know what the elevation will be of the building and he doesn't want to be looking through Ms. Brown's home at the river. Kleinhans stated the elevation from Mr. Costello's house is 60 feet and Ms. Brown won't be building more than 35 feet high. **Public hearing closed.** Aubart asked why the setback is so far. Kleinhans stated on state highways it varies quite a bit and it could have been because of the old Hwy 35 and how it was routed. It may have gone a little bit farther to the north at one time. Ms. Brown meets the setback from the centerline of Hwy 35 but not from the right-of-way. Sanden asked if the original home was one-story or two. Ms. Brown stated it was one story with a garage and basement. It was a walkout. This will have a basement that will look like a walkout, one-story and then a loft.

Sanden moved to approve the conditional use permit for expansion of a nonconforming structure for Dixie Brown, owner, due to the fact this request 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/Ross seconded. All in favor. Passed.

Discuss take action on renewal of a conditional use permit for Wisconsin Industrial Sand on parcels owned by Wisconsin Specialty Sands Inc, Lloyd Anderson, Richard Anderson, Hugh Schilling Trust, Charles Brown, Dennis Potts and My Course in the General Rural District all located in Sections 2, 3, 4 and 10, T24N, R17W, Town of Isabelle, Pierce County, WI. Chairperson Fetzer invited Wisconsin Industrial Sand forward: Jeff Himes, Manager of the Hager/Bay Operation, Rich Budinger, Eric McLeod, Michele Maxson, Mark Krumenacher and Loren Merchin (?) were present. Mr. Himes presented information about the Hager/Bay operation which started in 2008. They have grown and now employ forty people, the majority from Pierce County and surrounding areas. Mr. Himes presented financial information about the company, their investments into the community and their volunteer service. He believes they have been meeting or exceeding the conditions in the permit. They have received two complaints since the last renewal; both have been addressed and resolved. They are requesting renewal of the CUP and they understand the staff report will be presented with recommended changes. They look forward to discussing the changes after the presentation.

Staff Report – Brad Roy: The mining operation began in 2006 and was expanded in 2008. In 2008 the hours of operation were also expanded to 24 hours a day. The applicant is not requesting expansion or modification. The entire mining process takes place underground; mining activities include underground blasting and washing and load out of sand products from the mine. The sand is trucked offsite to a processing facility in Hager City. The trucks enter and exit the site directly from STH 35. A street sweeper is kept onsite and is used as necessary to clean STH 35. Settling ponds are located in tunnels adjacent to the washing area. A pumping system will be installed to send clarified water back to the washing process. Water is supplied by two 1000 GPM fresh water wells. High capacity wells are permitted by the WDNR. The use of high capacity wells has caused concerns over groundwater elevations from the general public. Ground water elevation is mapped at approximately 720 to 740 feet mean sea level. The lower level of the sand is approximately 800 feet or about 60-80 feet above the groundwater table. The use of flocculants in the dewatering process has caused concerns from the general public

regarding the possible contamination of groundwater. These flocculants are also used in municipal drinking water systems. An agreement has been reached between the applicant and the WDNR about the use of adjacent WDNR property; mining does not occur on the WDNR property. Staff recently received a call from Dennis Potts, Town of Isabelle Chairperson, regarding the mine. He stated that he had no complaints about the operation and was satisfied with the state of 590th St. and that he wanted condition #17 removed from the permit.

- Staff suggests that this condition should remain in place until the Town of Isabelle submits their position in a formal document to the Zoning Office.

In the past staff had received numerous complaints regarding trucks not being tarped, but have not received any such complaints recently. Staff recently received a complaint from an adjacent landowner regarding the required blasting notification. The neighbor stated that no notification has been given prior to any blasting. Staff contacted WISC about this complaint and said that all neighbors had been notified of the blasting schedule and were given the option of having notices sent to them via phone, text or email before any blasting. The existing conditions are listed #1 - #21 in the staff report. Staff is proposing that the following conditions be added due to increased public concern about silica emissions and groundwater quality associated with industrial sand mining:

- A fugitive dust plan that utilizes industry standards and best management practices shall be developed and adhered to.
- The operator shall provide notice to the County of any notices of violation, citations or other enforcement actions taken by any other governmental body or regulatory agency against this mining operation.
- Any polyacrylamide flocculants used must meet the same use standards as flocculants used in Wisconsin municipal drinking water systems.
- WISC will 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 from such emissions.
- A groundwater response plan, including accurate determinations of the groundwater elevation and which details resources to be used to protect the quality of groundwater beneath and adjacent to the extraction operation, and a proposed response to encountering groundwater, shall be provided. Groundwater elevation shall be monitored annually and the results submitted to the Zoning Office.

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 surrounding area. If no additions or modifications are deemed necessary, staff recommends this CUP be renewed with the following conditions.

1. Applicant shall follow all recommendations and receive all necessary permits from WI DNR, Department of Commerce, Mine Safety and Health Administration and other agencies if required.
2. Applicant shall submit written verification from all real property owners granting access to the abandoned tunnels of which WSS will be accessing pursuant to this CUP.
3. Applicant shall submit verification of lease agreements before mining is conducted and before mining is conducted within the 100 foot setback to parcels of which WSS does not hold the mineral rights, subject to condition number 5.
4. Applicant shall comply with the conditions recommended by the Town of Isabelle. The Town of Isabelle recommended approval of this request on March 22, 2006, subject to the following conditions:
 1. A map of the facility and underground tunnels shall be posted conspicuously at the site.
 - a. This same map shall be provided to the Town Clerk of the Town of Isabelle and emergency officials.
 - b. This map shall be updated semi-annually.
 2. A site stability study shall be completed by a professional engineer qualified for such work.
 - a. The stability of the site shall be monitored by a qualified professional engineer annually.
 - b. A copy of the engineer's report shall be made available to the Town of Isabelle.
 3. The ground water shall be monitored by professionals qualified to perform such work.
 - a. Check all wells within 1,000 feet of company wells. This is the same as county requirements.
 - b. The ground water shall be monitored annually as well as any time the Town of Isabelle deems appropriate.

- c. A copy of this report shall be made available to the Town of Isabelle.
- 4. A reclamation plan shall be prepared-
 - a. In compliance with the requirements of the County of Pierce.
 - b. Including a performance bond to insure that reclamation work can be completed after operations cease or the operating entity ceases to exist.
- 5. Hours during which blasting operations can be performed will be unrestricted unless official complaints are registered with the Town of Isabelle-
 - a. Upon receipt of an official complaint to the Town of Isabelle, the Town of Isabelle will advise the operators of the facility of the hours of blasting restrictions.
 - b. Within 24 hours of notification, the operators of the facility shall not perform blasting between the hours of 9:00 PM to 5:00 AM.
- 6. Town of Isabelle does not control driveway permits onto a State of Wisconsin highway and therefore cannot approve or deny any such driveway. However, the Town of Isabelle is very concerned about trees on either side of the driveway blocking the view of the drivers on the driveway and the State Highway. The Town of Isabelle strongly recommends that sufficient trees be removed to promote safe vehicular traffic.
- 5. A 100-ft setback shall be maintained from all property lines for which Wisconsin Specialty Sand does not hold the mineral rights, except for any areas which were granted an exception to this requirement. An exception was granted on the west property boundary of the parcel subject to this CUP. Mining is permitted 57 feet from this boundary.
- 6. Applicant shall identify blasting frequency and all blasting shall be done by a certified state licensed blaster.
- 7. Real property owners located within 1000 feet of the parcel subject to this CUP (# 014-01008-0220, 014-01005-0100, 014-01005-1000, 014-01006-0100, 014-01006-0300, 014-01006-0400, 014-01006-0500, 014-01008-0100, 014-01008-0200, 014-01008-0210, 014-01008-300, 014-01008-400, 014-01006-0700, 014-01024-700, 014-01024-0800, 014-01024-0810, 014-01010-0700, 014-01010-0400, 014-01008-1000, 014-01008-0800, 014-01008-0600, 014-01009-0100, 014-01006-0900, 014-01006-1000, 014-01006-0800, 014-01007-0100, 014-01010-0810) shall be given 48 hours notice of any planned blasting. Blasting shall be restricted to six days a week.
- 8. Well tests for nitrates, suspended solids, and dissolved solids shall be conducted for all wells located within 1000 feet of the parcel subject to this CUP (# 014-01008-0220, 014-01005-0100, 014-01005-1000, 014-01006-0100, 014-01006-0300, 014-01006-0400, 014-01006-0500, 014-01008-0100, 014-01008-0200, 014-01008-0210, 014-01008-300, 014-01008-400, 014-01006-0700, 014-01024-700, 014-01024-0800, 014-01024-0810, 014-01010-0700, 014-01010-0400, 014-01008-1000, 014-01008-0800, 014-01008-0600, 014-01009-0100, 014-01006-0900, 014-01006-1000, 014-01006-0800, 014-01007-0100, 014-01010-0810).
- 9. Reclamation shall be according to submitted plans and shall be completed within one year of ceasing mining operations.
- 10. After the asphalt and road gravel is removed, following mine closure, the road bed shall be graded so storm water will run laterally off the old road bed and not longitudinally down the old profile grade of the road bed.
- 11. The financial assurance for reclamation shall be reviewed and approved by Corporation Counsel before mining commences and kept current.
- 12. Applicant agrees that any unforeseen erosion issues that arise during or after construction shall be addressed to the satisfaction of the county.
- 13. 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. If they are not required, applicants shall submit verification from those agencies stating that the plans are not required.
- 14. This CUP shall be renewed every two years.
- 15. An annual audit, detailing mining activities to date and demonstrating adherence to approved conditions shall be submitted to Pierce County Land Management Department by January 31st.
- 16. The applicant shall submit written verification from the Department of Natural Resources that a binding agreement between the DNR and WSS is in place to preserve the conservation values of the existing DNR State Natural Area and associated tunnels. Such agreement shall also address access.
- 17. 590th St. shall be restored to the satisfaction of the Town of Isabelle.
- 18. Verification of an agreement with the Wisconsin DOT shall be submitted before mining extends under Hwy. 35.

19. Outdoor storage of any equipment and/or mining materials shall only occur on the parcel with the mine entrance.
20. Mining shall not encroach within 200 feet of any existing residence.
21. All loaded trucks shall be tarped.
22. A fugitive dust plan that utilizes industry standards and best management practices shall be developed and adhered to.
23. The operator shall provide notice to the County of any notices of violation, citations or other enforcement actions taken by any other governmental body or regulatory agency against this mining operation.
24. Any polyacrylamide flocculants used must meet the same use standards as flocculants used in Wisconsin municipal drinking water systems.
25. WISC will be subject to control methods deemed adequate by the LM C for silica emissions if current or future studies suggest a significant public health threat exists from such emissions.
26. A groundwater response plan, including accurate determinations of the groundwater elevation and which details resources to be used to protect the quality of groundwater beneath and adjacent to the extraction operation and a proposed response to encountering groundwater, shall be provided. Groundwater elevation shall be monitored annually and the results submitted to the Zoning Office.

Sanden asked if they could overview the two complaints received. Mr. Himes stated the first one was received in 2010 about smoke coming out of the shaft after blasting. We tested the smoke and fumes coming out and they were well below any health issues. We went back to the person that made the complaint and he was OK with the results. The second was a neighbor saying she hadn't been notified of the blasting. We did a follow up and called her to see if she wanted to be notified. She said no as long as you blast when you say you are going to blast. Sanden asked Brad in reference to #3 and the water testing, has there been anything coming back to the County that has caused concern. Roy stated no. Aubart asked about the chemical in the drinking water supply, what is that? Mr. Krumenacher stated the polyacrylamide is added to the wash water. When they mine the sand, they wash it. The sandstone they mine is about 95 - 99% sand and they have to wash out the fines so they use water. They want to reuse that water so they can pump less out of the ground. When they wash the fines out of the sand, the fines are clay and silt size particulars. The water stays very muddy. In order to drop out the clay and settle out faster, they apply this water additive, polyacrylamide. What it does is creates an ionic electronic molecular bond with the fine particles and then they adhere together and drop out. Then the water is clear. Jeff Himes handed out a summary of frequently asked questions regarding the chemical, put together by Mark Krumenacher's organization. Mr. Himes stated they have a question concerning condition #23. They are willing to accept this condition. They are regulated by the Mine Safety and Health Administration (MSHA). They receive regular inspections four times a year. MSHA doesn't function like OSHA where they generally only come in if there is an issue. Every mine receives citations from MSHA. A minor violation could be for not having a lid on a garbage can containing food. Every mine operation safely and well managed, gets citations from MSHA. Over the course of the two year period, they could have 40 citations from MSHA. This is available on the internet for public information. Ross asked what's the drive behind condition #23? Roy stated that if there was something with the DNR, the County would be notified. If there was a major issue with one of the different agencies, we would never know about it. By putting this in, if there is a reoccurring problem out there we would at least be notified of it and bring that information to you. Ross asked if there has been a history of problems. Roy stated not that we're aware of. Mr. Budinger stated any of the inspections are public record; you can go to the website. MSHA doesn't or wouldn't contact the County, the other federal agencies; ATF and DNR is the other one. Aubart asked if there is a level or a way to flag different levels of citations. There are minor things. Mr. Himes stated that when MSHA is writing citations, they check off boxes. If they look at something that may cause injury and that the injury would result in loss of time, they refer to that as a significant and substantial (S&S) citation. That is a more serious citation than a non S&S. Mr. Budinger stated that those are just two classifications of citations, if there are serious violations or serious negligence at a mining facility they will put out an order. Since Bay City has been opened, we have not received an order to cease and desist. It's the opinion of the inspector. We work with the general office and get a better clarification of the actual citation. A good break point would be an order. Aubart said his concern would be like you stated, that you receive 40

citations that on its face sounds bad and that raises a certain amount of excitement unduly; if it was an order where you are ordered to fix something immediately. Sanden stated the way the condition is written, it is any notice from any governmental body. If we specify only orders to cease and desist from MSHA, will that be enough. Pichotta stated the intent was simply to ensure that we are in the loop as far as what is going on in the mine. Brad met with a number of the other counties dealing with mining and there was a desire to have some consistency in the types of conditions that were being required with the various counties or other municipalities. This is one of those that was discussed at that meeting. It's not in response to any specific problems, just trying to have the County aware if there are any issues that crop up. We need to know about things that are related to public health and safety. He stated he would have a comfort level in what you are talking about doing but the intent was just to make sure we are in the loop and know about the different uses occurring in the County. Sanden asked about a language such as "any orders to cease and desist from MSHA and any other significant citations". I know it is a gray area and it could be problematic. If we do make that request, do we go against your intent to standardize? Pichotta stated it does go a little bit against the intent but the reality is these are merely recommendations to the committee and it's ultimately your judgment and if you feel the threshold is adequate, it's your place to make that decision. Sanden asked in his professional opinion if he puts "any other significant violations or citations" is that too squishy a term to use. Does that get into problems legally? Pichotta stated that is the subjective part, what is significant and what isn't. Until we weren't told something that we thought was significant, I think it would be fine. Aubart stated the other thing is, what other agencies are we talking about and what are they calling a citation. Ross stated he personally would like to see condition #23 struck unless we can come to an absolute specific, if the information is available to us if we really need to get it. Sanden asked if the DNR does issue a citation, do they notify us. Pichotta stated typically. Mr. Krumenacher stated that they understand now where this may be coming from talking to other counties. The wording says that polyacrylamide flocculants must meet the same use standards as flocculants used in Wisconsin municipal drinking water systems. The National Sanitation Foundation has studied and approved 66 different solutions of polyacrylamide flocculants. The use at a drinking water system does not apply to use at a mine. What they are trying to do at the mine is reduce the solids content of the water after washing the sand. The water is muddy; it might be 5% solids. The water in a drinking water system, wherever they get the water from; if it's a lake, a river or groundwater, if it's turbid, then they run it through solid filters. Then if it's a little cloudy, they might use a polyacrylamide polymer. That water that they treat at that point is essentially clear water to you and I; but not to the discerning water treatment folks. At the mine they are trying to treat water that might contain 5% solids, at the drinking water plant they are trying to treat water that is a fraction of a percent of solids. So there is a big difference. The use standards aren't State specific; they are federally set and it's actually set by the USEPA (?). They are much lower standards. The DNR use permit allows a higher use standard than the drinking water standards. So the mine is already regulated by permit to use the polyacrylamides to a certain level, which is an order of magnitude higher than is allowed in drinking water. The permitted use by the State does result in a very low concentration of residual acrylamide. Remember they are using a polyacrylamide solution. There is residual acrylamide left. The permitted use the mine has from the DNR will result in a lower concentration of acrylamide in groundwater than allowed in drinking water at a drinking water system. So the standard that is already set by the DNR for the use in the mine meets the same end game as that used to protect drinking water supplies. But the use standards, how much can be used to treat the water is lower. Sanden asked if there is any terminology equivalent to discharge standard that leaves the site? How much can be in the water that leaves the site. Mr. Krumenacher stated their use is all underground, the rinse water goes into ponds so the tailings or settlement ponds is where you are going to find this residual water because they are reusing the water. Some of that water may seep into the ground and into the aquifer. Ross asked if we are concerned about this wash water ending up as municipal water. Pichotta stated this is one of those things that people are concerned about. If they got the explanation like you just had and understand that the end result is less than these polymers than occurs in drinking water. That was what this attempt was to build in an easy to understand standard for folks that look at the conditional use permit and look at the conditions associated with it. So they are able to understand that

there is less of these than actually they drink out of their house, more of a comfort level thing. Sanden suggested any polyacrylamide flocculants used must be used to meet EPA Standards. Mr. Krumenacher stated there is no standard use by the EPA how it is used by the mine. The Wisconsin DNR has actually issued a permit approval to use this stuff at a certain level. It might make more sense to rephrase this that the use must be consistent with the WIDNR approval. Eric McLeod stated that if there are any other conditions or concerns before you make a final decision, we appreciate notice and an opportunity to comment on any of those concerns to make sure we haven't missed anything.

Sanden moved to approve the renewal of the conditional use permit for nonmetallic mining for Wisconsin Industrial Sand, 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 - #26, amending #23 to read "The operator shall provide notice to the County of any orders to cease and desist from Mine Safety and Health Administration (MSHA)" and amending #24 to read "Any polyacrylamide flocculants must be used consistent with Wisconsin DNR permit requirements"/Ross seconded. All in favor. Passed.

Discuss take action on proposed Goals, Objectives & Policies for Farmland Preservation Plan.

Staff Report – Brad Roy: As part of the Working Lands Initiative, Pierce County is required to update its Farmland Preservation Plan by December 31, 2012. The planning process is a joint effort of Pierce County's Land Management and Land Conservation Departments and will be adopted as part of Pierce County's recently completed Comprehensive Plan. It is required to develop goals, policies and objectives regarding farmland preservation and agricultural development. The plan must be consistent with adopted comprehensive plans. The County will take the same approach with this plan as it did with the Comp Plan. The County will have broad goals, objectives and policies and allow for each town to develop more specific goals, objectives and policies within its comprehensive plan. Staff has developed draft goals, objectives and policies for review. They are consistent with the overall direction of the Comprehensive Plan and satisfy the requirements of the Working Lands Initiative. These will also be presented to the Land Conservation Committee.

Staff Recommendation: Staff recommends the Land Management Committee reviews the proposed goals, objectives and policies and determine if any modifications are necessary.

We just want to make sure we are going in the right direction.

Goal 1: Identify and preserve areas suitable for agriculture.

Objectives:

- A. Assist Towns in preserving productive farmland within their borders consistent with town policies and plans.
- B. Protect existing agricultural operations.
- C. Discourage the conversion of productive agricultural land to nonagricultural uses.
- D. Encourage development patterns that preserve farmland.
- E. Support land use practices that reduce potential conflicts between agriculture and other land uses.

Policies:

1. Support the creation of Agricultural Enterprise Areas when supported by impacted towns.
2. Support the creation of Farmland Preservation Zoning Districts which are consistent with town comprehensive plans.
3. Encourage greater use of the density transfer mechanism.
4. Investigate whether modifications to existing Cluster Development zoning provisions can promote greater agricultural preservation.

Goal 2: Maintain the operational efficiency and productivity of the county's agricultural areas for current and future generations.

Objectives:

- A. Encourage landowners to adopt modern crop production methods that reduce topsoil losses.
- B. Encourage land use practices that minimize environmental pollution.
- C. Improve and protect surface and groundwater quality.

Policies:

- 1. The county will promote conservation programs and best management practices to protect valuable natural resources.
- 2. The county will promote participation in conservation programs.

For this goal, a lot of this gets into what Land Conservation does, so when they put their input in we expect this to grow a lot.

Goal 3: Promote agriculture and agricultural enterprises so that farming remains economically viable.

Objectives:

- A. Maintain, support and enhance agriculture as a strong component of the county’s economy.
- B. Support and encourage agricultural enterprise.
- C. Encourage broad-based agricultural ventures.

Policies:

- 1. Support the establishment of Agricultural Business Operations in appropriate locations consistent with town comprehensive plans, when applicable.
- 2. Support appropriate infrastructure development such as rail, transit and roads which assist agricultural commerce.
- 3. Encourage agriculture friendly land uses (such as agritourism) at appropriate locations.

This is a draft so the next time you see this, it will probably be different. Sanden stated he thinks Brad did a really good job, his question is on Goal #2, the first part is maintain operational efficiency. Will there be more as far as operational efficiency such as placement of processing plants, encouraging them in certain locations? He isn’t seeing that reflected as much in the objectives and policies as much as maintaining of the productivity. Either operational efficiency is part of Goal 3 or there should be another objective or two under there. Roy stated that Goal came from Land Conservations Land and Water Management Plan Resource Guide. Sanden asked if he would forward that comment for them to look at it. Ross stated under Goal #1, Policies #3, Encourage greater use of the density transfer mechanism. What does that mean? Roy stated if someone has 120 acres which allows four lots per 40 acres. They can put all 12 lots (allowed density) and put into one small area and use remaining land to continue to farm. Pichotta stated it has to be contiguous land, can be across roads, across rivers, under the same ownership. Sanden stated it allows them to develop their rough land with the higher density and still get the same benefit. Pichotta stated we try to make folks aware of it because in some cases, it keeps folks from wanting to rezone. Chairperson Fetzer stated there is consensus. Pichotta stated it will be brought before the Land Conservation Department and Land Conservation Committee. You will see it again before we adopt it, we may schedule a joint meeting with Land Conservation so you aren’t tweaking something and then they are tweaking something and it keeps going back.

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

Departmental Update and Future Agenda Items

- Discuss take action on the screening plan for Value Implement/Stan Boles.
- Discuss take action on Department’s forms and applications including Conditional Use Permit and Rezone applications and Town Recommendation Form.
- Potential for having meetings earlier in the day.

Motion to adjourn at 07:55pm by Aubart/Ross seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, June 6, 2012 – 7:00 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: June 20 th , July 18 th , August 1 st & 15 th , all in 2012.	Chair
3	Approve minutes of the May 16, 2012 Land Management Committee meeting.	Chair
4	Public hearing to consider a request for a conditional use permit for expansion of a nonconforming structure in the Agriculture Residential District for Dixie Brown, owner on property located in the NE ¼ of the SE ¼ of Section 7, T24N, R16W, Town of Maiden Rock, Pierce County, WI.	Kleinhans
5	Discuss take action on renewal of a conditional use permit for Wisconsin Industrial Sand on parcels owned by Wisconsin Specialty Sands Inc, Lloyd Anderson, Richard Anderson, Hugh Schilling Trust, Charles Brown, Dennis Potts and My Course in the General Rural District, all located in Sections 2, 3, 4 and 10, T24N, R17W, Town of Isabelle, Pierce County, WI.	Roy
6	Discuss take action on proposed Goals, Objectives & Policies for Farmland Preservation Plan.	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.

(5/25/12)

PIERCE COUNTY WISCONSIN
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MINUTES - Pierce County Land Management Committee Meeting, May 16, 2012

Present: Jon Aubart, Joe Fetzer and Jim Ross

Others: Andy Pichotta, Emily Lund and Shari Hartung

Absent: Jeff Holst and Eric Sanden

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

Next meeting dates: June 6th & 20th, all in 2012.

Approve Minutes: **Ross moved to approve the May 2, 2012 LMC minutes/Aubart seconded. All in favor. Passed.**

Pichotta stated he has a question regarding future meeting dates - in July the first Wednesday is the 4th.

We could just meet once that month or would you like to schedule a meeting for a different day?

Chairperson Fetzer asked what is on the schedule. Does it look like a large agenda? Pichotta stated it doesn't look like it at this point but we do always pay when we skip a meeting. That is what he would advocate. Committee consensus is to stay with the one meeting in July, if we need, we can always schedule another meeting.

Public hearing to consider a request for a conditional use permit for a Farm & Home Based Business for Holster Bulldozing Inc in the Shoreland District for Michael & Suzanne Holst, owners, on property located in Lot 1, Certified Survey Map (CSM) V2, P183, in the SE ¼ of the SW ¼ of Section 21, T26N, R18W, Town of Trimbelle, Pierce County, WI. Chairperson Fetzer invited Michael Holst forward: Mr. Holst explained he would like to get a conditional use permit to put up a building and permit a business. He has been operating the business without a conditional use permit as part of the preexisting quarry located on the site.

Staff Report – Emily Lund: Lot 1 is located in Section 21, being 1.18 acres and 3.869 acres pending Quit Claim Deed to exchange land from adjoining property owner, MS Holst LLC, is also located in Section 21, Town of Trimbelle and is zoned Agriculture Residential and Primary Agriculture with a total of 5.049 acres. The applicants have previously established Holster Bulldozing Inc at the existing quarry (on the adjacent parcel) and currently have 3 full-time and 3 part-time employees. Most work is conducted off-site and the site is used mainly for outside storage. There are 2 existing storage trailers. They have a chemical toilet (satellite) at the site and there is a bathroom at the house nearby. There is one onsite advertising sign that does not exceed 24 square feet. The applicants are seeking this CUP to allow them to construct a storage building for Holster Bulldozing Inc. that is 50 ft x 80 ft that will be located on the same parcel as their home. The building will be used to store equipment, hand tools and lubricants and also used for equipment repair and maintenance. Issuance of a CUP for a Farm and Home Based Business will enable the applicants to distinguish Holster Bulldozing as a business entity separate from their business activities relating to the existing quarry. The Town of Trimbelle Board of Supervisors recommended approval of this request on 4/10/12. The Town did not reference its comprehensive plan; therefore it is assumed that their plan is silent regarding this request. They did note that the business will be located on a piece of land that once was the location of the Pierce County Hot Mix Plant and that it will

be a good use of the land. Information regarding Section 240-36(E) of the Pierce County Code is listed in the staff report. Equipment utilized for this business includes: backhoe, bulldozer, 2 loaders, 3 dump trucks, truck and trailers. Pierce County Code Ch 240-54(A) Parking Requirements – requires 2 off-street parking spaces for contractor establishments and the property currently has more than 2 parking spots available. Hours of operation are to be 7am to 5pm, Monday through Saturday, closed on Sunday.

Staff Recommendation: Staff recommends the Land Management Committee determine whether or not 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 not to be contrary to the above, staff recommends the Land Management Committee approve this conditional use permit for a farm and home based business with the following conditions:

1. Activities shall be conducted as presented in the application, including hours of operation.
2. The advertising sign 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.
3. No more than 8 persons not residing on-site shall be employed at the site at any given time.
4. The entire business area shall not exceed 5,000 square feet in an accessory structure.
5. The storage building shall maintain a 10 ft setback from rear and side lot lines, 75 ft setback to the centerline of 480th Ave, stay out of the Wisconsin Pipeline Easement and shall not exceed 35 ft in height above the grade elevation.
6. Applicants shall work with Todd Dolan, Trimbelle Building Inspector, to determine whether or not commercial plan review and approval is required from Department of Safety and Professional Services.
7. The use shall be established within 12 months of CUP approval. This conditional use permit shall be renewed every 2 years. Permit may be renewed administratively if no compliance issues arise.
8. 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.

Chairperson Fetzer opened the hearing to the public. No public comment. **Public hearing closed.**

Aubart asked about condition #5, on his copy it says County Road O. Lund stated that is incorrect and it should be 480th Ave.

Ross moved to approve the conditional use permit for a Farm & Home Based Business for Holster Bulldozing Inc, Michael & Suzanne Holst, owners, due to the fact this request 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 - #8, amending #8 to read 480th Avenue/Aubart seconded. All in favor. Passed.

Public hearing to consider a request for a conditional use permit for a Farm & Home Based Business for towing and crane service in the Primary Agriculture District for Dan & Theresa Thom, owners on property located in NW ¼ of the NE ¼ of Section 16, T26N, R18W, Town of Trimbelle, Pierce County, WI. Chairperson Fetzer invited Dan & Theresa Thom forward: Mr. Thom explained they are requesting a conditional use permit for a crane service and Melstrom Towing. Chairperson Fetzer asked how long they have been in business. Mr. Thom stated they have been in the crane service since 2006 and the towing business for three years.

Staff Report – Emily Lund: The property is located in Section 16, Town of Trimbelle. The 35.84 acre parcel is zoned Primary Agriculture. The applicants have already established this towing and crane service onsite and currently have family working full-time and 2 people not residing at the residence working as part-time employees. The business name is Melstrom Towing & Thom’s Crane Service. The bathroom in the house is available to all employees. Most of the work is conducted off-site and on-site is mainly for storage. When vehicles are towed or impounded to this property, they are typically stored outside temporarily. Proposed hours of operation are 24 hours a day, 7 days a week. Equipment utilized for this business includes: truck, trailer, crane and towing trucks. In addition to the towing and crane service, the property is being used for cash crop farming. There are other storage buildings, silos and a

home on the property. All the signs on the property are in compliance with current zoning regulations. The Town of Trimble Board of Supervisors recommended approval of this request on 5-7-2012. The Town did not reference its comprehensive plan; therefore it is assumed their plan is silent regarding this request. The Town stated, "Dan & Theresa farm and have two businesses that help support the farm. The businesses have not changed the footprint of the farm or the rural look to the farm. In addition, several people are provided employment by this farm/business operation." Information from Section 240-36(E) of the Pierce County Code is provided in the staff report. Pierce County Code Ch 240-54(A) Parking Requirements – requires 2 off-street parking spaces for contractor establishments and the property currently has more than 2 parking spots available.

Staff Recommendation: Staff recommends the Land Management Committee determine whether the proposed use at the proposed location is contrary to the public interest, detrimental or injurious to the public health, public safety or the character of the surrounding area. If found not to be contrary to the above, staff recommends the Land Management Committee approve this conditional use permit with the following conditions.

1. Activities shall be conducted as presented in the application, including hours of operation.
2. Advertising sign 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.
3. No more than 8 persons not residing on site shall be employed in the business.
4. The entire business area shall not exceed 5,000 square feet in an accessory structure.
5. This conditional use permit shall be renewed every 2 years. Permit may be renewed administratively if no compliance issues arise.
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.

Chairperson Fetzer opened the hearing to the public. No public comment. Public hearing closed. Aubart moved to approve the conditional use permit for a Farm & Home Based Business for towing and crane service for Dan & Theresa Thom, 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 - #6/Ross seconded. All in favor. Passed.

Continuation of public hearing to consider proposed amendments to Chapter 191 Sewage Disposal of Pierce County Code; to update code references.

Staff Report – Emily Lund: This is the continuation of the proposed amendments to Chapter 191 Sewage Disposal of Pierce County Code to be considered for adoption. The background information: the 2011-2013 Wisconsin Budget Repair Bill merged the Department of Regulation & Licensing and parts of the Department of Commerce to start the new Department of Safety & Professional Services (DSPS). Wisconsin Administrative Codes that were previously under the authority of the Department of Commerce have been retitled to reflect the authority of the new DSPS. "COMM" codes became "SPS" codes as of January 1, 2012. Also, the previous code chapters "COMM 81-87" became "SPS 381-387". Local units of government have been directed to update their ordinances to reflect these revisions. Proposed changes were forwarded to SPS for comments and review for uniformity per SPS 383.03(5)(b). DSPS recommended numerous additional changes to the draft language. Their comments, as well as the draft language, have been reviewed by the Corporation Counsel office. Additionally, the Corporation Counsel office has reformatted the Chapter to conform to other County Code sections. Given this, staff intends to resubmit the new draft to SPS for review and comment prior to submittal to the Finance and Personnel Committee. Consequently, additional minor changes to address their comments, and potentially, to address formatting issues, may be necessary.

Staff Recommendation: Staff recommends the LMC consider public comments relating to the proposed amendments to Pierce County Code Chapter 191 – Sewage Disposal and determine whether modifications or additions to the code are necessary. If no substantive changes are determined to be necessary, staff recommends the LMC approve proposed ordinance amendments and forward to the Finance and

Personnel Committee, subject to review and comment by the Department of Safety & Professional Services. Chairperson Fetzner asked for public comment. No public comment. **Public hearing closed. Ross moved to forward to Department of Safety & Professional Services (DSPS) for their review and then forward to Finance & Personnel for consideration for adoption/Aubart seconded. All in favor. Passed.**

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

Departmental Update and Future Agenda Items

Public hearing for expansion of a nonconforming structure in the Town of Maiden Rock

Public hearing for expansion of a nonconforming structure in the Town of Martell

Discussion on updating the Farmland Preservation Plan; there was a good number of goals, objectives and policies in the comprehensive plan that relate to the plan but we need to discuss further goals, objectives and policies relating to implementation of Town's goals, objectives and policies relating to Farmland Preservation. We will continue to attempt to empower the Towns to pursue strategies of their choosing and support those strategies within their Town.

Motion to adjourn at 07:21pm by Aubart/Ross seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, May 16, 2012 – 7:00 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: June 6 th & 20 th , all in 2012.	Chair
3	Approve minutes of the May 2, 2012 Land Management Committee meeting.	Chair
4	Public hearing to consider a request for a conditional use permit for a Farm & Home Based Business for Holster Bulldozing Inc in the Shoreland District for Michael & Suzanne Holst, owners on property located in Lot 1, Certified Survey Map (CSM) V2, P183, in the SE ¼ of the SW ¼ of Section 21, T26N, R18W, Town of Trimbelle, Pierce County, WI.	Lund
6	Public hearing to consider a request for a conditional use permit for a Farm & Home Based Business for towing and crane service in the Primary Agriculture District for Dan & Theresa Thom, owners on property located in the NW ¼ of the NE ¼ of Section 16, T26N, R18W, Town of Trimbelle, Pierce County, WI.	Lund
7	Continuation of public hearing to consider proposed amendments to Chapter 191 Sewage Disposal of Pierce County Code; to update code references.	Lund
8	Discuss take action on Travel/Training Requests	Pichotta
9	Future agenda items.	Pichotta
10	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.

(5/4/12)

PIERCE COUNTY WISCONSIN
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MINUTES - Pierce County Land Management Committee Meeting, May 2, 2012

Present: Jon Aubart, Joe Fetzer, Jeff Holst, Jim Ross and Eric Sanden

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

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

Next meeting dates: May 16th, June 6th & 20th, all in 2012.

Set meeting dates: Pichotta stated that in the past we have gone with the 1st and 3rd Wednesday's of each month. Given we have new committee members, we could reassess that or we could follow the same pattern. Ross stated they all blend together. Chairperson Fetzer stated we will stay with the same pattern then.

Approve Minutes: **Sanden moved to approve the April 18, 2012 LMC minutes/Ross seconded. All in favor. Passed.**

Public hearing to consider a request for a conditional use permit for a Retreat Center in the Primary Agriculture District for Lorraine Peterson, owner, by Melissa Deyo, agent on property located in the SE ¼ of the SE ¼ of Section 33, T27N, R17W, Town of Martell, Pierce County, WI.

Chairperson Fetzer invited Melissa Deyo forward: Ms. Deyo explained that the request is to have a Wedding Farm. We want to keep it a farm and not change the appearance much, just clean it up, to do nice landscaping and have two signs; one at each end of each driveway. We want to be good neighbors. The events will end at 9:00pm. There will not be any loud music. We have been working toward this for five years and found the perfect place. They will do their best to meet everybody's worries and answer any questions. They want it to be a quiet, peaceful place to have a wedding and little reception. Sanden asked what the hours of operation would be. Ms. Deyo stated they will do weddings on Fridays, Saturdays and Sundays. It will probably take them two or three years to get up and running. Whenever they would want to start during the day, she can't imagine it would be before 10:00am and they would be done by 9:00pm. Sanden asked if there would be any overnight lodging? Ms. Deyo stated no. Holst asked if they had any intent to sell alcohol. Ms. Deyo stated the bride and groom's family could bring it in but they could not sell it.

Staff Report – Emily Lund: The property is currently used as a residence and for agriculture. Ms. Peterson sold the property to Melissa Deyo and Donald Dufek on 4-17-2012. The applicant wants to change the use of barn to a retreat center for country-style weddings and receptions. The property is located in Section 33, Town of Martell and zoned Primary Agriculture. The Martell Town Board recommended approval of this request on 4-10-2012 without any specific conditions. The Town did not reference its Comprehensive Plan so it is assumed that the plan is silent on this request. PCC §240-88 defines retreat center as, "A facility or facilities used for professional, educational, organizational or religious meetings, conferences or seminars and which may provide meals, housing and recreation for participants. PCC §240-36(N) allows retreat centers subject to seven standards listed in the staff report. The 40 acre property has an existing home, 5 storage sheds, hog house, silo and barn. The barn and grounds will be utilized for retreat and gathering activities (e.g. weddings and receptions). The applicants

want to keep the look and charm of the farm, the buildings and the rustic barn. The applicants plan to renovate the barn, replace the floor and make it handicapped accessible. They also plan to landscape the property by adding flower gardens and a patio. The applicants plan to run the business and hire 1 or 2 part-time employees to help with hosting and cleaning up after the wedding. Applicants propose to establish a gravel parking area for guests to park in the field to the west of the house. They intend to allow a maximum of 150 guests per event and at 1 parking spot per 3 guests per PCC §240-54, a total of 50 parking spaces are required. PCC §240-54I requires handicapped parking spaces should include 2 percent of the total spaces created, with the minimum of one space. The applicants are interested in allowing a maximum of 150 guests per event, with one event per weekend day (Friday, Saturday and Sunday). They intend to have the events done by 9PM and will not allow any loud music as they want to keep it informal and country-style. The applicants propose to have two on-premise advertisement signs which can be a maximum of 32 square feet in size per PCC § 240-60N(1)(d) and PCC § 240-61F(2). As indicated on the attached plot plan, one would be located along County Rd N and the other along 610th Street. Applicant would need to keep signs out of the road right-of-way and out of the vision clearance triangle per PCC § 240-B, C & H. The applicants do not plan to have any retail sales activities. The applicants will not be catering or providing alcohol. Food and beverages will be brought off site and catered into the event by couples renting the building. Alcoholic beverages will not be sold on site and people renting the site will be asked to buy beverages elsewhere and give them away to the guests. Future plans are to build a kitchen for the retreat center. The Department does not have any record of the septic system on this site and has heard from the applicants that it is very old. Applicants shall work with a Wisconsin Certified Soil Tester complete a soil and onsite evaluation and a Wisconsin Master Plumber to design and install a private on-site wastewater treatment system for the proposed capacity of 150 guests.

Staff Recommendation: Staff recommends the Land Management Committee determine whether the proposed use in 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 not to be contrary to the above, staff recommends the Land Management Committee approve this conditional use permit for a retreat center with the following conditions:

1. Applicant understands that expansion or intensification of this use will require issuance of a new conditional use permit. If applicant has questions as to what constitutes expansion or intensification, Land Management staff should be contacted.
2. A land use permit shall be obtained for all future structures prior to construction. Applicant shall also comply with all relevant local and state ordinances and regulations and secure all necessary permits and licenses (e.g. Department of Safety & Professional Services (DPS), Department of Health and Family Services, etc).
3. Maximum occupancy shall be limited to 150 people, 3 events per week and 1 event per day on Friday, Saturday and Sunday.
4. The maximum capacity of 150 persons will require 50 available parking spaces, with a minimum of one space for handicapped parking.
5. 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.
6. Applicants shall work with a Wisconsin Certified Soil Tester to complete a soil and onsite evaluation and a Wisconsin Master Plumber to design, obtain a State Sanitary Permit and install a private on-site wastewater treatment system with the capacity necessary for 150 guests.
7. Applicants shall work with Todd Dolan, Martell Building Inspector, to determine whether the cubic footage of the barn is over 25,000 cubic feet. If the barn is 25,000 cubic feet or larger, commercial plan review and approval is required from DPS.
8. The use shall be established within 12 months of CUP approval. This conditional use permit shall be renewed every 2 years. Permit may be renewed administratively if no compliance issues arise.

Chairperson Fetzer opened the hearing to the public. Linda Hannegraf, lives on County Road N, they farm with their two boys. She spoke with Emily Lund about this. She received a copy of the staff report and distributed it to all the neighbors. They have a petition with 60 signatures on it and submitted it for

the record. She explained this is agricultural land and doesn't feel this business is agriculture related. She voiced concerns on turning the west field into a gravel parking lot for 150 guests and asked where the overflow parking is going? They farm on all sides of the Peterson farm. She stated County Road N and 610th Street are used by all the residents for jogging, walking, biking and pushing strollers. River Falls has their bicycle route out there. Those roads are heavily traveled. She questioned who is going to monitor the number of cars out there or the number of guests. She also voiced concerns about fireworks. Shelly Vold, lives on County Road N, recently purchased their house. The reasons they chose this house were because of the peace and quiet and felt this was a great place to raise a family; they feel all that is being compromised. They would be the first place for people to turn around if they miss the wedding barn. That is not OK with them. The privacy issue of people wondering over; who will monitor how much liquor people are consuming. The noise factor carries over. She noticed that there is not a condition to end by 9:00pm. David Lebeis, lives across from where the parking area will go. One of the issues is some of the buildings are in disrepair, he wants to make sure no one is allowed to be in them. He would like it in writing that it is going to be done at 9:00pm. Angie Sweere, lives on 610th Street, has three girls and her concern is for their safety. She is also concerned about the overflow parking on 610th Street, the noise and safety. **Public hearing closed.** Ms. Deyo discussed the concerns: they are still renting out the cropland. They are taking the 20 acres behind them and using approximately one acre for the parking lot. They will be planting trees around it to shield it. There will be no fireworks. She has been in business all of her adult life and if people want to get married in a place – they won't have a problem ending at 9. If they don't want their wedding to end at 9:00pm or if they want fireworks, they won't book with us. They will have contracts written out about certain things. If they need to do a decibel level, she doesn't know how that works but they can do a check. We're not going to let people go crazy. If they have a wedding of 150 people, that is a maximum. The barn size may be limited, she isn't sure. As far as drinking, her fiancé and her have both had training and experience with that. They are bartenders and they know how and when to tell people to switch to water. The sorts of people who come to an event like this are probably not big partiers. Holst stated your intentions are excellent. However, you don't have a clue how big your fields are. It's a stretch to get 20 acres of open land on that property. The impact to agriculture will be minimal. Sanden asked if this is going to be for the actual wedding ceremony, the reception or both. Ms. Deyo stated either one of those, whatever they want to do. Sometimes a Judge comes in and does the ceremony or sometimes they get married in a church and then would have the reception there. Sanden asked Ms. Lund what the committee had done with Vino in the Valley as far as decibel levels. Roy stated the level was around 80 decibels at the property lines. Pichotta stated 80 decibels is pretty loud. Roy stated normal conversation is probably 55 decibels. Mr. Lebeis, where he works, stated an OSHA standard at 80 decibels you have to wear hearing protection.

Holst moved to approve the conditional use permit for a Retreat Center for Melissa Deyo, owner, due to the fact this request 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 - #7 as stated, adding to #8 use shall be established in 12 months with a 6 month status review before the Land Management Committee, #9 Closing time to be 9:00pm, #10 No parking on Town or County Roads, Sanden amended condition #4 to add 75 available parking spaces, Holst questioned if that is by code, Pichotta stated it's a recommendation by code but you could deviate from it, Sanden added #11 No fireworks allowed and #12 Landscaping plan screening the parking area from the road, to be submitted within one year, to Land Management Committee./Sanden seconded. Motion passed with Aubart opposing.

Public hearing to consider a request for a conditional use permit for an Accessory Residence in the Agriculture Residential District for Robert Buroker, owner on property located in SW ¼ of the SW ¼ of Section 12, T25N, R19W, Town of Diamond Bluff, Pierce County, WI. Chairperson Fetzer invited Robert Buroker forward: Mr. Buroker explained he built a secondary house and would like to keep the mobile home on the property. He built a two-story garage and would like to turn it into a one-bedroom apartment on top.

Staff Report – Emily Lund: The applicant obtained permits and hired a Master Plumber to install a conventional septic system in 2007, which was connected to a 26 ft x 40 ft shed in 2007 and a 14 ft x 50 ft mobile home in 2008. In 2011, Mr. Buroker obtained a Land Use Permit for a 2-story garage. This request is to convert the top floor of the garage to an apartment that will be accessory to the existing mobile home. The property is located in Section 12, Town of Diamond Bluff and is zoned Agriculture Residential. The Diamond Bluff Town Board recommended approval of this request on 4-12-2012 without conditions. The Town did not reference its Comprehensive Plan, so it is assumed that he plan is silent on this request. The applicant owns 9.5 acres with a mobile home, shed and 2-story garage. The applicant would like to convert the top floor of the garage to an apartment. The accessory residence will require the issuance of a Pierce County Sanitary Reconnect Permit for connection to the existing septic system. The Department has not yet received the required 3-year maintenance record certifying that the septic system has been inspected and/or pumped. Also an “Affidavit regarding Common Private Sewage System” will need to be recorded on the deed that notifies future property owners that the septic system is connected to two residential structures on the property. Pierce County Code (PCC) 240-40(A) allows accessory residences, which are accessory to single family homes in the Agriculture Residential District with the issuance of a conditional use permit. PCC 240-88 defines Accessory Residences; definitions are listed in the staff report also defines Accessory buildings. No renewal of this request will be necessary. PCC Chapter 115 states that all properties or parcels and principal buildings shall be assigned an address based on the uniform numbering system. PCC 240-76G discusses the 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.”

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 the public health, public safety or the character of the surrounding area. If found not to be contrary to the above, staff recommends the Land Management Committee approve this conditional use permit with the following conditions.

1. The applicant shall record an “Affidavit regarding Common Private Sewage System” on their deed prior to issuance of a sanitary permit.
2. The applicant shall submit a 3-year maintenance inspection and/or pumping report on the septic system and obtain a Pierce County Sanitary Permit in order to connect the existing septic system to the accessory residence.
3. A separate uniform address number and sign shall be obtained for the accessory residence.
4. The applicant shall work with the local building inspector, Todd Dolan, to determine whether a permit from the town is needed and to ensure compliance with the Uniform Dwelling Code (UDC) requirements.
5. The use shall be established within 12 months of CUP approval.

Chairperson Fetzer opened the hearing to the public. No public comment. **Public hearing closed.** Holst asked about a condition regarding multiple dwellings on a property and having the applicant reside on the property. Pichotta stated that has been required in regards to specific concerns by a Town. Holst asked Mr. Buroker if he planned to live there. Mr. Buroker stated yes. **Holst moved to approve the conditional use permit for an accessory residence for Robert Buroker, 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 - #5, adding #6 Property owner shall inhabit one of the dwellings/Ross seconded. All in favor. Passed.**

Public hearing to consider proposed amendments to Chapter 240 Zoning of Pierce County Code; relating to Rural Business/Agritourism, Commercial Uses and Outdoor Recreational Uses.

Staff Report – Brad Roy: The proposed amendments include several new conditionally permitted use classifications and also changes that will remove redundancies and address portions of the code that are confusing or unnecessary. The proposed changes will also help to ensure consistent interpretation and

administration. The proposed use new classifications are intended to allow for the establishment of a variety of agriculture compatible and site specific commercial uses that would be conditionally permitted and would thus be subject to guidance and use parameters established in a town's adopted comprehensive plan. In this way a town can have a significant ability to control the types of uses that are allowed within their town and also the manner in which those uses are conducted. The proposed new use classifications are Agritourism, Nursery, Orchard and Winery which will be added to §240-35 Agricultural Uses; and Resorts and Nature Based Operations to be included in §240-39 Outdoor Recreational Uses. Other proposed amendments include simplifying campground regulations; creating a definition of general retail and services; removing trade and contractors establishments art galleries, institutional recreation camps – all of which are more appropriately permitted through other mechanisms; allowing the establishment of a residential park; and reducing the necessary acreage for allowing a horse to 3 acres (would still be subject to one open acre per horse).

Staff Recommendation: Staff recommends the Land Management Committee review the proposed revisions, and if determined to be appropriate, approve said revisions and forward a recommendation to the Finance and Personnel Committee and the County Board of Supervisors for approval and adoption. The following pages have all the amendments; strike-throughs for the eliminated parts and underlines for the additions. Chairperson Fetzer stated he has read through it and asked if anyone would like Brad to read through it. Aubart asked Brad, under Agritourism, if a classroom goes to tour a farm, would that require a permit. Roy stated not if it's a one-time thing. If it was an on-going thing, open to the public for a fee, it would require one. Pichotta stated for example if you had a winery where you had classes; it's more for commercial endeavors, not incidental uses. Sanden asked how this would have affected the wedding farm issue. Roy stated, not at all, it would still be a Retreat Center because the agriculture isn't a main component of the wedding. Sanden stated whereas Vino in the Valley would fall under this. Pichotta stated Vino in the Valley would probably be considered to be a combination; a vineyard and a nature-based operation. Sanden asked if that would require two separate applications. Roy stated that the proposed language specifies that multiple related uses can be operated as one. **Chairperson Fetzer opened the hearing to the public.** Tim Fischer, has a roofing company, asked if what you are proposing affects contractors. Roy stated no, it affects businesses completely dependent on that site; an agricultural operation or one that is based on the natural environment. Their business couldn't be located anywhere else. Ron Foley, Town of El Paso, he asked how this will affect Vino in the Valley and their current conditional use permit. Roy stated it won't at this point. If this were to go through, he can apply for a different classification that would remove the size limitations and employee limitations. Mr. Foley asked about 240-36E, minimum lot size of 5 acres and then on F there is a 2 acre minimum. He is wondering what the difference is and how this impacts his situation. Pichotta stated you are grandfathered in so it wouldn't impact you at all. The Farm & Home Based Business allows someone to start a business out of their house and once you get to eight employees, you can either move to an appropriate location or not expand and stay where you are. **Public hearing closed.** Holst complemented Brad on his work on this concept. **Aubart moved to approve the amendments to Chapter 240 Zoning of Pierce County Code; relating to Rural Businesses/Agritourism, Commercial Uses and Outdoor Recreational Uses and forward a recommendation to the Finance and Personnel Committee and the County Board of Supervisors/Ross seconded. All in favor. Passed.**

Public hearing to consider proposed amendments to Chapter 191 Sewage Disposal of Pierce County Code; to update code references.

Staff Report – Emily Lund: The 2011-2013 Wisconsin Budget Repair Bill merged the Department of Regulation & Licensing and parts of the Department of Commerce to start the new Department of Safety & Professional Services (DSPS). Wisconsin Administrative Codes that were previously under the authority of the Department of Commerce have been retitled to reflect the authority of the new DSPS. "COMM" codes became "SPS" codes as of January 1, 2012. Also, the previous code chapters "COMM 81-87" became "SPS 381-387". Local units of government have been directed to update their ordinances to reflect these revisions. Proposed changes were forwarded to SPS for comments and review for

uniformity per SPS 383.03(5)(b). DSPS recommended numerous additional changes to the draft language. Their comments, as well as the draft language, are being reviewed by the Corporation Counsels office. Revisions have become more complex than originally anticipated and final language will not be completed prior to the holding of the public hearing.

Staff Recommendation: Staff recommends the LMC, despite not having final language available, hold a public hearing to solicit comments and concerns relating to the mandated revisions. Staff further recommends the public hearing be held open until the May 16, LMC meeting, to allow for additional public comments once code language is finalized. LMC action on this issue is anticipated to occur at the May 16, 2012 meeting.

Chairperson Fetzer opened the hearing to the public. No comment. **Chairperson Fetzer stated the public hearing will be left open until the May 16, 2012 Land Management Committee meeting and action would be taken at that time.**

Discuss take action on proposed amendments to Chapter 1 General Provisions of Pierce County Code.

Staff Report – Emily Lund: In the past several years there have been changes to titles and descriptions of staff positions within the Department of Land Management. These changes are not reflected in Chapter 1-31 of the Pierce County Code which grants citation authority for enforcement of ordinances relating to one's job duties. There are two methods through which citation authority can be conveyed to a particular position. The first method is to have the specific position listed in 1-31(B) which "laundry lists" persons authorized to issue citations. The second method is for a person listed in 1-31(B) to submit written nominations to the County Board of Supervisors of employees within his/her office who should be delegated authority to issue citations relating to his or her official responsibilities (1-31(C)). Either method could be utilized to reestablish citation authority. If it is determined that a code amendment is the appropriate way to address the citation authority issue, the following code changes are proposed. They are listed in the staff report, mainly changing Andy's title and Emily's position wasn't even listed in the person's authorized.

Staff Recommendation: Staff recommends the LMC consider whether a code amendment is appropriate to correct the citation authority issue or whether nominations for said authority should be submitted for County Board approval. It should be noted that a public hearing by the LMC is not required for an amendment to Chapter 1. Holst asked if there is an advantage to doing it one way or another. Pichotta stated both would accomplish the same thing; one he would see as more of an interim measure and the other would address it on a more permanent basis. It is almost the same process for each. Basically it would go to Finance and Personnel and then onto the County Board. If we were to do the code amendment it would just need to go to the County Board for two readings so it would take one additional month. His recommendation is to do it right and fix the code. **Holst moved to direct staff to work with Corporation Counsels Office to amend Pierce County Chapter 1, General Provisions to reflect changed position titles and forward to Finance and Personnel/Ross seconded. All in favor. Passed.**

Discuss take action on proposed conditionally permitted use classifications for the commercial district.

Staff Report – Brad Roy: The current Commercial Code, §240-36, lists the commercial use classifications such as Bed and Breakfast, Farm and Home Based Business, Offices, and General Retail and Services. Any use which is not specifically listed in §240-36 is generally classified as General Retail and Services. Within the Commercial District, General Retail and Services requires only a Land Use Permit and Site Plan Approval. This allows for a scenario where a potentially high impact use such as a Bar/Tavern or an Adult Entertainment operation could be established in the Commercial District by simply obtaining a Land Use Permit and presenting a site plan for approval to the Land Management Committee. There is not the potential for placing conditions regarding the operation to mitigate impacts or to ensure consistency with comprehensive plans. Staff has been contacted with concerns relating to

these types of commercial uses that are not conditionally permitted and thus not subject to consistency with a given town's comprehensive plan.

Staff has identified two potential options to address this concern, if the LMC determines a change is appropriate.

- Make all General Retail and Services a conditionally permitted use in the Commercial District.
Advantages: This would ensure consistency with town comprehensive plans as well as allow neighboring property owners an opportunity to voice their concerns.
Disadvantages: Most of these commercial uses have been acceptable for the Commercial District and the concerns that were raised were able to be addressed through Site Plan approval process. Any change in use or operation would likely require a new Conditional Use Permit which would require additional time and fees.
- Create one or more new commercial use classifications that would be conditionally permitted in the Commercial District for uses which are more likely to create impacts which are not typical of other uses in the Commercial District.

Advantages: This would ensure consistency with town comprehensive plans, allow each town to develop policies to address the uses determined to be appropriate, provide neighboring property owners the opportunity to voice their concerns, and maintain the process where traditional commercial operations remain permit-able with a Land Use Permit and Site Plan approval.

Disadvantages: Definitions associated with new use classifications will need to be well crafted.

Staff has identified the following as commercial uses which may warrant additional regulation: Bars/Taverns, Large-scale Retail, Liquor Sales, Lodging, and Adult Entertainment.

Staff is seeking guidance on how to proceed and if any other uses warrant a new classification. No formal action is necessary. Sanden stated that maybe in an urban setting the first option would be a good one, where everything would have to go through site review. But in a rural setting, he thought it might be overkill, if everything has been going fine with commercial districts except for a couple things. The first one might be heavy handed. The second option might be a better choice where we would only do plan review for a specific type of use. Adult Entertainment, in some areas they will only relegate it to Industrial Districts. By just having a review, and say yes or no, can they be in the commercial district. Pichotta stated all of these things are already subject to site plan review but through site plan review we are not able to establish conditions as to the way operations are conducted or what those operations are. We have been able in the past, to deal with off-site impacts by requiring such things as screening or berming. He noted that we have sought to empower the Towns to control the uses within their borders by adopting comprehensive plans but putting in place policies and parameters within those plans to govern those uses. So he likes option two also. The question is do you want us to move forward with this. This came to light from a concern of an existing bar in a commercial district that is for sale currently. When we were thinking about how to address that particular use, it came to us that there may be other uses that would be appropriate as stand-alone uses and not simply permitted over the counter, for example large scale retail, with a threshold of over 25,000 square feet or something to take the place of a big box ordinance. As we were talking we identified some other uses like bars, taverns, liquor sales, lodging, all of these things have the potential to be a bit more obnoxious than some things we typically permit. Sanden asked if we would identify a small number of these that would be open for additional review and required consistency with the Town's comp plan. Is there any precedence that this might open some problem by identifying a subset for special review? Pichotta stated if you look under the first part of the zoning code it lists the purpose of the code and clearly delves into impacts to neighbors, operations that have a variety of impacts on neighbors. Holst suggested that everything has an impact on the neighbors. Sanden stated the code sets up the parameters where we can hold certain uses to a higher standard. Pichotta stated yes. Sanden stated he supports the second one. Sanden stated he didn't know about including lodging or liquor sales. Holst stated liquor sales is a Town issue, you can address it through the liquor license. If you don't want to grant them one, you have a lot of latitude to do that as a Town Board. John Eager, Town of Rock Elm,

stated as long as they are following all the conditions of their license you have no reason to turn them down; and you will end up in court; Town of Trenton. Holst stated he is very familiar with the Town of Trenton and they had no case but they took it anyway. There are ways to enforce their on and off sale liquor license. Mr. Eager stated he is the one that brought up the adult entertainment thing. At the time of the Trenton deal, the Town's Association was trying to get all the Townships to adopt ordinances. The Town Association said it was a zoning issue and that's one of the deals with the Comp Plan; you can address your commercial stuff but you can't get that specific on adult entertainment and you have to leave leeway. We've got a bar right now that got foreclosed on and within 75 feet is a house and right across the street is another house. So we're asking how Zoning is going to handle that. A lot of times it's relegated to an Industrial site or they put parameters where it can't be within so many feet of a residence. He is here to see how Zoning is going to handle this. Pichotta noted that there was a recent State Supreme Court decision relating to a Town's ability to adopt an ordinance regulating Nonmetallic Mining. Pichotta suggested that the same mechanism could be used to regulate adult entertainment. Mr. Eager stated it came down that it was licensing. The Town didn't have the authority to do zoning and that is the same thing with us with adult entertainment. The Town doesn't have the ability to do zoning. Pichotta suggested that if this were a conditionally permitted use and it were subject to a determination by a Town regarding consistency with its comp plan, what you would do is put in your comprehensive plan that you would only support the establishment of adult entertainment that met specific parameters, one would be a certain distance from residential homes. Mr. Eager wasn't sure if that would take care of it, because you have to be specific. Mr. Eager stated with a comp plan, you can't do it. If you put something in there and make it that tight, there is always going to be somebody that finds a way around it. Pichotta stated the hard part is for us to get our ordinance definitions right. If it is conditionally permitted and if your comp plan gives guidance or establishes parameters regarding what the town will support - it takes care of it. Mr. Eager disagreed. Roy stated that if we are looking at putting setbacks in there you have to look at churches, schools, etc. Chairperson Fetzer stated he feels adult entertainment, lodging and large scale retail should be looked at but leave the bars and taverns for the Town's Comp Plans. Ross asked if there was anything they discussed that didn't make the list. Pichotta stated that there was not and suggested that proposed language can always be tweaked if new uses are identified as well move forward. Ross stated that he is OK with having staff take a look at it. Chairperson Fetzer stated that committee consensus is to go forward and look at new classifications.

Discuss take action on Travel/Training Requests. Pichotta stated there are no travel requests at this time.

Departmental Update and Future Agenda Items

Public hearing to consider a Farm & Home Based Business for Holster Excavating in the Town of Trimbelle

Public hearing to consider a Farm & Home Based Business for towing & crane service in the Town of Trimbelle

Continuation of public hearing to consider code amendments to Chapter 191: Sewage, update references

Motion to adjourn at 08:25pm by Holst/Ross seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, May 2, 2012 – 7:00 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: May 16 th , June 6 th & 20 th , all in 2012.	Chair
3	Set next meeting dates.	Chair
4	Approve minutes of the April 18, 2012 Land Management Committee meeting.	Chair
5	Public hearing to consider a request for a conditional use permit for a Retreat Center in the Primary Agriculture District for Lorraine Peterson, owner, by Melissa Deyo, agent, on property located in the SE ¼ of the SE ¼ of Section 33, Town of Martell, Pierce County, WI.	Lund
6	Public hearing to consider a request for a conditional use permit for an Accessory Residence in the Agriculture Residential District for Robert Buroker, owner on property located in the SW ¼ of the SW ¼ of Section 12, T25N, R19W, Town of Diamond Bluff, Pierce County, WI.	Lund
7	Public hearing to consider proposed amendments to Chapter 240 Zoning of Pierce County Code; relating to Rural Business/Agritourism, Commercial Uses and Outdoor Recreational Uses.	Roy
8	Public hearing to consider proposed amendments to Chapter 191 Sewage Disposal of Pierce County Code; to update code references.	Lund
9	Discuss take action on proposed amendments to Chapter 1 General Provisions of Pierce County Code.	Lund
10	Discuss take action on proposed conditionally permitted use classifications for the commercial district.	Roy
11	Discuss take action on Travel/Training Requests	Pichotta
12	Future agenda items.	Pichotta
13	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.

(4/20/12)

PIERCE COUNTY WISCONSIN
DEPARTMENT OF LAND MANAGEMENT & RECORDS
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MINUTES - Pierce County Land Management Committee Meeting, April 18, 2012

Present: Jon Aubart, Joe Fetzer, Jeff Holst, Jim Ross and Eric Sanden

Others: Andy Pichotta, Jim Kleinhans, Emily Lund and Shari Hartung

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

Election of Officers: Ross nominated Joe Fetzer as Chairperson/Aubart seconded. Holst moved to close nominations and cast a unanimous ballot/Ross seconded. All in favor with Fetzer not voting. Passed. Ross nominated Jeff Holst for Vice Chairperson/Aubart seconded. All in favor with Holst not voting. Passed.

Next meeting dates: May 2nd & 16th, June 6th & 20th, all in 2012.

Approve Minutes: **Holst moved to approve the April 4, 2012 LMC minutes/Sanden seconded. All in favor. Passed with Aubart and Ross abstaining because of not being committee members at the last meeting.**

Public hearing to consider a request for a map amendment (rezone) from Rural Residential 12/PRD District to General Rural Flexible 8 District for NEWCO Finance, Inc, owner, by William F. Holst III, agent on property located in part of the SE ¼ of the NE ¼, part of the E ½ of the SE ¼ and part of the W ½ of the SE ¼, all in Section 33 (approx. 97 acres), and part of the SW ¼ of the NW ¼, part of the W ½ of the SW ¼ and the SE ¼ of the SW ¼, all in Section 34 (approx. 118 acres), T26N, R19W, Town of Oak Grove, Pierce County, WI. Jeff Holst recused himself from discussion and voting because of possible conflict of interest. Chairperson Fetzer invited Nancy Beeler forward: Ms Beeler explained the request for a rezone is for agricultural use. Sanden asked what the intention of use for the future is. Ms Beeler stated it's farmed all around it and they plan to farm that land and in time to pasture it off for cattle. Sanden asked what the rationale was for rezoning. Ms Beeler stated for agricultural use.

Staff Report – Emily Lund: This request is to rezone land from Rural Residential 12/PRD to General Rural Flexible 8 District. The property is located in Section 33 and 34 in the Town of Oak Grove. The applicants currently keep part of the property wooded and other parts are farm cropland. Current Rural Residential 12/PRD density allows for 64 lots the requested rezone would reduce the density down to 43 lots. Nearby land uses include agriculture, residential and forest land. Adjacent zoning districts are Rural Residential 12/PRD and Agriculture Residential/PRD (in the Town of Diamond Bluff). The Purpose and Intent of Rural Residential 12 is listed in the staff report and is predominantly for residential subdivision development. General Rural and General Rural Flexible are for agricultural uses. Pierce County's recently 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 Oak Grove Town Board recommended approval of this request at their 3-19-2012 meeting. The Town indicated that the request is consistent with their 2009-2029 Comprehensive Plan and specifically referenced Chapter 7: Economic Development,

Page 10, "Goal #1: Support economic activity and development that does not detract from the rural way of life in the Town of Oak Grove; Objective #1: Promote agricultural based businesses; Objective #3: Support Town of Oak Grove remaining as an agricultural community; & Policies Programs and Actions #1: Support existing farms and their continued operation." The Land Conservation Department indicated this land is not in the Farmland Preservation Program. The Value of Land for Agriculture using the "Land Evaluation Formula" is attached in the staff report. Lund noted that there are 15 different types of soil present on the property.

Staff Recommendation: Given that the Oak Grove Town Board has determined this request to be consistent with their comprehensive plan, staff recommends the Land Management Committee approve this rezone request and forward a recommendation to the County Board of Supervisors.

Chairperson Fetzer opened the hearing to the public. Roman Peterson, Town of Oak Grove, asked if this affects the road going in. Three of them have an easement to use the road. Pichotta stated the rezone will not affect any existing easements. It has to do with the zoning classification of the land which controls with allowable uses. Sanden asked what the significance of the PRD status is. Is there a development plan for this? Pichotta stated there was a plan for a PRD that was approved. There was a final plat completed for the northerly part of it which was phase one of the Diamond Bluff Estates Development. The PRD District is essentially an overlay. It enables the development of residential parcels at three times the underlying density and gives them some flexibility as far as road frontage requirements, lot size requirements, etc. Sanden asked if the original plan for the northern part included the southern part. Pichotta stated that it had long expired. Sanden asked if the current zoning allows for agricultural use. Lund stated you can do crop land but no cattle or agricultural buildings. **Public hearing closed.**

Ross moved to approve the rezone request from Rural Residential 12/PRD to General Rural Flexible 8 District for NEWCO Finance, Inc, owner, William F. Holst III, agent and forward a recommendation to the County Board of Supervisors/Aubart seconded. Motion passed with Holst not voting.

Public hearing to consider a request for a conditional use permit for Airports, Non-precision Approach Lighting in the General Rural District for City of Red Wing, owner, by Tammie Dougherty, agent on property located in S ½ of the SW ¼ of Section 5, T24N, R17W, Town of Isabelle, Pierce County, WI. Chairperson Fetzer invited Rick Moskwa and Dave Bunch forward: Mr. Moskwa, Public Works Director for the City of Red Wing, introduced Dave Bunch, an employee at the airport, and stated that Mr. Bunch will explain the specifics of the project before you. As you noted, we are looking at putting some approach lights off the east end of runway 27 and the towers would extend from the end of the runway to Hwy 35. Mr. Bunch stated there are six phases of a flight; the takeoff, the climb, the cruise, the descent, the approach and the landing. That approach usually starts 20-30 miles out where the pilot will set up a course and an altitude dictated by the FAA, to make a successful approach. Most airports have some sort of approach lighting. What the lighting does is help guide the pilot to the end of the runway especially in bad weather. We have approach lighting on runway #9, off the west end of the field and nothing on the east end. There are two flashing strobes at the corner of the runway on the east end but they are not considered true approach lighting. What we propose to do is put two other types of lights where those flashing strobes are and five additional lights stretching out near the highway. They will flash once per second and flash in sequence going from the furthest light out to the end of the runway. This will give the pilot an idea where the end of the runway is giving safety to the pilot and the residents. Mr. Moskwa stated it will be a safety improvement funded by the State of Minnesota. It is an expensive project to do. They do have lights at the other end of the runway. Mr. Bunch stated the runway lights are on low all the time at night. If the pilot wants to trigger the light he clicks his microphone a different number of times for different brightness of the lights. They will stay on for approximately 15 minutes and then they will time out giving the pilot plenty of time to make the approach, the landing and taxi off the runway. Ross asked about the five towers up to 20 feet tall, are they going to descend on the towers. Mr. Bunch stated the towers are approximately the same level as the two lights on the corners of

the runway. They will stay at about that same level all the way out even though the ground drops away. The furthest light out will have a tower approximately 15 ft or 18 ft high because of the drop off of the ground. Holst asked if it will do away with the strobe lights that are an annoyance to traffic on Hwy 35. Mr. Bunch stated yes. Those lights as well as the flashing lights on the west field operate at about 15000 candelas, the new lights will operate at about 7500 candelas. Holst stated the new ones will be half as bright as the old ones. Aubart asked if there is an advantage or a reason that the last two lights are not being shielded from the highway. Mr. Bunch stated they don't think it's going to be an issue. That was one of the recommendations of the Town of Isabelle when they approved this report. They asked to be notified and take a look at the lights. In their opinion, if they are a problem then we shield those lights too. The shields are in a half moon and come up to near the top of the light so a driver down below will not see any of the flashes, they may see a glow.

Staff Report – Jim Kleinhans: The City of Red Wing operates an airport in Pierce County under a conditional use permit. They wanted to add these Omni-directional approach lights. We discussed that it would take a conditional use permit as an expansion or noticeable change. The parcel is zoned General Rural in which Airports are conditionally permitted. A series of towers up to 20 feet high would extend approximately 1400 feet from the end of the runway centerline. The trees and stumps were cleared from this area last year under an agreement with the Dept of Transportation in preparation for pursuing this permit. Dept of Transportation issued a land use authorization for construction of a strobe tower and cutting trees in the scenic easement on July 21, 2011. The proposed system is intended to guide instrument rated pilots in bad weather. Dave got into the intensity of the lights and from what staff understands the intensity of these lights will not be as great as the precision approach that was put in back in 1999 with a conditional use permit. Town of Isabelle recommended approval of this request with the following conditions:

1. The two far east light shields are adjusted such that no direct light shines in the windows of houses east and north of Highway 35.
2. That similar shields be added to the three lights west of the above lights in a similar fashion if necessary as determined by the Town of Isabelle.
3. Trees on the north side of Hwy 35 not be clear cut but selectively cut when and if a tree penetrates the approach slope.

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

1. Applicant shall comply with conditions recommended by the Town of Isabelle.
2. Applicant shall review the installation with Town officials and department staff after three months of operation.
3. The installation must be completed within 12 months unless an extension is granted by the Land Management Committee.
4. Compliance issues shall be referred to Land Management Department staff.
5. Applicant shall provide yearly status reports on Airport issues and activities to the Land Management Committee.

Chairperson Fetzer opened the hearing to the public. Tom Eichman, lives on 140th Ave, this is funding via the State of Minnesota or is there federal funding? What will this do to enhance the future plans for expansion of the airport runway? Mr. Moskwa stated yes, the State of Minnesota and the proposed master plan identifies the runway expansion of up to 7000 feet. This is on the other end of the airport. Mr. Eichman asked if these lights would enhance larger aircraft to use this airport. Mr. Bunch stated it doesn't invite more planes to use the airport it just enhances safety for the pilots. Mr. Eichman asked how this is going to affect them in the future. Mr. Bunch stated to his knowledge it won't affect you in the least. Lisa Anderson asked why these were not put in when the expansion was done on the other end of the airport. Mr. Bunch explained the aircraft will always land toward the wind. It slows the ground speed. Mr.

Moskwa stated this project wasn't included in the runway extension and they didn't have the funding. The trees had to be removed at that end and at that time we didn't have to remove them. Now they were getting into the approach zone. Everything they have done at that end is for the safety of the pilots. Ms Anderson asked how many pilots do you have flying out of there daily? It was stated they have over 300 corporate flights out of there a year. Ms Anderson feels the one set of lights is sufficient. Scott Nelson stated he is glad to hear the strobe lights are a little less intensive. He handed out information regarding emergency lights on traffic and potential hazards. He asked if a risk assessment has been completed. He would like to see them follow the FAA guidance for identifying and mitigating approach lighting system hazards. Having the fire departments and emergency responders understand that if a plane overshoots and ends up in those lights, how they have to handle that. You could make that a condition of giving them a permit. A lot of people are concerned about the airport expanding to 7000 feet. He also asked if this has anything to do with the zoning, do you have to have the lights before you can do the zoning or go to the 7000 feet? Mr. Moskwa stated no. Mr. Bunch stated the concern about over shooting; the lights are on frangible towers, they are designed to collapse if hit by the airplanes. Mr. Nelson stated but it may do big damage to the responders out there in the rain that might get electrocuted. **Public hearing closed.** Sanden asked if the risk assessment, are these pretty standard lights for most airports. Mr. Bunch explained yes, it depends on whether it is precision lights versus non-precision lights, this will be non-precision lighting. Aubart asked why you wouldn't shield all the lights because the strobes can be a safety issue. He stated he is aware there is a review or suggested review in three months but he doesn't want to see a traffic accident caused by the lights not being shielded. He guessed it's a cost issue. Mr. Bunch explained it's a minimal cost, the only reason they haven't designed them to the rest of the lights is we didn't feel they were going to be a problem for people on the ground or cars or residents. If they are an issue and the Town determines them to be, they are ready to be installed. The pilots can see them easier. Mr. Moskwa stated as we move closer to the runway, there are trees to help shield them. Ross stated once when he was flying into Cleveland in a cockpit, they were having maintenance issues, it was snowing terrible and if it wasn't for the lights they would have had to divert or risked potential injury for everyone on the ground and in the air. If you can avoid the shields, you get a better perspective from the pilot's point of view. Mr. Bunch stated they are fairly certain the last light would be a problem, we were somewhat sure the second to the last light would be a problem. This is the first time the City of Red Wing has installed that type of lighting and if it is we're ready to install them. Chairperson Fetzer asked if that is an issue how long will it take to get them up. Mr. Bunch stated about a day for installation. Mr. Moskwa stated they would have to order them and then have them installed. Ross asked if you order them from the government because that will take a while. Mr. Bunch stated they are getting them from a specialty company in Minneapolis. Holst stated the strobes on the end of the runway do affect the traffic on Hwy 35. Do you guarantee the new ones are going to be half as powerful and you can get the new ones on in a day? We have to start trusting that the City of Red Wing is going to treat the people of Isabelle, Trenton and Hartland Townships with fairness. In order to open up the line of communication and line of trust, he would be willing to allow you to put them up without the shields today, maybe in three days after the lights come on you will be putting them on.

Ross moved to find that the proposed use to be not contrary to the public interest nor detrimental or injurious to public health, public safety or the character of the surrounding area and to approve the conditional use permit for Non-precision approach lighting for the City of Red Wing with conditions #1 - #5, due to the fact /Holst seconded. Motion passed with Fetzer, Holst, Ross and Sanden in favor, Aubart opposed.

Discuss take action on a request for a conditional use permit for an Accessory Residence in the General Rural Flexible District for Kipling and Julie Gore, owners on property located in the NE ¼ of the SW ¼ in Section 4, T25N, R18W, Town of Trenton, Pierce County, WI. Chairperson Fetzer invited Kipling Gore forward: Mr. Kipling explained he and his wife own property located at W8657 385th Ave in Ellsworth.

Staff Report – Emily Lund: This request is for an accessory residence. The LMC held a public hearing on April 4, 2012 but deferred action on this request in order for the applicant to be present at the meeting. The applicants built a 72ft by 56ft barn that has a 2-story, 24ft by 32ft, 1-bedroom loft apartment in December 2010. This request is to have the loft apartment become the accessory residence to a new principal residence that is proposed to be built this year. The principal residence would be connected to the same septic system associated with the accessory residence. The property is located in Section 4, Town of Trenton and zoned General Rural Flexible. The Trenton Town Board recommended approval of this request on 3-13-2012 with the stipulation that a separate fire number be acquired for the accessory residence. The Town indicated that the request is consistent with their Comprehensive Plan, but did not cite a specific reference. The applicant owns 39.92 acres and has an existing barn with a loft apartment. This request is to have the loft apartment become accessory to a principal residence that is proposed to be built this year. The proposed residence will be a 40ft by 46ft 3-bedroom house with a basement, main level and loft with 3-car attached garage with 2 decks, one being 10ft by 10ft and the other being 12ft by 18ft. Roger Nelson obtained a reconnect sanitary permit on 4-16-2012. Mrs. Gore recorded the “Affidavit regarding Common Private Sewage System” on 4-16-2012. PCC’s 240-88 Accessory Residences are defined in the staff report. B. A dwelling unit located in an accessory building located on a residential parcel. It also defines Accessory Building as: A. Subordinate to and serves a principal structure or a principal use. No renewal of this request will be necessary. The applicants indicated they do not plan to rent out the accessory residence immediately and will obtain a universal address number when they rent to a non-family member. PCC Ch 115 states that all properties or parcels and principal buildings shall be assigned an address based on the uniform numbering system.

Staff Recommendation: Staff recommends the Land Management Committee determine whether or not this request is contrary to the public interest and whether it would be detrimental or injurious to the public health, public safety or the character of the surrounding area. If found not to be contrary to the above, staff recommends the Land Management Committee approve this conditional use permit for an accessory residence with the following conditions: Conditions #1 and #3 can be struck. So the new conditions are:

1. The applicants shall obtain a Land Use Permit for the new principle residence.
2. A separate address and sign shall be acquired for the accessory residence.

Sanden asked what the approximate square footage of floor space in the apartment is. Mr. Gore stated the apartment in the loft level is 24 ft x 32 ft. It’s an open studio apartment with a kitchen area, laundry and bedroom. The first floor is just off of the tack room.

Chairperson Fetzer opened the hearing to the public. No public comment. **Chairperson Fetzer closed the public hearing.** Sanden asked what the precedence is for an anticipated primary residence if it isn’t built. Lund stated if it doesn’t get built within 12 months the conditional use permit is void.

Sanden moved to approve the request for a conditional use permit for an accessory residence for Kipling & Julie Gore with conditions #1 - #2, finding that the request is not contrary to the public interest nor detrimental or injurious to public health, public safety or the character of the surrounding area/Holst seconded. All in favor. Motion passed.

Discuss take action on a request for site plan approval for an addition to existing structure for commercial uses for Stanley & Beverly Boles, owners on property located in Lot 1, Certified Survey Map (CSM) V1, P219, in the SW ¼ of the SW ¼ of Section 15, T26N, R18W, Town of Trimble, Pierce County, WI. Chairperson Fetzer invited Jay Boles and Jay Munson forward: Jay Munson stated he is representing Value Implement, they have a three year lease on the current facility and have grown and need more shop area to do service work for customers. Jay Boles stated the plans are drawn up to add onto the shop area.

Staff Report – Emily Lund: This request is for site plan review for a proposed addition to an existing structure for commercial uses. Mr. & Mrs. Boles own two adjoining parcels in the Town of Trimble that have been leased to Value Implement for the past 2 to 3 years. Robert Johnson from Eau Claire, WI designed the proposed 60 ft by 60 ft addition that is to be used for another shop area for farm machinery repair. They received Department of Safety & Professional Services conditional approval on 3-22-2012.

The property is located in Section 15, Town of Trimbelle. The 5.08 acres property is zoned commercial. Pierce County Code (PCC) §240-15 Purpose and Intent is listed in the staff report. General retail and services are permitted uses in the commercial district. PCC §240-75 discusses Site Plan Review: A. Review and approval. In short the code states:

1. Permits for new construction or additions to existing structures and buildings for commercial, industrial, institutional or multifamily uses shall require site plan approval as set forth in this section.
2. The Land Management Committee or its designee shall review the site, existing and proposed structures, architectural plans, neighboring uses, use of landscaping and open space, parking area, driveway location, loading and unloading area, highway access, traffic generation and circulation, lighting, drainage, water and sewer systems and proposed operations.

The CSM was recorded in 1983. There is an existing 66 ft wide private driveway easement that is along the west and north of this lot serving four adjacent residences. PCC §240-57(D) discusses nonresidential driveways and requires that they be at least 20 feet width but not greater than 35 feet in width. However, the driveway for this business was installed some time ago and connected to 530th Ave, which follows the entire southern portion of this lot. This existing driveway pre-dates current zoning code requirements. PCC §240-54 discusses off-street parking, where one space per employee during the peak shift shall be provided in addition to 1 space per 200 feet of primary floor area. The primary floor area in the display area is 392 square feet. They currently have 10 employees working 8AM to 5PM at Value Implement of Ellsworth. Handicapped parking spaces should include two percent of the total spaces created, with the minimum of one space. Staff identified the need for a minimum of 12 parking spaces. Currently eight parking spaces are designated, so four additional parking spaces are required, with one being designated for handicapped parking. Semi-tractor trailer unloading equipment utilizes 530th Ave and temporarily blocks the west private road easement and 530th Ave. An equipment unloading ramp is located southwest of the septic system drain field. Roof drainage plans and driveway paving plans were not submitted. Applicant plans to pave the driveway in the future and should ensure that surface runoff does not negatively affect 530th Ave or the adjoining neighbors. A private onsite wastewater treatment system (POWTS) was issued and a mound installed in 1984. The following issues were found:

1. The POWTS was designed based on commercial sizing criteria, with 6 employees, and one catch basin or 220 gallons per day. The current Wisconsin Administrative Code would have the system sized for 292 gallons per day with the 10 employees and a catch basin. If more employees work at this business, the septic system needs to be evaluated and increased in size or a POWTS restriction needs to be recorded on the deed.
2. The original sanitary permit plans indicate the floor drain from the shop goes into the septic tank. This design is not allowed now. The business should disconnect the catch basin from the existing shop floor drain and install a WI DNR non-domestic wastewater holding tank. If the new shop area installs a floor drain, they should also have a WI DNR non-domestic wastewater holding tank installed to collect any excess oil or wash water from repairing the equipment.
3. Marko Septic Inc. pumped the septic and pumped tanks on 8/11/2007 and 7/10/2010. In 2011, they had to replace the pump and make a repair to the effluent pipe leaving the pump tank as it was broken. If repairs are needed in the future, the applicant should contact the department to determine whether a sanitary permit is needed.
4. At the site inspection, the septic tank and pump tank above grade manholes were not properly secured, chained, and locked. The above grade manholes were not above finish grade, where the ground is 4 inches below the lip of the lid. Also, the observation pipe needs a cover and the electrical needs to be properly located in a weather proof conduit with an airtight seal from the gases in the pump tank.

Plans for security lighting were not provided. No freestanding light poles are proposed. Exterior wall mounted fixtures with shields will remain and continue around the new addition. Department of Safety & Professional Services (DSPS) conditionally approved the addition-alteration plan on 03-22-2012 with transaction # 2019255. The following conditions are to be met during construction or installation and prior to occupancy or use:

1. The applicant needs to submit 4 sets of lighting plans and calculations to review “Means of Egress Emergency Illumination” per IBC1006.
2. The applicant needs to submit 4 sets of lighting plans for “General Lighting for Energy Conservation” per IECC 505 and SPS 363.0505.
3. The applicant needs to submit HVAC plans and calculations for review.
4. The applicant needs to submit 1 set of truss plans, completed SB-118 application form, and submittal fees shall be submitted and approved prior to installation.

No additional advertising signs are proposed to be added to the site. PCC §115-3D discusses the uniform address number posting location. Currently the uniform address number sign is posted within the business window and is blocked from road view by customer parking. PCC states that the official numbers for each principal building shall be posted in a manner as to be visible from the road within 10 feet of the intersection of the driveway and the right-of-way line on which the property is located and on a post a minimum of four feet and a maximum of six feet from ground level. The proposed building addition location meets the set back to the road (184 feet to centerline) and side yard (220 feet to west yard). Three separate dumpsters for garbage, cardboard, and metal are located on the property. Oil is contained in oil containers and pumped out by Rock Oil Refining, Inc. A burn pile was found (photos attached) that contained burnt metal, plastic, cans, aerosol cans, treated lumber, lumber, and pallets. Recycling facilities should be established per Section 201-10 of the Solid Waste Code. Surrounding uses are residential and agricultural. Landscaping or screening (plant or fence) plans were not provided with this plan. This use has expanded over the last 2-3 years and there are adjacent residential homes located in fairly close proximity (two hundred feet +/-) away, the LMC should consider the whether there is a need for screening. The 2010 aerial photo shows the business shortly after establishment and the attached photos show the increased density of the outdoor machinery for sale. There is machinery located near 530th Avenue and the private driveway easement. The equipment and machinery must be kept out of the right-of-way from those two roads and also from within 33 feet of the centerline of the roads. The machinery must also remain out of the right-of-way of US Hwy 10, or 65 feet from the centerline.

Staff Recommendation:

Staff recommends the Land Management Committee consider the information provided in this report to determine if any aspect of this development, as proposed in the site plan, is potentially harmful to the health, safety, aesthetics and general welfare of the county and can be addressed through modifications to the proposed site plan. Staff also recommends the LMC consider including the following conditions in any plan approval:

1. Applicant shall move the address sign to a suitable location so it is more visible for emergency vehicles as required by PCC §115-3D.
2. Applicant shall adhere to the 4 conditions required by DSPS which shall be met either during construction or installation or prior to occupancy or use.
3. If the new shop is to have a floor drain, it shall have a WI DNR approved non-domestic holding tank installed and permits shall be obtained from the WI DNR wastewater specialists prior to occupancy or use of the new building. The catch basin in the existing shop shall be replaced with a WI DNR non-domestic holding tank.
4. Future paving and increased impervious area shall be directed to ditches, infiltration basins, and not negatively affect the Town road or downstream neighbors.
5. All parked vehicles, stored equipment, and sales machinery shall be no closer than 33 feet from the centerline of 530th Ave and the private driveway easement, and no closer than 65 feet from the centerline of US Hwy 10.
6. A total of 12 parking spaces, with one handicapped parking space, shall be delineated on-site.
7. The septic tank and pump tank above grade manholes shall to be brought to above finish grade, where the ground is 4 inches below the lip of the lid, and the lids chained and locked. The observation pipe must be covered and the electrical service must be properly located in a weather proof conduit with an airtight seal from the gases in the pump tank.

8. Recycling facilities should be established per Section 201-10 of the Solid Waste Code and burning on-site shall cease.
9. The applicants shall obtain a Commercial Building Permit from Todd Dolan, Building Inspector.
10. The need for a screening plan should be discussed by the LMC and required if deemed to be appropriate.

Holst asked if Solid Waste had been notified of the infractions. Kleinhans stated yes and they agreed that burning should no longer take place. Holst asked if they cited these people. Kleinhans stated they did not cite them. Phil Blodgett presented pictures of the view from his front yard and stated he would like to see some screening; pine trees 8 – 10 feet tall. He doesn't think a fence will do it. He stated he is glad to see them doing so well. Stan has done a good job of bringing the buildings up to look good. They do have some problems with people driving in their driveway to look at equipment. He wants to work together. Sanden asked Mr. Blodgett if he was to the north and stated that it looks like you are located up grade, will trees be big enough? Mr. Blodgett stated he remembers his dad planting the existing trees. A fence isn't going to hide it. It will make it look a little better. He wants to see trees because they will be there all the time. Mr. Munson asked if a private driveway sign had been put up. Mr. Blodgett stated he put up a private driveway sign and it has slowed down. Chairperson Fetzer asked about the other lots and driveways. Mr. Munson stated it's a growing store. We have four locations and are all very well kept. Holst stated we have a group of people who can meet and have an amicable solution. We'll just add another condition to site plan approval for tree planting. Mr. Boles stated they have talked to someone in River Falls Electric about the lighting and building. Mark Blodgett is going to do the concrete. Holst asked if they are going to have a floor drain in the new building. Mr. Boles stated that they are not. They are going to take care of the existing one and bring it up to code. The equipment has been moved back and out of the right-of-way. He stated the sign and parking stalls are pretty simple. They will take care of the dumpsters. Mr. Munson stated they knew this was going to be the issue but they wanted to get the business up and running and go from there. Holst added that they are an asset to the agricultural community and it's nice to be able to go six or eight miles to get parts. It's a very nice hospitable crew. **Holst moved to approve the site plan for Stanley & Beverly Boles with conditions #1 - #9, adding #10 A screening plan that is acceptable to neighbors shall be submitted for Land Management Committee review/Sanden seconded. All in favor. Passed.**

Discuss take action on Travel/Training Requests. Pichotta stated there are no travel requests at this time.

Departmental Update and Future Agenda Items

Public hearing to consider a Retreat Center in the Town of Martell

Public hearing to consider an accessory residence in the Town of Diamond Bluff

Public hearing to consider code amendments to Chapter 240: Agribusiness, Commercial

Public hearing to consider code amendments to Chapter 191: Sewage, update references

Discuss take action on Chapter 1: general provision of the code

Discuss take action on proposed conditionally permitted use classifications for the commercial districts - we're going to be asking the committee whether or not we should separate out things like adult entertainment from general retail and services and make them conditionally permitted to allow for a towns comprehensive plan to be applied.

Sanden asked if we need to discuss Fred Harding's e-mail. Pichotta noted that he had talked to Chairman Fetzer about the issue and it was determined that the issue would be brought before the LMC only if WISC wanted to discuss the issue prior to CUP renewal. At this point they do not.

Motion to adjourn at 08:17pm by Sanden/Aubart seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, April 18, 2012 – 7:00 p.m.
County Board Room, Pierce County Courthouse,
414 W. Main St. Ellsworth, WI 54011**

#	Action	Presenter
1	Call to order	Chair
2	Election of Officers	Members
3	Next meeting dates: May 2 nd & 16 th , June 6 th & 20 th , all in 2012.	Chair
4	Approve minutes of the April 4, 2012 Land Management Committee meeting.	Chair
5	Public hearing to consider a request for a map amendment (rezone) from Rural Residential 12/PRD District to General Rural Flexible 8 District for NEWCO Finance, Inc, owner, by William F. Holst III, agent, on property located in part of the SE ¼ of the NE ¼, part of the E ½ of the SE ¼, and part of the W ½ of the SE ¼, all in Section 33 (approx. 97 acres), and part of the SW ¼ of the NW ¼, part of the W ½ of the SW ¼ and the SE ¼ of the SW ¼, all in Section 34 (approx. 118 acres), T26N, R19W, Town of Oak Grove, Pierce County, WI.	Lund
6	Public hearing to consider a request for a conditional use permit for Airports, Non-precision Approach Lighting in the General Rural District for City of Red Wing, owner, by Tammie Dougherty, agent, on property located in the S ½ of the SW ¼ of Section 5, T24N, R17W, Town of Isabelle, Pierce County, WI.	Kleinhans
7	Discuss take action on a request for a conditional use permit for an Accessory Residence in the General Rural Flexible District for Kipling and Julie Gore, owners on property located in the NE ¼ of the SW ¼ in Section 4, T25N, R18W, Town of Trenton, Pierce County, WI.	Lund
8	Discuss take action on a request for site plan approval for an addition to existing structure for commercial uses for Stanley & Beverly Boles, owners on property located in Lot 1, Certified Survey Map (CSM) V1, P219, in the SW ¼ of the SW ¼ of Section 15, T26N, R18W, Town of Trimbelle, Pierce County, WI.	Lund
9	Discuss take action on Travel/Training Requests	Pichotta
10	Future agenda items.	Pichotta
11	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.

(4/6/12)

PIERCE COUNTY WISCONSIN
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MINUTES - Pierce County Land Management Committee Meeting, April 4, 2012

Present: Joe Fetzer, Jeff Holst, Don Rohl and Eric Sanden

Others: Andy Pichotta, Jim Kleinhans, Emily Lund, Brad Roy and Shari Hartung

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

Next meeting dates: April 18th, May 2nd & 16th, all in 2012.

Approve Minutes: **Holst moved to approve the March 21, 2012 LMC minutes/Rohl seconded. All in favor. Passed.**

Public hearing to consider a request for a conditional use permit for Mining, Accessory Uses for a rail load out facility in the Agriculture Residential District for Wisconsin Industrial Sand Co, agent for Dean & Mary Holden, owners on property located in Government Lot 1, the NW ¼ of the NE ¼ of Section 22, T24N, R16W, Town of Maiden Rock, Pierce County, WI. Chairperson Fetzer invited Rich Budinger and Alan Nelson forward: Mr. Budinger, Regional Operations Manager, introduced Al Nelsen, Plant Manager of the Maiden Rock Facility, David Eckhardt, Assistant Plant Manager and Eric McLeod, legal counsel. Mr. Budinger explained that they are requesting to put in a rail load out structure. It is the same operation they have in the Village now. They will be bringing the load out closer to the plant operation and further from the Village. The relocation of the load out will effectively reduce noise by eliminating approximately 1500 feet of conveyor, 3000 feet of conveyor belt more than 375 trucking roller systems and 1125 individual rollers. Also moving the entire rail load out operation will move it approximately 1600 feet from the Village, businesses and residences. It will also address resident's ability to view the existing load out structure, which is currently directly beneath one of our neighbors within the Village. It will also reduce the potential for dust emissions. The rail load out structure plans were submitted which show cross sections, side view and aerial view. The structure is essentially the same structure they are currently using. The location will be directly in front of the plant operations, decreasing the footprint. Sanden asked if the timing has been coordinated with Burlington Northern to minimize the inconvenience on their tracks. Are you going to be interrupting their schedule? Mr. Budinger stated the structure itself is independent of the main line.

Staff Report – Brad Roy: This request is to construct a rail load out facility. The load out facility will include a conveyor and a structure which will support the rail car loading spout. The structure will also include the control room and master control center for electrical power distribution. Along with the new load out facility, siding along the railway was installed to the south as well as approximately 2200 feet of new track. There is an existing load out facility which extends north, approximately 1,500 feet, into the Village of Maiden Rock. Prior to this, all the sand produced from the mine was transported by truck to the rail line. The existing load out facility was constructed to reduce truck volume through the Village. The proposed facility will extend to the south away from the Village. The property is directly across Hwy 35 from the processing plant. This property lies within the BNSF right of way and its use is subject to a lease between BNSF and WISC. The property is narrow and will also require a Variance from the setback requirements from Hwy 35 and Lake Pepin by the Board of Adjustment. The total height of the structure

is 39 feet 11 inches. Structure heights are limited to 35 feet per §240-29A. §240-29B.(3) provides an exemption to the height requirement for “Special structures, such as elevator penthouses, grain elevators, observation towers in parks, communication towers, electrical poles and towers and smoke stacks, provided such structures shall not exceed in height their distance from the nearest lot line.

- The structure is approximately 106 feet from the centerline of Hwy 35 and approximately 55 feet from the Lake Pepin OHWM.

The new facility will:

- Reduce noise impacts by significantly reducing the equipment used in the load out process as well as moving personnel further from higher density residences.
- Move the entire rail load out operation approximately 1,600 feet further from the Village.
- Reduce the potential for dust emissions from the load out operations by shortening the overall structure by 1,500 feet.

A Fugitive Dust Control Plan was developed for the proposed facility. The existing structure and conveyors will be removed from the site. The Town of Maiden Rock recommended approval of this request on March 14, 2012, without reference to the Town Comprehensive Plan, but with the following comment, “Town will allow if Industrial Sand will develop a cleanup policy on load out – keeping tracks as clean as possible and surrounding area – Plan must be submitted to Town in written form.” The Town did not give any recommendation regarding hours of operation. Staff has received complaints from Village residents about noise late at night from WISC rail operations. The LMC may want to consider if limitations are warranted.

Staff Recommendation: Staff recommends the Land Management Committee consider the above and if the proposed use at the proposed location will not be contrary to the public interest and will not be detrimental or injurious to public health, public safety or the character of the surrounding area, grant this conditional use permit with the following conditions, as well as any additional conditions deemed appropriate or as suggested by the Town of Maiden Rock or area residents:

1. This proposal shall receive a Variance from the Board of Adjustment prior to construction.
2. The Fugitive Dust Plan shall be amended to include a cleanup policy as requested by the Town of Maiden Rock.

Chairperson Fetzer opened the hearing to the public. Fred Harding, resident of the Village lives within 100 feet of the rail line. He feels this load out facility is not in the best interest of the Village. He constantly hears the conveyor sounds. Current capacity is 23 rail cars. Mr. Budinger stated depending on the length of the cars; it could be up to 26 cars. Mr. Harding asked how many rail cars the expansion will handle. Mr. Budinger stated it’s about 2200 feet of track space so 50 feet a car, approximately 45 rail cars. Mr. Harding stated they will be doubling the amount of cars that will be pulled out. Moving the conveyor will minimize noise to the Village but will increase load out noise at the time the cars are switched out. They still have to take them through the Village. The process takes a great deal of time with 23 cars it takes approximately 30 minutes. Mr. Harding asked Mr. Budinger when they started to load out at 2:00 am. Mr. Budinger stated that Burlington Northern began making cars available at different times in mid-February. Mr. Harding is asking the committee to limit the mine to one switch out per day and to only daylight hours. He would also like to see the mine only process and load sand from the Maiden Rock facility thus minimizing the amount of truck traffic on a scenic highway. He would also add a condition that the mine clean all horizontal surfaces on loaded trains before moving them and that the mine deal with the waste products they produce from emptying cars before they fill them; when they bring an empty train in they have to make sure the cars are clean before they load them. He would also like the mine to practice best mine practices for sound mitigation against the conveyor they are putting in. Cynde Randall, Village Trustee and on the Plan Commission, on behalf of the residents in contact with her, she would support the conditions Fred just recommended. They had a lengthy discussion at their meeting and the four things they specified and wanted carried to this group are the one load per day during daylight hours, to re-engineer the structure for better capture of silica dust and to do a thorough cleaning of the train before it moves so it doesn’t throw clouds of dust into the Village and no sand from other operators. She believes some really clear conditions need to be put in place for this CUP. BJ Christofferson, resident and

business owner, right on Hwy 35. She would just like to reiterate what the two previous people have asked for. This is a very small village and this is a very large operation. One thing that has been an issue is the night time train operating. There are two B & B's in the Village; it's incredibly loud and long. If they are at least doubling their production then that will create another set of problems. We would request that you honor just these few conditions when and if you issue this conditional use permit. Gary Peterson, President of Village Board of Maiden Rock, suggested that it may be too quick a decision that the sand mine have only one train switch per day. We don't have the ability to restrict their capacity and it's possible that could turn to increase truck traffic in the Village and that could be worse than the train traffic. Linda Harding, resident of Maiden Rock Village, stressed the load out spout, what is in existence now is not very effective. She watches the silica dust blow all over the place. When she asked at a meeting if they are going to fix or change it for the new load out, she was told no, only if there was a problem. She would like there to be a condition that a different type of spout be used. She understands Menomonie has a spout that meets up with the opening on the train car and has another sleeve that goes over that, that captures more of the silica dust. Mike Michaud, lives in Maiden Rock Township and a member of an ad hoc citizens group that live near the mine, called the Maiden Rock Concerned Citizens Group, have been here before to talk to you when the mine was expanding into additional territory in the township. This request is much more than the simple moving of a piece of equipment from the Village into the Township. The rail load out facility relocation is one piece of a major upgrade to operations that WI Industrial Sand has been planning for over a year. Shortly after the last conditional use permit request in January, WI Industrial Sand unveiled plans to build a huge wash plant, new screening building and expand the length of its rail siding to accommodate twice as many rail cars as previously possible. Evidence from a recent WI Industrial Sand air pollution permit amendment process at the WI DNR indicates that this new upgrade expansion process will increase through put capability from previously permitted 150 tons per hour to a new production capacity of 300 tons per hour. Construction activities in the Township without first getting a permit from the County have been going on at the mine site. 2200 feet of additional rail has been built on new land not previously permitted. The new screening tower has been built without first getting a permit from the County. The track extension on unpermitted land seems to be in violation of a recent enacted Maiden Rock Town moratorium. This rail load out relocation is a major effort to double the production levels at the facility and has coincident, significant impacts to the community associated with the change in operations. The production increase is in direct violation of condition #6 of the January 2011 CUP any intensification of use or change in approved plans will require the issuance of an amended conditional use permit. This is an intensification of use. All the issues raised by the Citizens of Maiden Rock, the 19 pages submitted a year ago, still have not been addressed or incorporated. We want to incorporate those comments into this proceeding. The WI Industrial Sand increase of production, on the face of it, will also entail an increase of blasting activities, cancerous silica dust exposure to nearby residents, more trucks and noise impacts from the rail activities, changes to the aquifer, water consumption, groundwater contamination risks from the wastewater tailings and additional negative impacts to the natural scenic byway and reduce property values to nearby residences. The Land Management Committee should also look at condition #15, the whole debate on silica dust causing cancer has evolved significantly since the last conditional use permit; you want to be on top of ongoing studies. The LMC should look at our issues and recommendations from a year ago and get updated information from WI Industrial Sand on the scope of their expansion activities and then decide what additional conditions should be placed on it. David Meixner, on the Plan Commission for the Village of Maiden Rock, read a letter he presented to Jim Kleinhans regarding the approach this company has taken on the permitting process. He stated they are having issues with the permitting process in the Village and asks the committee to deny this application until WI Industrial Sand Co has been brought into compliance on outstanding issues. He encourages the County and Village to work together. **Public hearing closed.** Eric McLeod, counsel for WI Industrial Sand Co, one of the main items today is the limitation on the number of train car switching and times. The switching falls under the scope of the Federal Interstate Commerce determination. That regulation falls to the railroad directly. I don't know if this committee is aware that we feel this entire project should be subject to Federal preemption. Corporation Counsel disagreed. We

felt it was better to go through the process than engage in a further debate as it relates to our structure. Ultimately, if what is being proposed here is a limitation on the rail, I think Mr. Lawrence's views on that would clearly require this committee to abstain. We don't have the ability to control the railroad. The company is investing a significant amount of money to move this load out facility further away from the Village. We aren't going to satisfy all the concerns of the citizens with this conditional use permit process. What we intend to do will be a significant benefit to the Village. We disagree that we are in violation of condition #6; that is a separate matter under a separate CUP. The Town did make a recommendation of conditions to be attached to the CUP and we agree with the Town that we would do that, we're not opposing that. We operate with DNR permits, air permits, water permits and to his knowledge they're not in violation of any of those permits. They would be happy to answer any other questions the committee has. Mr. Budinger added to the comments that he heard about them disregarding the permit process and they disagree, they have gone through the permitting process at the County and Village. Holst asked about the ambient dust catcher that they are using in Menomonie. Mr. Nelsen stated it's called a bag. Mr. Budinger stated the spout that they are using has an inner transfer tube where the sand travels down and the outer tube is a flexible nylon hose and that's how the dust collection works. The sand travels down the inner core of the spout and then there is suction, negative pressure on outside sleeve which brings back up any dust at the emission source. The spout itself and the one we are offering is an upgrade, newer piece of equipment. Holst asked if the one that they will be installing will be different than the one they are running today. Mr. Nelsen stated it has the two sleeves and the newer style cars are lower so it slides down farther. Sanden asked Mr. McLeod about the number of load outs and timing, if the Feds control the railroad do they have jurisdiction over the structure? Mr. McLeod stated it's his position that this structure falls within the scope of Federal preemption and that we shouldn't be required to get zoning approval within the railroad right-of-way. Mr. Lawrence believes that it is a privately owned structure that doesn't fall under that scope of Federal preemption. We chose not to get into a legal debate. Based on his response to us, he clearly indicates that the timing and number of load outs aren't regulated by the County. Sanden asked if they have to get any approval or permitting through the Feds. Mr. McLeod stated certainly not, the railroad operates on its own. If there are any objections as to how the railroad operates those can be brought to a Federal authority. Chairperson Fetzer asked how many turns they are making a day currently? Mr. Nelsen stated two, five days a week when cars are available. Mr. Budinger stated the rail activity is seven days a week. We could potentially see double switching for five out of the seven. But if it continues throughout the seven with the service that we get on a regular basis, one of the problems working with the rails is that they will bring us a switch early in the morning and then not one in the afternoon or vice versa. The service is fairly sporadic. Sanden stated you are basically doubling the number of cars, are you then only doing one half the number of load outs per day? Or are you increasing the capacity of the sand mine and have the same number of load outs per day? Mr. Budinger stated the business model has us maximizing the logistics of transportation on the rail so the goal is to minimize the truck traffic. It's more economical and decreases our environmental footprint to keep the sand on site. The service right now is 40 plus rail cars on the spur. There absolutely is the potential that the frequency of the switching could be reduced. Sanden stated on the other hand it could stay the same. Mr. Budinger stated right. Chairperson Fetzer asked how many truck loads are in a rail car. Mr. Budinger stated four. Chairperson Fetzer stated you are looking to transfer your truck traffic into rail car. Mr. Budinger stated as much as they possibly can. Mr. Harding asked if there could be a clarification, he understands that the reason they transport by truck to other areas or markets not served by BNSR or to other areas where other train service provide more direct service. Mr. Budinger stated the rail terminals that they operate cover local rail spurs of Burlington Northern. There are different customer destinations other than the other terminals that they operate on the Canadian Pacific, the Canadian National railroads. We will make the appropriate decisions at that time if it makes more sense to truck or use rail cars or if there is a lack of rail cars to truck sand to an available rail. The main driver on them trucking sand to other locations would be the lack of rail cars or lack of availability. Sanden asked Brad when the original CUP is up for renewal. Roy stated January of 2013. Sanden asked if there has ever been any precedence for doing landscaping around rails. Roy stated we have screening requirements which apply to the

neighboring residential uses but to actually do within the railroad right-of-way, we haven't done that. Mr. Budinger stated there is a stretch of property back from the Village toward our rail load out that is fairly barren. Dept of Transportation has activity replacing a retaining wall. Any projects of beautification of landscape we take advantage of so we will work with the Village. Holst stated that's a Village issue, we can strongly recommend it but we can't enforce it. Mr. Nelsen stated any landscaping has to be approved by the railroad. We don't want things falling on the tracks. Kleinhans stated he checked with the Dept of Transportation and there is no scenic easement along that stretch of Dean Holden's property. Sanden stated one of the big issues is the noise and disturbance and the timing of the load outs per day, staff do you agree that this is an area that we shouldn't venture into? Pichotta stated Mr. Lawrence, the County's legal counsel, is currently out of the country but he spoke with legal counsel this morning and was strongly cautioned against placing conditions on those very things for those reasons.

Sanden moved to approve the conditional use permit for Mining, Accessory Uses for a rail load out facility for Wisconsin Industrial Sand Co with conditions #1 - #2, adding #3 Best management practices for load out dust control including better spouts be implemented for transfer to railroad cars. #4 Sand from facilities other than Maiden Rock cannot utilize this load out facility, Due to the fact this is not contrary to the public interest nor detrimental or injurious to the public health, public safety or the character of the surrounding area./Rohl seconded. All in favor. Passed.

Public hearing to consider a request for a rezone from Primary Agriculture District to General Rural Flexible District for Steven & Susan Boyer, owners on property located in part of the NE ¼ and the SE ¼ of the NE ¼ of Section 13, T27N, R17W, Town of Martell, Pierce County, WI.

Chairperson Fetzer invited Mr. Boyer forward: Mr. Boyer explained that the 29.31 acres is currently zoned Primary Agriculture and that his daughter would like to build on the property. She raises horses and works together with his wife with the horses. The current zoning doesn't allow for the construction of an additional residence. They are asking to change that to create another lot and put another home there.

Staff Report – Emily Lund: Applicants obtained a Conditional Use Permit for an accessory residence from the Land Management Committee on 2-16-2011. They intended to have a family member build an accessory residence on their property; however, they were unable to secure funding. They are now pursuing another option; that being to rezone the property from PA to GRF, subdivide the land, and then proceed to construct a home. The property is located in Section 13, Town of Martell. The Primary Agriculture zoning does not allow the land to be divided. The proposed rezone would allow for up to three lots. The district is "flexible" which means that, with Town approval, the density could be increased from 4 lots/40 acres to up to 8 lots/40 acres.) Nearby land uses include agriculture, commercial, residential, and forest land. Adjacent zoning districts are Primary Agriculture and General rural (in Town of Gilman).

Pierce County Zoning Code §240-15 Purpose and Intent of Zoning Districts are listed in the staff report for Primary Agriculture, General Rural and General Rural-Flexible. Town of Martell Plan Commission recommended approval of this rezone request at their 3-8-2012 meeting. The Martell Town Board approved the request at their 3-15-2012 meeting. The Town indicated that the request is consistent with their Comprehensive Plan. Specifically in Chapter 3: Housing Element, Page 2, one of their goals is to "allow residential development while preserving the integrity of the environment and the character of the community." On page 3, one of the objectives is to "support subdivision practices that maintain the Town's agricultural and natural resources."

The property is not in the Farmland Preservation Program and information on soils has been submitted.

Staff Recommendation: Given that the Town Board of Martell has determined this request to be consistent with their adopted comprehensive plan, staff recommends the Land Management Committee approve this rezone request and forward a recommendation to the County Board of Supervisors.

Chairperson Fetzer opened the hearing to the public. Lund stated she had received a phone call and an email regarding this request; one from the owners of the Red Barn indicating that they did not object to the request and an email, Jeffry Abboud, WI DOT. He stated that he has no comment on this request. No public comment. **Public hearing closed.** Holst stated this looks like a piece of property that should be

rezoned. Sanden commented that it is in the right location and along two highways and the density is only being increased by two lots. Holst stated that the primary requirement is that it is consistent with the Town's Comprehensive Plan. **Holst moved to approve the rezone from Primary Agriculture District to General Rural Flexible District for Steven & Susan Boyer, and forward a recommendation to the County Board of Supervisors/Rohl seconded. All in favor. Passed.**

Public hearing to consider a request for a conditional use permit to Expansion of a Nonconforming Structure in the Rural Residential 20 District for Joseph & Betty Linder, owners on property located in the NE ¼ of the NE ¼ in Section 1, T24N, R18W, Town of Trenton, Pierce County, WI. Chairperson Fetzer invited Mr. Linder forward: Mr. Linder stated they are asking to expand a nonconforming structure on County Road C to replace the building and expand to make it longer basically in the same footprint that it sits in now. The biggest issue is that it is only 75 feet from County Road C. **Staff Report – Emily Lund:** The applicants own a 0.588-acre lot-of-record that was created prior to zoning regulation. Their home is 75 feet from the centerline of County Rd C and is a non-conforming structure. The applicants are requesting a CUP to replace/expand their existing home with a newer home (60 ft by 28 ft), attached garage (20 ft by 28 ft), and basement (60 ft by 28 ft). The expanded structure would not be located any closer to Co Rd C than the existing residence. The property is located in Section 1, Town of Trenton and is zoned Rural Residential-20. Pierce County Code § 240-27B states, "County highways. Except as provided in Subsection E, the required setback for all structures fronting on county highways shall be 100 feet from the center line of the road or 67 feet from the edge of the right-of-way, whichever is greater." Pierce County Code § 240-27E discusses setback reduction; however, there are no principal structures within 200 ft that are closer to the road, so this option does not help their situation. Pierce County Code § 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." Pierce County Code Attachment 2: Table of Dimensional Requirement states the maximum impervious area is 40% in the Rural Residential-20 zoning district. The current impervious area is approximately 10.2% and with the new home the impervious area is approximately 13.8%. Trenton Town Board approved this request on 3-13-2012 without specific conditions. The Town referenced its Comprehensive Plan, but did not cite a specific provision. The well is located south of the garage. The septic tank and drainfield are located northwest of the house. The proposed home location will not encroach on the well. The setbacks from the new/expanded home to the drainfield (10 ft), septic tank (5 ft), and side/rear lot line (10 ft) will be maintained. The home will require a Pierce County Sanitary Reconnect Permit for connection to the existing septic system. The applicants plan to hire a Wisconsin Licensed Plumber to obtain a Pierce County Sanitary Permit and to complete this task. No renewal would be necessary for this request. Pierce County Code §240-76 (G) states that "all conditional use permits shall expire 12 months from the date of issuance where no action has commenced to establish the authorized use."

Staff Recommendation: Staff recommends the Land Management Committee determine whether the expansion of a nonconforming structure at the proposed location would be 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 approve this CUP with the following conditions:

1. The applicants shall obtain a Pierce County Sanitary Permit in order to connect the existing septic system to the principal home.
2. 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.
3. The home shall maintain a 10 ft setback from rear and side lot lines, 10 ft setback from the drainfield, 5 ft setback from the septic tank, 75 ft setback to the centerline of Cty Rd C and not exceed 35 ft in height above the grade elevation.

4. The applicant shall work with the local building inspector, Galen Seipel, to determine whether a permit from the town is needed and to ensure compliance with the Uniform Dwelling Code (UDC) requirements.
5. The use shall be established within 12 months of CUP approval.

Chairperson Fetzer opened the hearing to the public. No public comment. **Chairperson Fetzer closed the public hearing.**

Holst moved to approve the request for a conditional use permit for expansion of a nonconforming structure for Joseph & Betty Linder with conditions #1 - #5, 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/Sanden seconded. All in favor. Motion passed.

Public hearing to consider a request for a conditional use permit for an Accessory Residence in the General Rural Flexible District for Kipling & Julie Gore, owners on property located in the NE ¼ of the SW ¼ of Section 4, T25N, R18W, Town of Trenton, Pierce County, WI. Chairperson Fetzer invited Mr. & Mrs. Gore forward: Pichotta stated Gores are not in attendance this evening, what they asked that we do is go ahead and hold the public hearing and then defer action until the next meeting where they will be present.

Staff Report – Emily Lund: The applicants built a 72 ft by 56 ft barn that has a 2-story, 24 ft by 32 ft, 1-bedroom loft apartment in December 2010. This request is to have the loft apartment become the accessory residence to a new principal residence that is proposed to be built this year. The principal residence would be connected to the same septic system associated with the accessory residence. The property is located in Section 4, Town of Trenton and is zoned General Rural Flexible District. The Trenton Town Board recommended approval of this request on 3-13-2012 with the stipulation that a separate fire number be acquired for the accessory residence. The Town indicated that the request is consistent with their Comprehensive Plan, but did not cite a specific reference. The applicant owns 39.92 acres and has an existing barn with a loft apartment. This request is to have the loft apartment become accessory to a principal residence that is proposed to be built this year. The proposed principal residence will be a 40 ft by 46 ft 3-bedroom house with a basement, main level, and loft with 3-car attached garage with 2 decks, one being 10 ft by 10 ft and the other being 12 ft by 18 ft. The principal residence will require the issuance of a Land Use Permit as well as a Pierce County Sanitary Reconnect Permit for connection to the existing septic system. The applicants plan to hire a Master Plumber, to obtain a Pierce County Sanitary Permit and to complete this task. Also an “Affidavit regarding Common Private Sewage System” will need to be recorded on their deed that notifies future property owners that the septic system is connected to two residential structures on the property. Pierce County Code allows accessory residence with a conditional use permit. Accessory Residence is defined here. No renewal of this request will be necessary. The applicants indicated they do not plan to rent out the accessory residence immediately and will obtain a universal address number when they rent to a non-family member. PCC ch. 115 states that all properties or parcels and principal buildings shall be assigned an address based on the uniform numbering system.

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

1. The applicants shall record an ‘Affidavit regarding Common Private Sewage System’ on their deed prior to issuance of a sanitary permit.
2. The applicant shall obtain a Land Use Permit for the new principle residence.
3. The applicants shall obtain a Pierce County Sanitary Permit in order to connect the existing septic system to the new principal residence.
4. A separate address and sign shall be acquired for the accessory residence.

Chairperson Fetzer opened the public hearing. No public comment. **Public hearing closed.**

Rohl moved to defer action on a conditional use permit request for an accessory residence for Kipling and Julie Gore until the next LMC meeting/Sanden seconded. All in favor. Passed.

Public hearing to consider a request for a conditional use permit for Expansion of a Nonconforming Structure in the General Rural Flexible 8 District for Alex & Jill Wells, owners on property located in the SW ¼ of the SE ¼ of Section 6, T27N, R19W, Town of Clifton, Pierce County, WI.

Chairperson Fetzer invited Mr. & Mrs. Wells forward: Ms Wells explained they just want to add general living space. Their house is small and they are not going to change the foundation at all. They just want to go up, change their garage into living space with a game room on top with some storage.

Staff Report – Jim Kleinhans: Mr. and Mrs. Wells came to our office to get a permit to expand their nonconforming structure. It's nonconforming because it's 67 feet from the centerline of County Road F. The garage location is 90 feet from the county road centerline. The applicants are requesting a CUP to convert the attached garage plus add a second story of living space to provide additional room for their family. Because we are adding living space, Pierce County Sanitary Code requires that we evaluate the septic system. That was evaluated by Darrell's Septic Service on March 14, 2012 and determined to be in good operation condition. All utilities meet required setbacks. The Clifton Town Board approved this request on 3-6-2012 without specific conditions or reference to their comprehensive land use plan.

Staff Recommendation: Staff recommends the Land Management Committee determine whether the expansion of a nonconforming structure at the proposed location would be contrary to the public interest or 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 CUP with the following conditions:

1. The applicant shall work with the local building inspector, Todd Dolan, to determine whether a permit from the town is needed and to ensure compliance with the Uniform Dwelling Code (UDC) requirements.
2. The use shall be established within 12 months of CUP approval.
3. Disposal of old and unusable building materials shall comply with Chapter 201-16 Pierce County Solid Waste Code and WI Administrative NR447.

Chairperson Fetzer opened the hearing to the public. No public comment. Public hearing closed.

Rohl moved to approve the expansion of the nonconforming structure for Alex and Jill Wells with conditions #1 - #3 due to the fact this is not found to be contrary to public interest, nor detrimental or injurious to public health, public safety or the character of the surrounding area/Sanden seconded. All in favor. Passed.

Discuss take action on deferred request for a conditional use permit to expand/intensify "Vino in the Valley," a Farm & Home Based Business by Larry Brenner, owner on property located in the SW ¼ of the NE ¼ of Section 33, T26N, R16W, Town of El Paso, Pierce County, WI. Pichotta stated a question came up as part of discussion, it was noted that Mr. Brenner has 40 part-time employees filling 16 positions, when he is entitled to 8 per conditional use permit. Pichotta noted that he had discussed staff's interpretation of code with corporation counsel who gave an opinion that the only reasonable way to look at the code is to consider employees on site at a time versus in total "on the books" He suggested that if you had a Farm & Home Based Business with eight employees and one took an extended leave of absence does that mean that you don't get to have another person come in and fill that person's position while that person was gone? He felt that was an unreasonable interpretation and the only way not to get absurd results was to consider it to be the number of employees on site at a given time. Sanden asked if it was ever brought up about multiplying the number of employees by 40 hours a week and see the collective number of hours worked by the part-time. Pichotta stated that they didn't get into that scenario.

Staff Report – Brad Roy: Larry is requesting 88 days of operation up from the 75 which would also modify the hours of operation. The requested change is to increase the number of days of operation to 88 days per year. Condition #11 states that the applicant shall not exceed 75 days of operation per year. The applicant is also requesting to change the hours of operation. Condition 12 states: Hours of operation from

April through September shall be Thursdays 4pm to 10pm with lights out at 11pm; Saturdays 4pm to 10pm for the public with lights out at 11pm and allow for any charity or special private event from 12pm to 4pm; Sundays 12pm to 8pm. From October through December the hours shall be Saturday and Sunday 12pm to 6pm. Any deviation from the approved schedule shall be at the discretion of the Town of El Paso. The Town shall notify the Department of Land Management when any such deviation is approved. The proposed changes are:

May through September, Thursdays and Fridays 5pm - 10pm, Saturday Noon -10pm and Sundays Noon - 6pm.

October, Saturdays Noon – 7pm, Sundays Noon – 6pm.

The existing conditions are listed in the staff report. The Town of El Paso recommended approval of this request on February 20, 2012. The Town did not cite any specific language from their comprehensive plan, but suggested conditions about installing a directional sign and attempting to slow traffic.

Staff Recommendation: Staff recommends the LMC consider this request and its impact on the public interest, health and safety or character of the area and 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.

Sanden asked Brad for the new hours. **Chairperson Fetzer recused himself from voting on the current issue. Sanden moved to approve the conditional use permit expansion/intensification for Vino in the Valley with conditions #1 - #13, modifying #11 to read “Applicant shall not exceed 88 days of operation per year, and #12 Hours of operation from May to September, Thursdays and Fridays 5pm – 10pm, Saturday Noon – 10pm and Sundays Noon – 6pm. October, Saturdays Noon – 7pm, Sundays Noon – 6pm/Rohl seconded.** Pichotta questioned whether deviation of days of operation subject to the discretion of the Town of El Paso, currently part of condition #12 would continue. Does that LMC want that included? **Sanden amended his motion to include “Any deviation from the approved schedule shall be at the discretion of the Town of El Paso. The Town shall notify the Department of Land Management when any such deviation is approved/Rohl 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 by 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 1.4 of Section 16, all in T27N, R15W, Town of Spring Lake, Pierce County, WI.

Staff Report – Brad Roy: County Materials received a Conditional Use Permit for Nonmetallic Mining in April, 2007. 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. The operation plan states that excavation would create a floor elevation of 1050 feet above sea level, where all activity would be conducted. The average current floor elevation is 1100’ and the processing area has an approximate elevation of 1160’. Staff believes that if the operation is conducted in accordance with the operation plan, issues related to noise, dust and appearance would be mitigated. When crushing equipment is placed onsite it is located within the quarry, below grade. The wash plant and other operational structures are located above the quarry. This makes the operation more noticeable visually and audibly. County Materials intentions are to place the structures within the quarry, as space allows, limiting the impacts to the surrounding areas. The average floor elevation of the quarry is 1100’. Last year County Materials expressed a plan to expand the quarry to the south and lower the floor to 1075’. There are 30 unreclaimed acres on the site. This is the maximum allowed by the CUP. Hydraulic conveyors were installed last year to mitigate dust on neighboring properties. Dust complaints continued after the conveyors were installed. The Town of Spring Lake was contacted for comments or concerns regarding the renewal of this conditional use permit. Gary Peterson, Town of Spring Lake Chairperson, responded that the Town did receive complaints since the fall status report.

Staff is proposing new conditions to mitigate the impacts to neighboring landowners created by operation activity above the extraction area:

- Hours of operation shall be 7am to 5pm Monday through Friday. Operation shall be closed on holidays. (*Condition 2 currently states: Hours of operation shall be 6am to 6pm Monday through Friday, 8am to noon on Saturday. Operation shall be closed on Sundays and holidays.*)
- Stockpiles shall be a minimum of 10 feet below the height of the berm at all times.
- 12 foot spruce trees shall be planted and maintained in a manner to create a continuous barrier atop the berms.
- A Fugitive Dust Plan shall be developed. The plan shall be presented to the Town of Spring Lake for comment and presented to the LMC for review and approval within 6 months.

The existing conditions of the permit are:

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

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 (proposed new conditions are in ***bold italics***):

1. Applicant shall follow all recommendations and receive all necessary permits from all relevant departments and agencies.
2. ***Hours of operation shall be 7am to 5pm Monday through Friday. 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 pond design shall be completed by a State certified engineer. The pond design shall be reviewed and approved by the Pierce County Land Conservation Department.
5. Erosion control shall be installed prior to any mining. All erosion control measures shall be submitted to the Zoning Office for review and approval prior to any mining.
6. Road access shall be permitted by WI DOT and a Uniform Address Number shall be obtained from the Zoning Office.
7. Reclamation shall be completed consistent with submitted plans.
8. Mine operation and design shall be consistent with the approved plans. Zoning Office shall be notified of any deviation from the plans.
9. Zoning Office shall be notified if ground water is encountered.
10. All structures and signage shall be permitted by the Zoning Office.
11. An elevation benchmark shall be established.
12. The reclamation financial assurance information shall be reviewed and approved by Corporation Counsel before mining commences.
13. Applicant shall comply with NR 135 Annual Reclamation Permits.
14. Property owners located within 1000 feet shall be given reasonable notice of all planned blasting. This request shall be waived for landowners who request not to be given notice.
15. Well tests for nitrates, suspended solids, and dissolved solids shall be conducted for all existing wells within 1000 feet of the proposed mining operation to establish a baseline, and for all other properties as agreed upon by County Materials (Jones, etc.). This shall be completed prior to blasting. Wells shall be tested annually thereafter. All results shall be provided to the Zoning Office.
16. A copy of the Storm Water Pollution Prevention Plan and Spill Prevention Control and Countermeasures shall be submitted to the Zoning Office.
17. The recycling of concrete products shall be allowed.
18. This CUP shall be reviewed for renewal in one year.
19. County Materials Corporation shall conduct operations on the site consistent with the standards specified in the letter from CMC to Pierce County dated 3/13/07.
20. All loaded trucks shall be covered (tarped) prior to leaving the site.
21. The quarry shall have no more than 30 unreclaimed acres at any given time. The storm water pond and processing area are to be included in the unreclaimed acres.
22. Applicant shall conduct decibel readings during mining operations at; the property line, 1320 ft from the property line, and at 1½ miles from property boundary, and shall submit results to the Land Management Department. Such readings shall be taken three times annually, and at locations agreeable to Land Management Department staff and County Materials. An initial reading shall be made prior to operations to establish a baseline.
23. A four-strand barb-wire fence shall be placed around the active mining operation along with appropriate signage.
24. A lockbox with access key shall be made accessible to emergency personnel.
25. Applicant shall provide a status report to the LMC in 6 months.
26. ***Stockpiles shall be a minimum of 10 feet below the height of the berm at all times.***
27. ***12 foot spruce trees shall be planted and maintained in a manner to create a continuous barrier atop the berms.***

A Fugitive Dust Plan shall be developed. The plan shall be presented to the Town of Spring Lake for comment and presented to the LMC for review and approval within 6 months.

Mr. Small introduced Pete Krautkramer, new aggregate supervisor that has been with the company for over 25 years, he will be taking over the operations at the pit. Mr. Small wanted to comment on the new conditions. The last one, he feels is an excellent idea and if they had had that earlier, maybe they wouldn't be here. Last fall when there were some wind gusts, they should have shut it down. They did shut it down when Evelyn called but it isn't her duty to call them. He would like to move up the Fugitive Dust Plan to the Township by their May meeting. He would like to get a weather station or anemometer on site that will record it and will come up with a wind speed so they can say when it's over this speed or gusts they shut it down but stay on site to water. Our production guy's idea of what is too windy was far dustier than Evelyn's idea of too dusty. We also paved the driveway for 400 feet going in. We have started the reclamation along the north slope. It's been sloped 4:1 approximately. We're up against the 30 acre footprint now and to try and get the equipment into the quarry, the whole idea of having enough room to be able to flip flop everything and get it down there. The stockpiles, the contour fluctuates a lot and there are areas of the processing plant that are within 10 feet of the berm. Pete will talk about raising the berm. We will raise the berm on the inside because the seedlings and grass have taken off. The manufactured sand isn't selling and is piling up. We're trying to find a market for that product but it is a fairly large pile. The hours of operation, not sure how that mitigates the dust, we would like to be open the hours we have now so we can water. Pete Krautkramer, been with County Materials for about 30 years on the eastern part of the state while Jack was over here. The biggest problem is watering so he hired a third guy that will be out watering. The screening and lime end are the big problem. He expects to see that down in the hole in the spring of 2014. He will have a water truck run at all times. He is hoping that when they are predicting high winds that he can come in Saturday or Sunday and water. The weather station will give the people at the pit something to go by and not rely on their judgment. He really needs the hours, it's a short season. He was going to ask for hours from 6:00am to 9:00pm for repairs. You are requesting 12 foot trees out there. He would like to bring the berm up another 10 feet this summer and seed and put trees on top of that. The piles that are above 10 feet below the berm, it's tough to do. He believes they have a nice, clean, very respectable looking place. They have a brush for the skid steer to clean the blacktop as it gets dirty. We're not getting dust off the sand pile. It's the traffic and the loaders around the pit and the lime. So he'll keep someone with a watering truck, all day. Mr. Small offered an invitation to the Town of Spring Lake and Pierce County for a tour to see what they are doing with the piles. Holst stated that Mr. Small has been coming here since 2007. We have been very patient. Mr. Sonntag didn't do all that he said he was going to do. The fact is that we were told that this was going to happen and that was going to happen. You impact Evelyn at a tremendous amount, in your opinion it's only a day or two a summer. In her opinion, it's every day. She is a willing seller, buy her house and let her get on with her life. Then maybe we can address the hours and take a look at getting your production back up, just something to take back to corporate. Bill Kanderman stated that Evelyn is not the only house that is impacted by this. Are you suggesting that County Materials buy everyone out? Holst stated that he is not suggesting that, but Evelyn is the one that has complained the most. Mr. Krautkramer stated we have talked about buying Evelyn's property and then there will be six more lined up. Holst stated in Evelyn's opinion there is a serious problem. He understands that Mr. Krautkramer got this dumped on him but the reputation of this company isn't as good as it was when they walked in here. Mr. Krautkramer is asking for six months to prove himself. He hired a guy just for watering and he feels if they go to this weather system it will really help. Michael Jacobson, Spring Lake Supervisor, initially we recommended to the County that they not to approve this CUP. We were told that it wouldn't be visible unless you were in an airplane, that you would mitigate dust and that you would not know that a quarry was in our township. This quarry is an intensive use quarry. Evelyn is ground zero and gets the brunt of it day in and day out. It is negative to the aesthetics of the Town of Spring Lake. We're here twice a year because there is extenuating circumstances that make us have to come back. There are some things that aren't working that need to be addressed. Evelyn Jensen doesn't feel the trees are going to help. She had pictures of trucks coming out, six at a time, and going in, in a half hour period on Saturday. She doesn't feel they deserve anymore time. She feels they have other places that the stockpiles could be placed. The berm higher should help but the piles shouldn't be there. Sanden asked when this is up for renewal. Pichotta according to code, every two years, but we have had these folks on a shorter leash, back in every six months for status reports. Roy stated six month review and one year renewal. Sanden asked Mr. Krautkramer about the hours of operation, concerned about not have time for watering and repairs. Mr. Krautkramer stated he would be happy with the 6:00am to 6:00pm. Mr. Krautkramer stated the way it reads now; he wouldn't be able to be out there Saturday afternoon or Sunday to water. Holst stated we'll give you that; you can water 24/7. Sanden stated to the committee he doesn't know if they should give them the benefit of the doubt beforehand or afterwards. He agrees with all the comments, there has been plenty of time for them to prove themselves. On one hand he feels they should prove it with the conditions as modified and they can revisit in six months, then maybe expand the hours. Or they can work with the new operator, give them the benefit

of the doubt and modify these to give them a little more time and bring them back in six months. Chairperson Fetzer asked if there is any precedence on shortening up the window, six months takes them through the summer. Holst stated we can have them back every week if you want and he thought they should get a comment from the Town. Mr. Jacobson stated hearing the spring of 2014 is disheartening. Mr. Krautkramer stated he wishes he could do it sooner. Mr. Jacobson stated he wants to hear the truth. The biggest issues are dust and visibility. If they have something that they want to propose and raise the berm that would help take care of the problems. Ms Jensen stated she has no trust in them anymore. Mr. Klanderma stated Mr. Small has listened to us but never had the authority to do something. Holst stated he has only been by the site once and asked if the stockpiles are limestone. Mr. Krautkramer stated they are off the wash plant. The largest piles along the road are the manufactured sand. The last two years there was no market for it. **Sanden moved to approve the conditional use permit renewal for Nonmetallic Mining for CMC-Spring Valley LLC with conditions #1 - #28, amending condition #2 to read, Hours of operation shall be 7am to 5pm Monday through Friday, watering/repair operations shall be 6am to 6pm Monday through Friday, 8am to Noon on Saturday. Operation shall be closed on holidays, also to add that this will be up for review and renewal in 6 months. Chairperson Fetzer asked if we want to add anything as far as watering. Holst stated he believes watering should be allowed anytime at the discretion of the operator and he would like to see them brought back in three months. It gives him the incentive to get this going and get it straightened out. Sanden stated that is acceptable. Chairperson Fetzer stated so amended. Holst seconded. Chairperson Fetzer stated the motion is to approve the renewal of the conditional use permit for Nonmetallic Mining for CMC-Spring Valley with amended conditions #1 - #29. All in favor. Passed.**

Discuss take action on site plan review for proposed Oak Grove Town Hall Fire Station by Auth-Consulting/Associates, agent for Town of Oak Grove, on property located in Section 21, T26N, R19W, Town of Oak Grove, Pierce County, WI. Chairperson Fetzer invited Kip Johnson forward: Mr. Johnson, civil engineer with Auth-Consulting/Associates, stated they have been hired by the Town of Oak Grove to help them through the process of site design, get permits and get approval. The staff report covers most of the issues. The Town/Fire Hall building is a total of 6400 feet with surrounding parking. They have 48 parking stalls, proposing to be a gravel parking lot first, eventually to pave. We do have it submitted to the DNR for approval for land disturbing permit. He talked to Jim Devlin today and he didn't see a problem with that permit and expected it to be granted next week.

Staff Report – Jim Kleinhans: Five years ago the Town of Oak Grove purchased this parcel and had a soil test completed and driveway approved and installed. They have been planning ever since to develop this into a new town hall to replace their existing facility on County Road QQ. This building will require approval from the State Department of Safety and Professional Services based upon the volume and use of the structure. Road access was approved by the Town and the driveway was stubbed in several years ago. The driveway will be installed a little wider than initially designed; 30 foot width to accommodate vehicles and fire equipment. Kip mentioned the number of parking places and Jim evaluated that based on the code. The site plan identifies a location for an on-premise advertising sign but lacks detail on sign message or size. Staff will have to work with them to make sure the sign will be in compliance with the zoning code. The building location meets setbacks from the roads and side yards. Plans for security lighting were not provided. No freestanding light poles are proposed. Wall mounted fixtures with shields were discussed with Mr. Johnson. The tallest portion of the building (40ft by 80ft) includes the proposed fire hall equipped with four drive-thru doors. The traffic circulation will allow them to drive completely around the building. A high capacity well is proposed for the fire hall for filling trucks. The size of the created parcel allows for other land use including some recreational facilities. Plans for those are not provided at this time. Landscaping plans were not provided with this concept site plan. Mr. Johnson indicated a 4 to 6 foot strip in front of the building will be landscaped with various plantings plus decorative rock and mulch. The fire station is being developed in conjunction with the Prescott Fire Dept. An emergency siren is not proposed at this remote location as pagers are more typical means of notification of firefighters. They discussed the potential for establishing a roll-off drop site for recycling containers. Jim believes Solid Waste Department should still be involved for development of this site, not only for roll-off containers but possibly internal recycling measures.

Staff Recommendation: Staff recommends the Land Management Committee consider the information provided in this report to determine if this development is not found harmful to the health, safety, prosperity, aesthetics and general welfare of the county. Staff recommends the LMC also consider the following:

1. Land Conservation Department review surface water and storm water runoff plans.
2. Solid Waste Department approve solid waste recycling methods.
3. Land Management staff review and approve signage and security lighting for this facility.

Holst moved to approve the site plan for Town of Oak Grove Town/Fire Hall with conditions #1 - #3/Sanden seconded. All in favor. Passed.

Discuss take action on Travel/Training Requests. Pichotta stated there are no requests at this time.

Departmental Update and Future Agenda Items

Rezone from RR12/PRD to GRF8 in the Town of Oak Grove

CUP request for Airports, Non-precision approach lighting for City of Red Wing

Discuss take action on the Gore Accessory Residence

Motion to adjourn at 09:29pm by Holst/Rohl seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, April 4, 2012 – 7:00 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: April 18 th , May 2 nd & 16 th , all in 2012.	Chair
3	Approve minutes of the March 21, 2012 Land Management Committee meeting.	Chair
4	Public hearing to consider a request for a conditional use permit for Mining, Accessory Uses for a rail load out facility in the Agriculture Residential District for Wisconsin Industrial Sand Co, agent for Dean and Mary Holden, owners on property located in Government Lot 1, the NW ¼ of the NE ¼ of Section 22, T24N, R16W, Town of Maiden Rock, Pierce County, WI.	Roy
5	Public hearing to consider a request to rezone from Primary Agriculture District to the General Rural Flexible District for Steven and Susan Boyer, owners on property located in part of the NE ¼ and the SE ¼ of the NE ¼ of Section 13, T27N, R17W, Town of Martell, Pierce County, WI.	Lund
6	Public hearing to consider a request for a conditional use permit for Expansion of a Nonconforming Structure in the Rural Residential 20 District for Joseph and Betty Linder, owners on property located in the NE ¼ of the NE ¼ of Section 1, T24N, R18W, Town of Trenton, Pierce County, WI.	Lund
7	Public hearing to consider a request for a conditional use permit for an Accessory Residence in the General Rural Flexible District for Kipling and Julie Gore, owners on property located in the NE ¼ of the SW ¼ in Section 4, T25N, R18W, Town of Trenton, Pierce County, WI.	Lund
8	Public hearing to consider a request for a conditional use permit for Expansion of a Nonconforming Structure in the General Rural Flexible 8 District for Alex and Jill Wells, owners on property located in the SW ¼ of the SE ¼ of Section 6, T27N, R19W, Town of Clifton, Pierce County, WI.	Kleinhaus
9	Discuss take action on deferred request for a conditional use permit to expand/intensify “Vino in the Valley,” a Farm & Home Based Business, by Larry Brenner, owner on property located in the SW ¼ of the NE ¼ of Section 33, T26N, R16W, Town of El Paso, Pierce County, WI. 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 by 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,	Roy

	R15W, Town of Spring Lake,	
11	Discuss take action on site plan review for proposed Oak Grove Town Hall Fire Station by Auth·Consulting/associates, agent, for Town of Oak Grove on property located in Section 21, T26N, R19W, Town of Oak Grove, Pierce County, WI.	Kleinhans
12	Discuss take action on Travel/Training Requests	Pichotta
13	Future agenda items.	Pichotta
14	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.

(3/23/12)

PIERCE COUNTY WISCONSIN
DEPARTMENT OF LAND MANAGEMENT & RECORDS
Pierce County Courthouse
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Ellsworth, Wisconsin 54011
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PLANNING OFFICE 715-273-6746
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MINUTES - Pierce County Land Management Committee Meeting, March 21, 2012

Present: Joe Fetzer, Jeff Holst, Don Rohl and Eric Sanden

Others: Andy Pichotta, Jim Kleinhans, Brad Roy and Shari Hartung

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

Next meeting dates: April 4th & 18th, May 2nd & 16th, all in 2012.

Approve Minutes: **Sanden moved to approve the March 7, 2012 LMC minutes/Holst seconded. All in favor. Passed.**

Public hearing to consider a request for a conditional use permit for a Utility Facility >1000 square feet for an electrical substation in the General Rural District for Dairyland Power Coop, owner, by Steven Andrews, agent on property located in the SW ¼ of the SE ¼ of Section 3, T27N, R16W, Town of Gilman, Pierce County, WI. Chairperson Fetzer invited Mr. Andrews forward: Mr.

Andrews explained they are requesting to put in an electrical substation. Right now they're on Xcel's site and renting space from them. Xcel is going to be expanding their substation so they're getting booted out of there. So they'll have a facility on about a 2 acre site.

Staff Report – Jim Kleinhans: Dairyland Power created a new parcel behind the existing substation about a year ago with the intent to do this. They have come in with plans and want to establish another substation and give themselves a little more room. They have 25 of these electrical distribution cooperatives in the area, several in Pierce County. This is in the Town of Gilman in Section 3. Section 240-41F in our Code talks about Utility Facilities and lists about four applicable things; the Exclusive Agriculture District does not apply since this is zoned General Rural. The site is along a town road and they will be moving behind the existing substation so it will be farther from the road than where they are currently. This spot would be advisable to use since they can tie into the existing grid. There is a new site plan in committee folders that show how they are going to tie into the existing grid. The lines will run directly west and to the north/south lines. Dimensions of the secured area are 100 feet by 90 feet with a security fence that will contain all the equipment. The zoning code specifies a 10 foot high security fence for electrical substations and Steve said that would work. There is a drawing that shows topographic features with one foot contour intervals and the proposed facility would be at an elevation of 1175. Sheet three in the staff report shows cross sections and the amount of filling along the south side and the amount of cutting on the north side to maintain a level facility. Steve indicated that soil erosion control best management practices will be incorporated to stabilize the site. There was no landscape plan with this but Steve also indicated that another firm follows up to tidy up the site after they have installed their equipment. Height of proposed development is 34 feet to lightning rods that project 11 feet above the equipment. The 35 foot height limitation for structures can be exceeded by electrical equipment based on Section 240-29 of the Zoning Code. This section reads special structures such as elevator penthouses, grain elevators, observation towers in parks, communication towers, electrical poles and towers and smoke stacks, provided such structures shall not exceed in height their distance from the nearest lot line. Jim verified on the scale drawing that this isn't an issue. The facility also has a communication pole

projected 80 feet above grade that has a yagi on it for monitoring load management in the facility. Originally the pole was going to be located outside the fence. They would prefer it be located directly next to the small shed on the south side of the substation. Jim looked at the dimensions of the 80 foot pole and if they located it just to the west side of the proposed shed it would meet the 80 foot setbacks to all property lines. The other equipment includes an 8 foot by 12 foot control building, one transformer, a set of regulators and steel equipment supports. Jim had a call about stray voltage, Steve indicated that stray voltage is usually not a concern for these types of facilities provided electrical connections are made correct and the facility is designed with a closed circuit ground loop. A uniform address number was designated for the property and a sign will need to be placed at the site. The Town of Gilman recommended approval of this request on Feb 8, 2012 without any comments or suggested conditions.

Staff Recommendation: Staff recommends the Land Management Committee determine whether this request is contrary to the public interest or detrimental or injurious to the public health, public safety or the character of the surrounding area. If found not to be contrary to the above, staff recommends the LMC approve this request with the following conditions:

1. The security fence be installed to a height of 10 feet above the grade elevation.
2. The land use shall be established within 12 months from approval.
3. Any electrical interference to adjoining property owners shall be corrected within a reasonable timeframe.
4. The uniform address sign be placed near the entrance to the facility or along their driveway.
5. Best management practices to be implemented to prevent off site impact from ground disturbance activities.
6. The communication pole and antennae shall be located a minimum of the height of the pole and antenna plus 80 feet from any property lines. It is more desirable to be located in the fenced compound instead of what the original plan shows.

Chairperson Fetzer opened the hearing to the public. No public comment. **Public hearing closed.** Sanden asked if putting the pole in the fenced compound is going to be a problem. Mr. Andrews stated not at all, we prefer to have it next to the control shed but we can run our underground cables to it. The reason we were thinking of putting it outside of the fence was to meet the setbacks. It's a wooden pole with a three foot aluminum antenna. There's no load on the pole. Sanden asked Jim if there have been any issues or complaints on the substation on the site. Kleinhans stated no, he did have a call from the adjoining property owner because of the location his house lines up with it. Jim went out and looked at the site. There are some trees between his house and the existing substation. He wouldn't have quite as much buffer with this new facility. He is a couple hundred feet from it and he does have the transmission lines running between his house and the substations. Sanden asked if there has been any issues with the stray voltage. Kleinhans stated no, not that he is aware of.

Holst moved to approve the conditional use permit for a Utility Facility >1000 square feet for an electrical substation for Dairyland Power Coop with conditions #1 - #6, amending #6 to read 80 feet from any property lines, due to the fact this is not contrary to the public interest nor detrimental or injurious to the public health, public safety or the character of the surrounding area./Rohl seconded. All in favor. Passed.

Public hearing to consider a request for a conditional use permit for an Antique Shop and Collectibles in the Primary Agriculture District for Sheryelann Salewski Hanuman, owner, by Scott Reeverts, agent, on property located in the NW ¼ of the SW ¼ of Section 7, T26N, R16W, Town of El Paso, Pierce County, WI. Chairperson Fetzer invited Ms Hanuman and Mr. Reeverts forward: Ms Hanuman explained they would like a conditional use permit for an antique and collectibles shop that is currently on their property. All the descriptors are in the staff report. Rohl asked if the shop is existing? Ms Hanuman stated the building is existing, correct.

Staff Report – Jim Kleinhans: Jim was made aware of this business by the off-premise advertising signs that were around the Town of El Paso. He stopped and talked to them and indicated a retail type business such as this would require a conditional use permit. The parcel is zoned Primary Ag and is 3.4 acres and

looking at the code an antique shop would not require the five acre minimum lot size for a Farm & Home Based Business. The request is for an antique shop and other items for sale and they do internet sales. The property has two driveways; one for the residence and one for the building. The building sets off of 490th Street about 190 feet. It has a bathroom connected to a 2000 gallon holding tank. Parking requirements for the antique shop, figured by square feet of primary floor area, roughly about 15 parking spaces would be adequate. They have one handicapped parking space and about a dozen spaces now. There are shipping containers in the back and side of the building for additional storage. Two resident owners operate the business now and they would consider two additional non-resident employees in the future. Proposed hours of operation are 9:00am to 6:00pm six days per week. When Jim initially talked to them they had not been open to that extent. Two advertising signs were installed on the gates with dimensions of 18 inches by 24 inches. Those have been taken down but they have requested additional off-premise signs along Hwy 72, 490th St, Hwy 63 and County Rd N & County Rd G to direct traffic to the business. Department of Transportation can authorize TODD signs along State Highways and the County Code also has a section about business and directional signs. The Town of El Paso recommended approval to this request.

Staff Recommendation: Staff recommends the Land Management Committee determine whether this request is contrary to the public interest or detrimental or injurious to public health, public safety or the character of the surrounding area. If determined not to be contrary to the above, staff recommends the LMC approve this request for an antique shop with the following conditions:

1. The business shall be conducted as presented in the CUP application.
2. All proposed advertising signs shall comply with the zoning code standards.
3. All sales activities shall be indoors except incidental, outdoor display is allowed.
4. The conditional use permit shall be subject to renewal in 2 years. Renewal may be completed administratively if no compliance issues exist.

Chairperson Fetzer opened the hearing to the public. No public comment. Public hearing closed.

Sanden asked how long this has been in operation. Ms Hanuman stated October of last year. Sanden asked what they would estimate the weekly traffic load of people coming in and is there truck deliveries or trucks taking away materials. Ms Hanuman stated three people a day and there were trucks during construction but no semi deliveries. **Sanden moved to approve the conditional use permit for Sheryelann Salewski Hanuman, owner and Scott Reeverts, agent, for an antique and collectibles shop with conditions #1 - #4, due to the fact it is not found to be contrary to public interest nor detrimental or injurious to public health, public safety or the character of the surrounding area/Rohl seconded. All in favor. Passed.**

Public hearing to consider a request for a conditional use permit to expand/intensify “Vino in the Valley,” a Farm & Home Based Business, by Larry Brenner, owner on property located in the SW ¼ of the NE ¼ in Section 33, T26N, R16W, Town of El Paso, Pierce County, WI. Chairperson Fetzer invited Mr. Brenner forward: Mr. Brenner stated they put together a business plan in 2006 and thought they knew what they needed. It’s been quite successful. People that have come down have really enjoyed the valley and the experience. Two years ago, they asked for 83 days and were granted 75. They are asking to expand to 88 days and the reason for that is they’ve outgrown their business. Thursdays and Sundays it gets to be a one to two hour wait and Saturdays have become almost a negative situation that can get to be a three hour wait. Some of these people have traveled quite a long distance and then find out it’s going to be a long wait and they leave or become upset and it’s becoming a negative effect. They would have Friday nights to take the pressure off. They have decided to book no more weddings or private parties and just honor the ones on the books. They would like to open just the bar from noon to 3:00pm. Then at 3:00pm instead of 4:00pm open to the public. When they had weddings it was a chaotic situation to try to turn from a wedding situation to being open to the public. They are also going to close a little earlier on Sunday nights, they’ve found by 6:00pm it’s winding down. Brenner stated that his detractors would say “I told you so, and he’s going to come back and ask for more” and they would be right. He is back asking for more. There is a lot of agribusiness starting up across the country - starting in

rural areas. In terms of the last five years, they pump their sewers and aren't polluting the groundwater. He hasn't heard of any reports of accidents out there and he watches for bottles, he sees a lot of cans but they don't serve cans. Last summer a Corvette Club came by at a pretty good clip. One thing they talked about at the El Paso meeting is that he is going to talk to the leaders of the clubs to respect the neighbors and the speeds. They can tell when people come across the bridge whether they are customers or the locals. They've tried to be a good neighbor. They put up a couple walls to the northwest of the building and have put up a wall of spruce to help block the music. Larry asked if he would have a chance to speak again after the public hearing. Chairperson Fetzer stated yes.

Staff Report – Brad Roy: This request is to the number of days and hours of “Vino in the Valley”, which is an event where patrons are served wine, bread, cheese and pasta. Other events include pumpkin sales along with a petting zoo in the month of October. A farmer's market and gift shop is also located on the property and operates under a separate Conditional Use Permit. The LMC granted approval for the original request on March 21, 2007 and later modified the hours of operation on September 5, 2007 to better accommodate the fall and winter “events”. In 2008 the LMC allowed for an expansion/intensification with increased seating, increased days of operation, modified hours of operation, and the use of an audio enhancement system. In 2010 the LMC allowed for the applicant to deviate from the scheduled hours with approval from the Town of El Paso. The farmer's market and gift shop are permitted for 83 days of operation per year and will not be impacted by any changes to this CUP. The requested change is to increase the number of days of operation to 88 days per year. Condition #11 states that the applicant shall not exceed 75 days of operation per year. The applicant is also requesting to change the hours of operation. Condition 12 states: Hours of operation from April through September shall be Thursdays 4pm to 10pm with lights out at 11pm; Saturdays 4pm to 10pm for the public with lights out at 11pm and allow for any charity or special private event from 12pm to 4pm; Sundays 12pm to 8pm. From October through December the hours shall be Saturday and Sunday 12pm to 6pm. Any deviation from the approved schedule shall be at the discretion of the Town of El Paso. The Town shall notify the Department of Land Management when any such deviation is approved. The proposed changes are:

May through September, Thursdays and Fridays 5-10, Saturday Noon-10pm and Sundays Noon-6pm.

October, Saturdays Noon-7pm, Sundays Noon-6pm.

The existing conditions are listed in the staff report #1 - #13. The Town of El Paso recommended approval of this request on February 20, 2012. The Town did not cite any specific language from their comprehensive plan, but suggested conditions about installing a directional sign and attempting to slow traffic.

Staff Recommendation: Staff recommends the Land Management Committee determine whether this request is contrary to the public interest or detrimental or injurious to the public health, public safety or the character of the surrounding area. If found not to be contrary to the above, staff recommends the Land Management Committee approve this request to modify conditions #11 and #12. Staff further recommends the LMC consider whether any changes, modifications or additions to other existing conditions are necessary to address Town concerns.

Chairperson Fetzer opened the hearing to the public. Dawn Hendershot, lives on 400th St, expressed her concerns as to when this one night a week will stop, the next request was Saturdays and Sundays. They have had to deal with motorcycles and coach buses. She asked who pays for all the road repairs. They have had to put blinds in their home because of increased traffic. She stated winter is great, no traffic and no singing. She doesn't agree with this decision. Chris Chard, property just north of VINO in the Valley, can hear it every night at his house. Their intention was to raise a family in a wholesome place. He, too, has seen car clubs that drive through the valley at 50mph and he would never let his kids ride their bikes on those roads now. He is not in favor of the expansion. Pichotta read a letter from Sharon Hills and Becky Bersch, who have a home at N4119 400th St and are unable to attend the meeting. They are not in favor of the expansion which has gone from a one evening event to a restaurant. They feel with its increased intensity and expansion over the years, it is even more so a violation of the Town and County zoning. It is constant traffic, noise and disturbance. The CUP is conditioned on an 8 employee

limit and this has gone unenforced. They ask that the committee say “no” to his request. Kim Beebe, lives four miles from Veno stated traffic has increased in the last ten years, not due to Veno in the Valley. There is more building and traffic; things are expanding. News headlines talk about the economy and unemployment, she feels it’s a clean business that can provide employment and supports other businesses. It’s also a venue for performers that aren’t the typical rock band or don’t play in bars. Mr. Brenner stated he is here asking to grow the business. He pays his share of taxes also. The people coming down there are not coming just to get drunk but to enjoy the valley and create a unique experience. A lot of the businesses, like his and vineyards exist all over the country. Mr. Brenner asked Andy how many complaints he has heard in the last few years. Pichotta stated there had been very few and had related to traffic and signage. Mr. Brenner believes most of his customers are respectable and drive safely; again he is going to address the car clubs. He doesn’t know of anyone that has gotten in trouble with the law or DWI or any accidents down there. They have served a lot of people down there. If you get a hundred guys with a business plan, how many of them won’t change that plan within the first couple years. Ron Hendershot stated that this business didn’t do anything good for the valley. **Chairperson Fetzer closed the public hearing.** Holst asked El Paso Town Chair, Ron Kannel, if there have been any complaints received by the Town Board? Mr. Kannel stated none, the only complaints were at the Planning Commission, not at the Town Board meeting where they are on the record. Holst stated the Townships have the authority to change the speed on the roads. They can slow down the traffic. Mr. Brenner, there are things you can do in the community as a leader, now is the time to step up, alleviate some of your neighbors problems and concerns and in return your neighbors will be supportive of what you are doing. Show them that you are a good neighbor. Sanden asked the Town Chairperson in the letter that was just read, it mentioned that the commercial operation is not consistent with the Town’s Comprehensive Plan, that was just approved within the last two years, can you speak about that. Mr. Kannel stated he couldn’t without having the comp plan to check definitely what it is. Pichotta stated basically comp plans establish goals, objectives and policies relating to a variety of issues including land use, economic development, etc. In any comp plan, you could find various goals, objective and policies that could be interpreted to either support or not support a given situation or proposal. That’s why you can never take the elected officials out of the equation. It’s the elected officials that have to look at that plan and determine which goals, objective and policies apply to a given situation. A comprehensive plan is as it is interpreted by the folks who have it as a guidance document. The assertion that there are things in there that don’t support it, is probably true but the Town of El Paso elected officials have reviewed it as part of the application and believe it to be non-applicable. They did not quote it so we assume they viewed it to be silent on this particular request. Sanden asked Pichotta, to your knowledge, in that comp plan there is no explicit language to designate that this is an area where no development, or limited growth or on the other hand that this valley is designated for growth. Pichotta stated he is aware of no designation, also noting that Pierce County is considering language that deals with agribusiness/agritourism, nature-based operations that are a more appropriate mechanism to deal with this sort of thing instead of the Farm & Home Based Business. The Farm & Home Business ideally would be used more for a business incubator where once a startup grows to a certain point, then it would relocate to an appropriate area, whether it be an Industrial or Commercial district. These sorts of operations are location dependent, no matter how successful they are would never move. That is why we talked about creating additional use classifications that were allowable in the agricultural districts. He has encouraged Mr. Brenner to convert to one of those more appropriate classifications once they are available. Sanden asked Mr. Brenner if there have been coach buses. Mr. Brenner stated they have about seven or eight a year. Sanden asked about the hot air balloons. Mr. Brenner stated he doesn’t invite them but Lynn Huppert has asked to come down and take off from there. It’s approximately two or three times a year. Sanden asked how many employees he currently has or what’s the maximum number of employees he has. Mr. Brenner stated he has 40 different part-time employees overall. Sanden stated this is a difficult situation and he has been on the committee since it evolved. He is definitely supportive of entrepreneurs, such as Mr. Brenner, trying to make it a welcoming environment. On the other hand, it’s our job to protect the neighbors as well. He isn’t comfortable with this many changes in such a short amount of time. He stated yes, business plans do always change but

that's why we have commercial districts. Chairperson Fetzter noted that he would recuse himself from voting due to a possible perceived conflict of interest. Holst stated he would like some clarification on County Code as it refers to the number of employees; is that eight at one time or all together? Pichotta stated that the code states that no more than eight persons not residing on the site may be employed in the business. Mr. Brenner has two conditional use permits so he is entitled to 16 employees between the two. Mr. Brenner stated there are 40 different employees but at any given time he has 12 to 16 employees on site. If he only had 16 employees, they wouldn't all be able to work all the time, some are college kids; some are high school kids. Holst stated he understands why he has the number he has but he isn't sure that our code gives us the latitude to say eight at a time or eight all together or 16 since you have two conditional use permits. Mr. Brenner stated his understanding is that at any given time he can't have more than 16 working at the building. Holst stated then you have lived by your understanding but stated that his understanding isn't quite as clear cut as Mr. Brenner's. **Holst moved to defer action on the expansion of the conditional use permit for Vino in the Valley until the allowable number of employees is clarified/Sanden seconded. All in favor with Fetzter not voting. Motion passed.** Pichotta asked when the committee would like to have this on the agenda. Holst asked if it has to be a public hearing. Pichotta stated no. Chairperson Fetzter stated it could be on the next meeting as long as everything has already been presented and we're just looking for clarification.

Discuss take action on Travel/Training Requests. Pichotta stated there are no requests at this time.

Departmental Update and Future Agenda Items

CUP request for an accessory residence in the Town of Trenton

CUP request for expansion of a nonconforming structure in the Town of Trenton

CUP request for expansion of a nonconforming structure in the Town of Clifton

CUP for a load out facility for WI Industrial Sand in the Town of Maiden Rock

Rezone from PA to GRF in the Town of Martell

CUP Renewal for County Materials

Site Plan Review for Oak Grove Fire Station and this issue again.

Motion to adjourn at 08:04pm by Holst/Rohl seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, March 21, 2012 – 7:00 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: April 4 th & 18 th , May 2 nd & 16 th , all in 2012.	Chair
3	Approve minutes of the March 7, 2012 Land Management Committee meeting.	Chair
4	Public hearing to consider a request for a conditional use permit for a Utility Facility >1000 square feet for an electrical substation in the General Rural District for Dairyland Power Coop, owner, by Steven Andrews, agent, on property located in the SW ¼ of the SE ¼ of Section 3, T27N, R16W, Town of Gilman, Pierce County, WI.	Kleinhans
5	Public hearing to consider a request for a conditional use permit for an Antique Shop and Collectibles in the Primary Agriculture District for Sheryelann Salewski Hanuman, owner, by Scott Reeverts, agent, on property located in the NW ¼ of the SW ¼ of Section 7, T26N, R16W, Town of El Paso, Pierce County, WI.	Kleinhans
6	Public hearing to consider a request for a conditional use permit to expand/intensify “Vino in the Valley,” a Farm & Home Based Business, by Larry Brenner, owner on property located in the SW ¼ of the NE ¼ in Section 33, T26N, R16W, Town of El Paso, 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.

(3/09/12)

PIERCE COUNTY WISCONSIN
DEPARTMENT OF LAND MANAGEMENT & RECORDS
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MINUTES - Pierce County Land Management Committee Meeting, March 7, 2012

Present: Joe Fetzer, Jeff Holst, Don Rohl and Eric Sanden

Others: Andy Pichotta, Jim Kleinhans, Brad Roy and Shari Hartung

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

Next meeting dates: March 21st, April 4th & 18th, May 2nd & 16th, all in 2012.

Approve Minutes: **Sanden moved to approve the February 1, 2012 LMC minutes/Rohl seconded. All in favor. Passed.**

Public hearing to consider proposed amendments to Chapter 240-37 and Chapter 240-88 of Pierce County Code; relating to Industrial Uses. Staff Report – Brad Roy: Proposed changes are intended to address redundancies created by other chapters, clarify unclear or ambiguous language, and address problems associated with the current language that have become apparent in the course of administering the existing County Zoning Code. These changes are the result of a recent review, the need for which was established in the County's recently adopted Comprehensive Plan. The proposed changes will help the general public and ensure more consistent interpretation and administration. Staff is proposing to present the code in a more clear and consistent manner where each use is listed in the code, on the Table of Uses, and has a definition. Currently some uses may only be listed in the code or on the Table of Uses, and not all uses have a definition. Specific amendments proposed relate to nonmetallic mining, sawmills/planing mills, warehousing and storage, recycling facilities and collection points, and heavy and light industrial uses in general. Hydraulic Dredge Material Placement and Storage is also proposed to be created as a stand-alone conditionally permitted use. The placement of these materials is currently not specifically addressed in the code. Also, all Industrial Uses will now be Conditionally Permitted, currently some Industrial Uses are not allowed in the Industrial District. It should be noted that proposed industrial uses continue to remain subject to the issuance of a Conditional Use Permit which is intended to ensure that activities occurring within a given town are consistent with that Town's comprehensive plan, if applicable.

Staff Recommendation: Staff recommends the Land Management Committee review the proposed revisions, and if determined to be appropriate, approve said revisions and forward a recommendation to the Finance and Personnel Committee and the County Board of Supervisors for approval and adoption. Roy stated the first thing we're looking at is 240-37 Non-metallic mining; they are looking to add some additional things to the mining application; a list of chemicals, estimated water use and they may also require a transportation impact analysis, dust plan or blasting plan if we feel it is needed. We are also looking to remove anything related to reclamation plan since Chapter 241 requires that already. Moving down to Asphalt Plants and Mining, Accessory Uses; we're not changing anything here or on Salvage Yards. Sawmills are staying the same. Letter E we are listing Heavy Industrial Uses, going back to the fact that everything will be listed here in the code, on the Table of Uses and have a definition. Getting in to the Dredge Material, this is to address the concerns we received about the impacts on surrounding

areas. There is a long list of requirements for an application and another part of it is that they provide that analysis for a minimum of two sites and a narrative discussing the feasibility of each site. § 240-37.1. Light Industrial, under B. "Warehouse and storage," for some reason the definition was listed here but it is not defined in Chapter 240-88 with the rest of the definitions, so we are just removing that and putting it in Chapter 240-88. Letter C has indoor maintenance which is already listed in the Commercial Uses so we are removing it from this section so it will only be listed once. The definition will remain the same. We will also look to have it permitted in the Commercial District which it currently isn't but that would be in a separate agenda item. Recycling Facilities, we're changing the name just to make it a little more clear what we're talking about. It's currently not defined or on the table of uses. Looking at the definition of a Recycling Facility we realized there is a need for a Recycling Collection Point so we have that as another use which would strictly be limited to sorting and transferring. § 240-66. Nonconforming uses; A (2)Expansion of a nonconforming nonmetallic mining operation shall be permitted up to the lot lines existing on the effective date of this chapter ~~or 20 acres in area, whichever is less, except that greater expansion may be authorized by a conditional use permit. This is unenforceable.~~ Chapter 240-88 Definitions; There is a slight change to the Abandonment of Nonmetallic Mining Operations, we added activities as well. The new definition of Hydraulic Dredged Material Storage to The placement of dredged material which had large amounts of water added for transfer. We're looking to change the definition of Heavy Industry. We're taking the emphasis off the activity on the site and putting it on the impacts that the use creates. This would be the district for the uses that just aren't compatible with the other districts. There is a slight change to the Light Industrial definition which makes it clear that all activities need to be indoors. Mining Accessory Use definition needed some tweaking to remove some redundancies. Our Nonmetallic Mining definition is also a definition for an entire nonmetallic mining operation. Some activities which are typical with a mining operation are said to be an accessory use. In theory you could be requiring two CUP's for one mining operation, this just clarifies that. A slight change to the Nonmetallic Mining definition just adding that stockpiling, sorting and screening is allowed on site. Recycling Facility, we added the definition; A facility in which recyclable materials are recycled, reprocessed and treated to return such products to a condition in which they may again be used for production. Recycling Collection Point, A site in which recyclable materials such as paper, cardboard, glass, metal and plastic are collected and temporarily held until transferred. Sawmills; A facility where wood is sawed, split, shaved, stripped, chipped or otherwise processed to produce wood products to be sold. The Warehouse and Storage definition was moved from the code into this section. Listed in the staff report is the new table of uses, you will see everything is conditionally permitted in the Industrial District and then we added Hydraulic Dredge Material Storage, Warehouse and Storage, Recycling Facility and Recycling Collection Point. Holst stated he needs this clarified; all these roll offs that are around the County to collect the solid waste, will this affect them in any way, shape or form? Roy stated the existing ones, no, going forward they would need a permit. We talked about this; the collection areas do have increased traffic so depending on where they are located could cause an impact on the neighboring uses. By requiring a permit, we can look at how it is set up and try to minimize the impacts. Sanden asked about clarification on Chapter 240-37 Light Industrial Uses; requirements for the indoor maintenance that is under the Commercial District also and can be permitted in the Commercial District? Roy stated it is listed in the Commercial code but he doesn't have the definition. Typically it's your gas station, service shops, that fit better in the Commercial District instead of the Industrial District. Oddly enough it's listed in the Commercial District but not permitted in that district. We will be changing that. Sanden asked if someone wants to establish an electronic maintenance facility in the Light Industrial zone, is that covered by the general definition of Light Industry. It's listed here; automobile repair, service and electronic maintenance and repair. Is that still allowed? Roy stated it would also be conditionally permitted in the Light Industrial, not sure about the Industrial District. Sanden stated you are taking it out of here to clean things up. Good job and it does clean things up really well, there should be less questions when it comes to interpreting it.

Chairperson Fetzer opened the hearing to the public. Kleinhans asked if we are getting rid of reclamation in the zoning code that doesn't have a minimum area and Chapter 241 has one acre mining sites, how will we get reclamation on sites under an acre? Roy stated it still requires a reclamation plan as

far as the application we just took out #2 what the reclamation plan shall include. Bill Bechel, Town of Union, asked if this would mean you couldn't zone any additional land into Industrial Use. Pichotta stated this has nothing to do with a rezone for Industrial Use. If your town wanted to create more industrial zoning within your town, given that you don't have a comprehensive plan at this point, the determination of whether a given spot was appropriate to rezone to Industrial would be based on the County's plan. Our plan says that intersections of state and county highways, adjacent to other existing districts, if you supported that and it was supported by our plan then a new district could be created. This just regulates uses within those districts. **Public hearing closed. Sanden moved to approve the proposed amendments to Chapter 240-37 and Chapter 240-88 of Pierce County Code; relating to Industrial Uses and forward a recommendation to the Finance and Personnel Committee and the County Board of Supervisors for approval and adoption/Rohl seconded. All in favor. Passed.**

Discuss take action on a status report and potential modification of a conditional use permit for Ellsworth Baseball Association Inc, owners on property located in the NW ¼ of the NW ¼ of Section 2, T24N, R18W, Town of Trenton, Pierce County, WI. Chairperson Fetzer invited Bill Green forward: Mr. Green explained he wasn't sure after the last meeting what had transpired. They offered the neighbors an opportunity to come to their meeting and discuss foul balls and overflow lighting. He feels it was a very productive meeting. They found out what they were looking for and they made suggestions and came up with a proposal. Their concerns lie more with the amateur baseball rather than the youth. They were the three infractions they had down there and they have to have a contract through the baseball association in order to play there. The baseball association is planning to extend the back stop from 20 feet, it was 16 feet and they increased it to 20 feet, they are going up to 24 feet behind home plate on all three sections of the 20 foot backstop. In 2013 they plan to place netting from the first section of the backstop on the base side and continue out 24 feet high all the way to the dugouts on third base side. In 2014 they will replace on the right field side. This should keep the majority of foul balls in the park. He believes the neighbors that were there were pretty receptive to that. Chairperson Fetzer asked if this is retractable netting. Mr. Green stated they will leave the poles in and remove the netting in the winter. It will be a black nylon mesh for the netting. Mr. Green stated the neighbors main concern is the overflow lighting. The baseball association's long-term goal is to get the shields for the lights, in the meantime, limiting the use of the field to 8th grade, high school and legion ball which only play seven innings as opposed to nine innings. They start at 6:00pm so a three hour game, they would be out of their before the time limits. In order for the amateur team to play there, they have changed their schedule. They only have 11 home games and five are on Friday or Saturday nights. The rest are day games. The Skeeters weren't aware of the impact they were causing. They are well aware of the LMC's ability to pull this conditional use permit for continued violations. They have moved their start time from 7:30 pm to 6:30 pm. The use of the lights would be extremely limited. They have been scolded and he feels they will comply with the time constraints. He thinks they were looking at it as 10:15pm during the week and 10:45pm on weekends were lights off, his interpretation is that the hours are park hours and everyone has to be out by then. The high school starts March 21st and goes through the end of May. Their games start at 5:30pm. The Legion games start at 6:00pm and are seven inning games. There isn't the impact with the volume of people for those games. Kleinhans stated he has been talking to Bill about the narrative given and he has also talked to the neighbors. Another aspect of this request is to alter some soccer fields to baseball diamonds so the committee needs to think about that. The conditional use permit isn't really clear on whether the park is closed at 10:15pm and 10:45pm or if it's just lights out. They've made some modifications to the amateur team hours. The neighbors were concerned with the safety aspects with foul balls coming into their yard. Mr. Green said that the pipes and netting have been ordered. He was wondering if they could get them installed before the games start on March 21st. Mr. Green stated practice starts on March 24th and he doesn't know if they will be outside at that time. They should have them in place by the first home game by April 15th. We should have them in place. Kleinhans stated one of the things the neighbors have requested is to have it up by the first home game. The committee could react to the proposed schedule of changes. The netting will be a better option. Holst asked Jim if the neighbors

were happy with the changes or if these were proposed after the meeting. Kleinhans stated they came after the meeting but they meet the first Wednesday of the month and have been working on this. Holst stated you have to get the point across that you will lose your CUP if the park isn't closed by 10:15pm during the week and 10:45pm on the weekends. Kleinhans stated one of the original conditions was to have a sign with the hours on the site. Mr. Green stated as soon as we put them up they take them down. We put them on the main gate. Kleinhans stated that if we had a sign on the gate, fence or dugout with the hours, they wouldn't have an excuse to not abide by it. The other issue is the conversion of soccer fields into additional diamonds to be used for softball. We have a concept plan for four diamonds. The plan lacks a lot of detail. They are interested in putting in two this spring. One of the issues is diamond #3 & #4 are moving toward the highway, #1 is going toward the mini storage facility. The field dimensions are outlined on the concept plan with the length of the infields and outfields. Field 4 had a high fence proposed in the right field and outfield which should help any overflow of balls on Highway 63. Mr. Green stated these fields are 210 feet to right and left field and 265 feet to center field. High school fields are 190 feet right and left field and 210 feet to center field with 60 foot base pass versus 90 foot base pass. Fields #1 and #2 are what the baseball association would like to put in this year. The boundary fence is a four or six foot fence. The gentleman with the storage unit would not allow any balls in there. It's placed back as far as they possibly can because the soccer field #1 is elevated about four feet to the lower field that would have #2 & #3 on it. Hoping to get Field #2 in for girls softball and up to boys 6th grade youth ball. Holst stated it looks like from the end of the fence to the property line or end of the building there is 60 feet. Kleinhans stated one issue is not much detail on what they submitted. The committee could advise what they need to do regarding parking, add satellites, etc. Holst stated this is more like de-intensification, they could put a couple satellites in. There is a gravel road going back there and they can park on both sides. Kleinhans asked if the committee wants to see this come back with a more specified plan or are you satisfied. Mr. Green stated they will make sure there is an additional satellite on that end of the field. Holst stated he is satisfied with what is presented. Chairperson Fetzer stated it's not an intensification and he is alright with it as long as the new fields are away from the buildings. Mr. Green stated the biggest problem back there is grazing cattle and the 4-wheelers coming in off the railroad tracks. Kleinhans stated he spoke with Joel Anderson, owner of the storage units and he agreed it was set back as far as they could go. He is OK with it as long as there is a fence to keep the balls and the people from coming into his facility. Chairperson Fetzer asked if we need a motion on everything or is this a good clarification on the approval we had before. Holst stated it needs to be referenced on the timeframe and we need to clarify that 10:15pm and 10:45pm mean everybody out not just lights out. Kleinhans stated possibly require that the backstop be up by the beginning of the season. Sanden mentioned a sign as well as hours. Mr. Green stated he wants to clarify the backstop addition. They will be having practices before it is up but they will have it up by the first home game. Holst asked if the backstop goes straight up or if it is angled. Mr. Green stated they moved it back and it will go straight up. He talked to the fencer and he said it will be going straight up because it would catch more balls that way.

Sanden moved to modify the conditional use permit for Ellsworth Baseball Association 12 with conditions #1 - #12, adding "Signs noting hours of operation, Hours of operation are 8:00am to 10:15pm Sunday through Thursday and 8:00am to 10:45pm Friday and Saturday with the park closing at those times, Backstop extensions shall be up and operational by the first home game of 2012 and an additional satellite for the new softball fields"/Holst seconded. All in favor. Passed.

Discuss take action on site plan review for proposed Oak Grove Town Hall Fire Station by Auth-Consulting/Associates, agent, for Town of Oak Grove on property located in Section 21, T26N, R19W, Town of Oak Grove, Pierce County, WI. Pichotta stated that this item is not yet ready for action by the LMC. Kleinhans noted that the Town of Oak Grove is holding a special meeting tonight.

Discuss take action on Travel/Training Requests. Pichotta stated Jim has requested to attend the Wisconsin County Code Administrators Spring Conference in Mosinee on March 29th. It's a day trip.

Holst moved to approve the travel/training request to the Wisconsin County Code Administrative conference for Jim Kleinhans/Sanden seconded. All in favor. Passed.

Departmental Update and Future Agenda Items

There are three public hearings; one for a Utility Facility >1000 Square Feet by Dairyland Power Inc in the Town of Gilman

Antique Shop in the Town of El Paso

Larry Brenner is proposing an increase in the number of days for Vino in the Valley.

Motion to adjourn at 07:47pm by Rohl/Sanden seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, March 7, 2012 – 7:00 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 21 st , April 4 th & 18 th , May 2 nd & 16 th , all in 2012.	Chair
3	Approve minutes of the February 1, 2012 Land Management Committee meeting.	Chair
4	Public hearing to consider proposed amendments to Chapter 240-37 and Chapter 240-88 of Pierce County Code; relating to Industrial Uses.	Roy
5	Discuss take action on a status report and potential modification of a conditional use permit for Ellsworth Baseball Association Inc, owners on property located in the NW ¼ of the NW ¼ of Section 2, T24N, R18W, Town of Trenton, Pierce County, WI.	Kleinhans
6	Discuss take action on site plan review for proposed Oak Grove Town Hall Fire Station by Auth-Consulting/associates, agent, for Town of Oak Grove on property located in Section 21, T26N, R19W, Town of Oak Grove, Pierce County, WI.	Kleinhans
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.

(2/24/12)

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MINUTES - Pierce County Land Management Committee Meeting, February 1, 2012

Present: Joe Fetzer, Jeff Holst, Don Rohl and Eric Sanden

Others: Andy Pichotta, Jim Kleinhans and Shari Hartung

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

Next meeting dates: February 15th, March 7th & 21st, all in 2012.

Approve Minutes: **Rohl moved to approve the January 18, 2012 LMC minutes/Sanden seconded. All in favor. Passed.**

Public hearing to consider a request to rezone a 20 acre parcel from Rural Residential 12 District to General Rural Flexible 8 District by Kerry & Mary Stees, owners on property located in the NE ¼ of the SE ¼ of Section 23, T26N, R19W, Town of Oak Grove, Pierce County, WI. Chairperson Fetzer invited Mr. Stees forward:

Mr. Stees explained that he lives on 20 acres and would like to raise some livestock and build a loafing shed. When he came in for a permit for the shed he found out his property's zoning and learned that he couldn't have cattle there. He is bordered on two sides by General Rural Flexible District and the other sides are residential. Holst noted that several years ago at the Pierce County Fair he was looking at the photography and saw a beautiful picture of a contoured farm, oats are golden, corn is beautiful green and an ear on every stock, the hay is freshly mowed. He realized it was land he farmed. He looked and it was taken by Autumn Stees and she got a blue ribbon for that picture. It was taken from Mr. Stees deck. It's farm country around him.

Staff Report – Andy Pichotta: This is a request to rezone a parcel from RR12 to GRF8. The property is located in Section 23, Town of Oak Grove. The applicants have indicated that they wish to raise crops and livestock and the current zoning district does not allow that. The applicants obtained a land use permit on 10/21/2011 for a loafing shed and storage shed. The permit was conditioned on the stipulation that the sheds couldn't be used for agricultural purposes unless the rezone is approved. Current RR12 density allows for 6 lots; the zoning density for GRF8 is 4 lots so there would be a decrease in density points or what is called a "down zone". The purpose and intents of the zoning districts are listed in the staff report. The Town of Oak Grove Board of Supervisors recommended approval of this rezone request at their November 21, 2011 meeting. This request is consistent with their comprehensive plan on page 6-25, Goal 4, Objective 2 stating "Encourage the appropriate use of agriculture land for hobby farming, farmettes and other similar activities." Pierce County's recently 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." Soils data is also shown in the staff report.

Staff Recommendation: Given that the Town of Oak Grove Board of Supervisors has determined this request to be consistent with their comprehensive plan, staff recommends that the LMC approve this rezone request and forward a recommendation to the County Board of Supervisors.

Chairperson Fetzer opened the hearing to the public. No public comment. Public hearing closed.

Sanden asked if the 20 acres is fine and not considered spot zoning. Pichotta stated it wouldn't be a spot zone given that it is consistent with the comp plan and 20 acres is arguably getting to the point of size where it could be its own zone, but the fact that it borders on two sides with General Rural Flexible, it's not an issue. Holst stated it's almost like the Rural Residential 12 is the spot zone.

Sanden moved to approve the rezone from Rural Residential 12 District to General Rural Flexible 8 District for Kerry & Mary Stees, and to forward a recommendation to the County Board of Supervisors/Rohl seconded. All in favor. Passed.

Public hearing to consider a request for a conditional use permit for tree removal on the Kinnickinnic River Blufflands by Patrick & Michael Branigan and Edgar Family Trust, Judith Edgar, owners on property located in the SW ¼ of the SW ¼, in Section 8 and the NW ¼ of the NW ¼ of Section 17 and the NE ¼ of the NE ¼ of Section 18, all in T27N, R19W, Town of Clifton, Pierce County, WI. Chairperson Fetzer invited Michael Branigan forward: Mr. Branigan explained that land that Edgars have, as well as theirs, is all in the managed forest crop. It's overdue for cutting. It's such a small piece that they put it out for bid a few years ago but no one would bid on it because of the terrain. Now that Judy's land needs to be done also, it became enough for a commercial harvester to come in. It's not our choice. They are just cleaning things up to improve the forest. Schmitt Timber has been contracted to do the job. They have marked the timber and the DNR has been out and approved of it. They put a lot of conditions on it such as it must be done when the ground is frozen so there aren't any erosion issues.

Staff Report – Jim Kleinhans: Both properties are on the south side of the Kinnickinnic River and they are adjacent. Mr. Branigan's property is land locked. Both properties are enrolled in the Managed Forest Land program but they have to be harvested according to their plan and guidelines. There are some trees that are overgrown that require harvesting. They are going to do some things with noxious and invasive plants as well. When they enrolled in the 25 year program, this wasn't part of the zoning code. The Kinnickinnic River Bluffland protection area was approved in 1998. Occasionally we get some folks in here that are making an application to this committee that they wouldn't have considered when they signed up for the program. It's for the benefit of the bluff land and it won't affect the near shore area. It's mostly working along the tops and opening up the canopy so the understory can take hold and encourage certain species that are more desirable. The Town of Clifton approved these requests on January 3, 2012 without additional concerns.

Staff Recommendation: Staff recommends the Land Management Committee determine whether this request would be contrary to the public interest or detrimental or injurious to the public health, public safety or character of the surrounding area. If not found contrary to the above, staff recommends the committee approve this conditional use permit request with the following conditions:

1. All tree harvesting will be completed within 12 months of this permit approval.
2. Best management practices will be applied to control excessive ground disturbance.
3. Any potential merchantable timber removed will be reported to the WI DNR forester when affected acreage is enrolled in the Managed Forest Land Program and a cutting notice filed 30 days prior to cutting. Yield tax is due the state on saw timber harvest.
4. Chemical herbicide application of stumps will be applied topically.
5. Staff shall be notified after tree removal and planting has been completed to verify permit compliance.
6. Notification of the Pierce County Sheriff and Solid Waste Departments before any burning activity.
7. Future management consistent with this conditional use permit will be allowed beyond the 12 month period.

We have done condition #7 on some of the properties in the past. That is why it was included and it was at the request of the land owners as well. Chairperson Fetzer stated they won't have to come back before us as well. Kleinhans stated as long as they are operating under their manage forest land and working with a professional tree cutter. Chairperson Fetzer asked if in the future they have to work under the same conditions and report. Kleinhans stated he thinks it would be great if they report to us they are cutting. Rohl asked what the purpose of the chemical on the tree stumps is for. Holst stated to get rid of the species.

Chairperson Fetzer opened the hearing to the public. No public comment. Public hearing closed. Holst moved to approve the request for a conditional use permit for tree removal on the Kinnickinnic River Blufflands for Patrick & Michael Branigan and Judith Edgar, owners with conditions #1 - #7, due to the fact it is not found to be contrary to the public interest nor detrimental or injurious to the public health, public safety or the character of the surrounding area/Rohl seconded. All in favor. Passed.

Committee to convene into closed session pursuant to WI §19.85(1)(c) considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility; to-wit; performance evaluation of Land Management Director. Holst moved to convene into closed session/Rohl seconded. Roll call vote; Holst-yes, Rohl-yes, Fetzer-yes and Sanden-yes. Passed. Convene into closed session at 7:15pm.

Motion by Holst/seconded by Rohl to return to open session at 7:50pm. Roll call vote; Holst-yes, Rohl-yes, Fetzer-yes and Sanden-yes. Passed.

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

Discuss take action on Travel/Training Requests. Pichotta requested that staff be authorized to attend a frac sand mining workshop at the Chippewa County Courthouse on February 9th. **Sanden moved to approve the travel/training request of the frac sand mining workshop at the Chippewa County Courthouse/Rohl seconded. All in favor. Passed.**

Departmental Update and Future Agenda Items

Pichotta stated there is nothing on the agenda for February 15th, therefore the next LMC meeting would be held on March 7.

Motion to adjourn at 07:55pm by Sanden/Rohl seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, February 1, 2012 – 7:00 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 15 th , March 7 th & 21 st , all in 2012.	Chair
3	Approve minutes of the January 18, 2012 Land Management Committee meeting.	Chair
4	Public hearing to consider a request to rezone a 20 acre parcel from Rural Residential 12 District to General Rural Flexible 8 District by Kerry and Mary Stees, owners of property located in the NE ¼ of the SE ¼ of Section 23, T26N, R19W, Town of Oak Grove, Pierce County, WI.	Lund
5	Public hearing to consider a request for a conditional use permit for tree removal on the Kinnickinnic River Blufflands by Patrick & Michael Branigan and Edgar Family Trust, Judith Edgar, owners on property located in the SW ¼ of the SW ¼, in Section 8 and the NW ¼ of the NW ¼ of Section 17 and the NE ¼ of the NE ¼ of Section 18, all in T27N, R19W, Town of Clifton, Pierce County, WI.	Kleinhans
6	Committee to convene into closed session pursuant to WI §19.85(1)(c) considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility; to-wit; performance evaluation of Land Management Director.	Chair
7	Committee to reconvene into open session and take action on closed session item, if required.	Chair
8	Discuss take action on Travel/Training Requests	Pichotta
9	Future agenda items and departmental update.	Pichotta
10	Adjourn	Members
Questions regarding this agenda may be made to the Department of Land Management at 715-273-6746.		
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A quorum of County Board supervisors may be present.

(1/20/12)

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MINUTES - Pierce County Land Management Committee Meeting, January 18, 2012

Present: Joe Fetzer, Jeff Holst, Don Rohl and Eric Sanden

Others: Andy Pichotta, Jim Kleinhans, Emily Lund and Shari Hartung

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

Next meeting dates: February 1st & 15th, March 7th & 21st, all in 2012.

Approve Minutes: **Holst moved to approve the January 4, 2012 LMC minutes/Rohl seconded. All in favor. Passed.**

Discuss/take action on request for modification of a conditional use permit for private outdoor recreation (motorcycle hill climbs) in the General Rural Flexible and Commercial Districts for Larry Gerdes, owner, by Dean Gerdes, agent on property located in the E ½ of the SW ¼ and the W ½ of the SE ¼ of Section 28, T25N, R17W, Town of Hartland, Pierce County, WI. Chairperson Fetzer invited Dean and Sue Gerdes forward: Ms. Gerdes explained they would like to modify condition #5; the dates. The original activity was approved for Sept 4, 2011 with a rain date of Sept 5, 2011 and identified the need to request additional days with a maximum of two events per year. They have been given the opportunity to host the National Competition which is one event but it runs over three days. They would like clarification from the committee if an event is one day. They are asking the committee to grant events without specifying the dates. Their second request is to change the hours. So many people showed up they weren't able to finish within the established hours. They don't have lighting at this time so they would have to be done at dusk. There is talk of strings of lights like they use in construction. They would like to open up the times; hours of operation beginning at dawn and ending at 10:00pm during week days and midnight on weekends, provided they have lights - otherwise they would end at dusk.

Staff Report – Emily Lund: Larry Gerdes applied for a CUP for motorcycle hill climbing events and was first approved 1-13-1977. The CUP was renewed 2-12-1979, 2-9-1981, 3-7-1983, 9-9-1985, 9-8-1987 and 9-20-1989. Larry Gerdes re-applied and the LMC approved a new CUP on May 4, 2011. The Gerdes' and Valley Springs Motorcycle Club, an AMA District 16 Chartered Club, held their hill climb on September 4, 2011. It was a successful event and there were no injuries or complaints to the County. Enclosed is a narrative and pictures that re-capped the 2011 event. The narrative discusses future events for 2012-2015, including being chosen to hold the National Motorcycle Hill Climb Competition in 2012. Applicants would like to modify conditions #5 & #6 from the May 4, 2011 LMC CUP approval. The property is located in Section 28, in the Town of Hartland and is zoned General Rural Flexible and Commercial. The locations for the motorcycle hill climbers, spectators, concessions and parking areas will remain the same. The applicant obtained a Land Use Permit on 8/11/2011 to build a new 12ft x 12ft announcer stand. Emergency vehicles will be on-site and others will be notified to be on stand-by. Applicants will not hire any employees. Everyone working at the event will be volunteers. The existing building on-site will not be used for the events. Participants and spectators will bring their own pop-up

tents and trailers. Equipment to be used will be generators, skid steer and miscellaneous small equipment. Concession stand(s), 5 portable restrooms and trash cans will be provided and maintained for patrons. Applicants should contact the Department of Public Health to comply with their regulations, licenses and/or permits. In addition to the portable restrooms, they will utilize an existing vaulted privy that is located on-site. The roof will be fixed in 2012 for the upcoming events. This is something new we are suggesting be added to the permit. The applicants shall sign a holding tank pumping agreement with a Wisconsin Licensed Septic Pumper and submit that to the Land Management Department prior to the next event. Applicants will be allowed to camp on the property in 2012. When camping is allowed by the owner, camping is limited to day prior and day after the event. The same insurance coverage through Northfield Insurance Company will be continued into 2012. Each individual entering the event will sign a "Release and waiver of liability, assumption of risk and indemnity agreement". If there are any changes to the plan, the new plan shall be re-submitted to the Department. An admission fee will be charged and they will be changing it but not sure what the fee will be at this time. Alcohol will not be sold on-site. The applicants want to have seasonal signs for advertising banner signs. They also want to put up directional sandwich signs the day before the event that will be taken down the day after the event.

Staff Recommendation: Staff recommends the Land Management Committee determine whether established conditions continue to be adequate to protect the public interest, public health and safety and the character of the area or whether modifications are necessary. Staff further recommends that the LMC modify condition #5 to enable planning of future events and consider modification to #6 to enable earlier hours of operation on event days.

1. If any structures are built on-site, a land use permit shall be obtained for all future structures prior to construction.
2. Applicant shall also comply with all relevant local and state ordinances and regulations and secure all necessary permits and licenses (e.g. Department of Commerce, Department of Public Health).
3. Adequate portable satellite waste stations (1 per 50 people) shall be provided.
4. Solid waste dumpsters or waste containers shall be located on-site and maintained.
5. Approved dates for 2012 are _____. Request for additional dates to be approved by Land Management Committee (maximum of 2 events per year).
6. Hours of operation shall be 9AM to dusk, or as otherwise established by the LMC.
7. Any advertising signs shall comply with the zoning code standards and any necessary permits shall be secured prior to sign installation on property.
8. A copy of the insurance and any changes to the insurance shall be submitted to the Land Management Department.
9. If an emergency evacuation of injured riders will go through an adjoining property owner's property, applicants shall obtain written permission from the adjoining property owner prior to the event.
10. If camping is allowed for participants and spectators in the future, camping shall be limited to day prior and day after the event.
11. The CUP shall be renewed every 2 years. Renewal may be completed administratively if no complaints or compliance issues arise.
12. 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.
13. The applicants shall sign a holding tank pumping agreement with a Wisconsin Licensed Septic Pumper and submit that to the Land Management Department prior to the next event.

Ms Gerdes stated that Emily and she had talked about having a maximum of three events written in even though they don't plan on having three events but will allow in the future for the club if it continues to grow at the rate they are. Mr. Gerdes stated the event is actually two days the third day, Friday, would be tech inspection of the bikes, nothing happening on the hill. Dave Esterby, Chairperson, Town of Hartland, at the board meeting they unanimously approved the events. There was no problem what so ever last year. It was the biggest event in Hartland Township and it was families and their kids are climbing. They are fully in support of it. Chairperson Fetzer asked if they only did one event. Ms Gerdes stated yes, a one-

day event. Sanden asked Mr. Esterby if the hours of operation until midnight would be a problem. Mr. Esterby stated he didn't think so. It might be a little crowded for vehicles is all. Chairperson Fetzer asked about the number of campers. He asked if they thought spectators would camp out. Ms Gerdes stated maybe some family members of competitors. The National event; they come a long way and they come in these toy haulers. Most of them want to be in the hotel with a pool.

Sanden moved to approve the modification to the conditional use permit for a private outdoor recreation (motorcycle hill climbs) for Larry Gerdes, owner by Dean Gerdes, agent, with conditions #1 - #13, modifying condition #5 to state Three events per year from one to three days each are approved. Request for additional days to be approved by Land Management Committee and condition #6 to state Hours of operation shall be dawn to 10:00pm on week days and dawn to midnight on weekends or as otherwise established by the LMC/Holst seconded. All in favor. Passed.

Discuss take action on a request for modification of a conditional use permit for a Utility Facility >1000 square feet for a natural gas meter station in the Primary Agriculture District by Northern Natural Gas Company, agent for Gail Collett, owner on property located in the NE ¼ of the SE ¼, in Section 1, T25N, R16W, Town of Salem, Pierce County, WI. Chairperson Fetzer invited Tom Dixon forward: Mr. Dixon asked to modify the condition regarding the security fence to allow it to be left as it is, not the 10 foot height specified in the CUP. The subcontractor made a mistake and built it to our current standard which is six feet with three strands of barbwire.

Staff Report – Jim Kleinhans: Last August, Tom was here representing Northern Natural Gas, to include a local gas metering facility in the Town of Salem. At that time it was still zoned Exclusive Agriculture and we put several conditions on it. Because it was a new utility, we looked at Section 240-41F of the zoning code. Part of that includes electrical substations as well as gas facilities. Condition #1 included a 10 foot high security fence consistent with this section on utilities. There was some modification to the facility after they started construction; normally it was going to be a 100ft x 100ft fenced in area around the structure and the valves. The fence was extended out the back where they tied in to the high pressure line. A copy of the design is included in the staff report. The contractors didn't follow the design. They built what is typically done for these facilities. Tom indicated they are requesting to modify the first condition of the conditional use permit to avoid having to replace that fence. Tom stated their fencing meets current federal standards as well.

Staff Recommendation: Staff recommends the Land Management Committee determine whether the requested modification would be contrary to the public interest or detrimental or injurious to the public health, public safety or character of the surrounding area. If determined to be not contrary to the purpose of the zoning code, staff recommends the LMC modify condition #1 to authorize the 7 foot security fence. Holst asked why you gave us plans for a 10 foot fence and then you put up a 7 foot fence and don't blame it on the contractor. Mr. Dixon stated that was their "approved for construction plan". We have that in our construction plans to give to the contractor because that was what was in the conditional use permit. Holst stated it went through there and your subcontractor came in and put in a fence three feet shallower. Mr. Dixon stated we actually contract out all of our work. We hired a contractor and they hired a subcontractor to do the fence. There was a misunderstanding on the fence guidelines. If I were to guess the inspector probably gave them our current up to date fence guidelines. Holst stated as far as safety concerns are there any? Are you worried about anyone crawling in and getting into your pump house? Mr. Dixon stated no. Holst asked how they meter the product, in cubic feet? Mr. Dixon stated he thinks it can be metered in certain other aspects, not sure if it's just cubic feet. In one of the buildings they have an ultrasonic meter that measures it by sound and he's not sure if that is in cubic feet. Holst asked if he knows how much product flows through this facility in a year. Mr. Dixon stated no, he doesn't. Chairperson Fetzer asked if it is up and running. Mr. Dixon stated yes. Sanden asked if it is a high pressure gas line. Mr. Dixon stated they have a high pressure gas line they run into the station and from that point Xcel Energy is our customer that takes it out and reduces the pressure and drives it to Maiden Rock for the sand plant there. Residents along the way will be able to pick up natural gas service. Sanden asked if there is a liability issue for the County if the fence isn't to code. Kleinhans stated our code states

a 10 foot high security fence is required for an electrical substation. We had a little bit of an issue with one off of 490th St. They didn't build that fence 10 feet high. We demanded that they put in a 10 foot high fence and they modified it. In this case we looked back at the code and it states that 10 foot high fences are required for electrical substations. Since this isn't an electrical substation we thought we could bring it back to the committee and consider modifying that one condition. The lease was modified in January to reflect the changes that happened with the fenced area. Chairperson Fetzer stated he drives by this everyday and he doesn't see anything wrong with it. Kleinhans stated he spoke with neighboring landowner Jay Richardson and he didn't have any problem with it. **Rohl moved to approve the modification of a conditional use permit for a Utility Facility >1000 square feet for a natural gas meter station for Northern Natural Gas Company, agent, for Gail Collett, owner, amending condition #1 to read "height of 7 feet" /Sanden seconded. All in favor. Passed.**

Discuss take action on Travel/Training Requests. Pichotta stated Louie Filkins has a request to attend the annual surveyor conference in Wisconsin Dells. **Holst moved to approve the travel/training request of the annual surveyor conference in Wisconsin Dells for Louie Filkins/Sanden seconded. All in favor. Passed.**

Departmental Update and Future Agenda Items

Rezone request in the Town of Oak Grove

Public hearing for tree removal along the Kinnickinnic River Blufflands

Andy's annual evaluation

Pichotta noted that there was a retirement in the Department effective last week, that being Faye Owen, was the part-time zoning secretary. At some point we will be having a discussion about our staffing plan in regard to refilling positions. I actually anticipate four retirements in the Department this year. Given that in a number of departments they have not been refilling vacant positions; we need to think about whether or not we can do with a little bit less and which ones are important that we refill. Also the Red Wing Airport, the issue with the attempt to initiate a zoning overlay; there has been a joint airport zoning board created. Mr. Holst and Mr. Kleinhans are representing Pierce County on that group. There has been some legislation at the State level that would impact a municipality from different state's ability to unilaterally impose zoning although it appears that this may well jeopardize the whole concept of interstate reciprocity. I spoke with Senator Harsdorf, she is trying to set up a meeting of local officials as well as the DOT and Bureau of Aeronautics.

Kleinhans stated he met with the Ellsworth Baseball Association in December and they talked about coming in with some better plans for mitigating the impacts from that facility. He recently spoke with Bill Green and he stated they have some plans, narrative and a design for affective measures and a time-line for incorporating those. They should be ready so we can discuss that again in February.

Motion to adjourn at 07:28pm by Holst/Rohl seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, January 18, 2012 – 7:00 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 1 st & 15 th , March 7 th & 21 st , all in 2012.	Chair
3	Approve minutes of the January 4, 2012 Land Management Committee meeting.	Chair
4	Discuss take action on a request for modification of a conditional use permit for private outdoor recreation (motorcycle hill climbs) in the General Rural Flexible and Commercial Districts for Larry Gerdes, owner, by Dean Gerdes, agent on property located in the E ½ of the SW ¼ and the W ½ of the SE ¼ of Section 28, T25N, R17W, Town of Hartland, Pierce County, WI.	Lund
5	Discuss take action on a request for modification of a conditional use permit for a Utility Facility >1000 square feet for a natural gas meter station in the Primary Agriculture District by Northern Natural Gas Company, agent for Gail Collett, owner on property located in the NE ¼ of the SE ¼, in Section 1, T25N, R16W, Town of Salem, Pierce County, WI.	Kleinhans
6	Discuss take action on Travel/Training Requests	Pichotta
7	Future agenda items and departmental update.	Pichotta
8	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.

(1/6/12)

PIERCE COUNTY WISCONSIN
DEPARTMENT OF LAND MANAGEMENT & RECORDS
Pierce County Courthouse
414 W. Main Street P.O. BOX 647
Ellsworth, Wisconsin 54011
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MINUTES - Pierce County Land Management Committee Meeting, January 4, 2012

Present: Joe Fetzer, Jeff Holst, Don Rohl and Eric Sanden

Others: Andy Pichotta, Brad Roy and Shari Hartung

Excused: Paul Barkla

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

Next meeting dates: January 18th, February 1st & 15th, March 7th & 21st, all in 2012.

Approve Minutes: **Rohl moved to approve the December 7, 2011 LMC minutes/Sanden seconded. All in favor with Fetzer not voting because of absence from the last meeting. Passed.**

Discuss/take action on request for renewal of a conditional use permit for a heliport in the General Rural Flexible 8 District for Christopher Brekken, owner on property located in the SW ¼ of the NE ¼ of Section 27, T26N, R19W, Town of Oak Grove, Pierce County, WI. Chairperson Fetzer invited Mr. Brekken forward: Mr. Brekken asked to have the CUP reapproved the way it is written.

Staff Report – Brad Roy: The conditional use permit for the heliport was renewed on January 5, 2011. The site has been approved by the Department of Transportation. The FAA approved the site for “personal use” so this facility could not be used for public or commercial flights. Flights are typically on Saturday or Sunday, usually early afternoons. Flights enter and exit the north end of the property. The applicant is allowed up to 10 night flights per year. Staff has not received any complaints since the last renewal. The Town of Oak Grove Chairperson was contacted about this renewal request and expressed no issues or concerns. The conditions associated with this CUP are listed #1 - #9 in the staff report.

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 with the following conditions: The only change to the conditions is #1 which would change it from a 1 year renewal to the new condition which states:

1. The CUP shall expire in 2 years or if compliance issues arise. Renewal may be completed administratively if no compliance issues occur.
2. Any potential or future changes or intensification in the use of the heliport shall be approved by the Land Management Committee.
3. The heliport is approved for daylight operations and up to 10 night flights per calendar year.
4. Approach and departure shall follow 180/360 flight path unless the committee finds modifications are necessary to mitigate impacts to surrounding neighbors.
5. Maintain the clear zone around the heliport following the 8:1 ratio.
6. The total number of take-offs and landings may not exceed 30 per month.
7. Proof of adequate liability insurance shall be provided.
8. This conditional use permit shall terminate if the Department of Transportation revokes their certificate of approval or Mr. Brekken’s pilot license.

9. Onsite fuel storage shall be in approved containment vessels.

Holst moved to approve the renewal of the conditional use permit for a heliport for Christopher Brekken with conditions #1 - #9/Rohl seconded. All in favor. Passed.

Update on Farmland Preservation Planning process. Pichotta reports: As you are aware, Pierce County must adopt an updated Farmland Preservation Plan (FPP) prior to December 31, 2012. The effort to update the existing plan, which was adopted in 1982, will be a joint effort of the Land Management and Land Conservation Departments. The Land Management Department has been awarded a \$30,000 grant to help offset the cost of completing this mandated plan. The plan will be structured in a manner very similar to that of our recently adopted comprehensive plan and will be adopted as an addendum to that plan. It is also anticipated that the FPP will also be implemented in much the same manner as the Comprehensive Plan. That is that we will have over arching goals objectives and policies relating to the County as a whole and we're not going to get into the specifics and tell the Towns what they need to do. One of the key pieces of this is the identification of the "Farmland Preservation Areas" basically areas within each Town that are suitable for preservation. We will utilize a variety of criteria (soils, land cover, slopes, etc) to help identify land within a given town that is potentially suitable for preservation. Staff will be going to each Town, all 17 of them, present that data to them and leave it for their consideration. Saying here is what we think may make sense however, recognizing that it is a political decision, they can include everything or they can include nothing. The final determination will be up to the Town Board versus Pierce County. County-wide goals objectives and policies will be developed. A number of the existing goals objectives and policies relating to agriculture in the Comprehensive Plan are pertinent and will be included. In the next couple months, we will be bringing to you as well as the Land Conservation Committee draft goals, objectives and policies. Towns will be encouraged to develop town specific goals objectives and policies relating to farmland preservation and to incorporate them into their existing comprehensive plans. We do have one Town that hasn't adopted a Comprehensive Plan. If they want to have some goals objectives and policies specific to their Town, we could include them in our plan. The County wide goals will probably be more along the lines of strategies to encourage the sorts of things we want to see and discourage things we don't want to see. Also as part of this, we are going to present draft ordinance language relating to agri-business, agri-tourism and natural resource based activities. The reason we haven't held a public hearing on that is that all it takes is one more than half of the Towns under County zoning to object and we can't adopt it. The reality is it will create a lot more options for the Towns. The goal is to make a presentation regarding that language and hypothetical comprehensive plan language a Town might have in their comp plan and apply it to a hypothetical request to show a town how comprehensive plans can steer conditionally permitted uses within their Towns so they understand the relationship. Sanden asked about the variety of criteria, do you go as far as using a LESA approach of a weighted average or formula to rank land higher, so if someone asks why your land is in and theirs isn't. Roy stated the criteria is looking at soils, existing use and historical use of the property, when you look into what qualifies as an acceptable use it can be as simple as an open area. The question going to the Towns will be do you want to get restrictive. Pichotta stated we would discourage folks from using Land Evaluation Site Assessment (LESA). Although we don't have such a program. One other point in Ag Enterprise Areas, according to State Statutes, they are landowner driven as far as the designation. What the statutes allow for is there have to be five different land owners but they have the ability to include land that is not owned by them. I think this committee and Land Conservation Committee will need to consider whether we support that inclusion of land that isn't actually owned and controlled by those who are proposing these things. Once you create one of these areas, it could be fairly easy for the State to impose new restrictions on them even though they say it's merely a benefit to those folks. We need to think what our default position on that will be. Most Towns will likely take a position on whether or not to include that type of land. If a Town feels strongly about allowing folks to do that, it may should be the County's position to support the Town's wishes.

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

Departmental Update and Future Agenda Items

Motorcycle hill climb review of event schedule for the Gerdes's in the Town of Hartland
Northern Natural Gas request for conditional use permit modification in Town of Salem

Motion to adjourn at 07:20pm by Rohl/Sanden seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, January 4, 2012 – 7:00 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: January 18, February 1 st & 15 th , March 7 th & 21 st , all in 2012.	Chair
3	Approve minutes of the December 7, 2011 Land Management Committee meeting.	Chair
4	Discuss/take action on a request for renewal of a conditional use permit for a heliport in the General Rural Flexible 8 District by Christopher Brekken, owner on property located in the SW ¼ of the NE ¼ of Section 27, T26N, R19W, Town of Oak Grove, Pierce County, WI.	Roy
5	Update on Farmland Preservation Planning process.	Pichotta/Roy
6	Discuss take action on Travel/Training Requests	Pichotta
7	Future agenda items and departmental update.	Pichotta
8	Adjourn	Members
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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.

(12/22/11)

PIERCE COUNTY WISCONSIN

DEPARTMENT OF LAND MANAGEMENT & RECORDS

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MINUTES - Pierce County Land Management Committee Meeting, December 18, 2013

Present: Jon Aubart, Joe Fetzer, Jeff Holst, Jim Ross and Eric Sanden

Others: Andy Pichotta, Jim Kleinhans and Shari Hartung

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

Next meeting dates: January 15th, February 5th & 19th, March 5th & 19th, all in 2014.

Approve Minutes: **Sanden moved to amend the minutes of the December 4, 2013 Land Management Committee meeting to read Acting Chairperson Ross called the meeting to order at 6:00pm in the County Board Room/Ross seconded. All in favor. Passed with Holst not voting due to absence at the last meeting. Sanden moved to approve the amended December 4, 2013 LMC minutes/Ross seconded. All in favor. Passed with Holst not voting due to absence at the last meeting.**

Public hearing to consider and take action on a request for a conditional use permit for a Farm & Home Based Business for a welding business, pursuant to Pierce County Code, Chapter 240-36D in the General Rural District for Terry Roatch and Tony Roatch, owners on property located in the SW ¼ of the SE ¼ of Section 2, T27N, R16W, Town of Gilman, Pierce County, WI. Chairperson Fetzer invited Terry Roatch forward: Mr. Roatch explained he would like to run a small business out of his building. He will probably just work the last ten years until retirement age. He may get one or two guys to help him out and hopefully be able to make a living at it.

Staff Report – Jim Kleinhans: Terry operates his business out of his home which was permitted in 2005. It's located in Section 2 in the Town of Gilman. He is requesting a Farm & Home Based Business. He owns 6.12 acres which exceeds the minimum for a Farm & Home Based Business and he is located in General Rural zoning district. The narrative explains the nature of the business is offering mild steel welding services as well as specialty welding services for aluminum and stainless steel. The building is located in a 80 ft x 60 ft pole shed which also includes his residence. Staff took a look at the residential space and the welding space. With putting some personal storage and his personal vehicles inside the business, it is roughly half of the 4800 square feet. The equipment that he uses for the business includes: 3 welders using nonflammable Argon, or carbon dioxide/Argon/oxygen, cutting torches using flammable acetylene, drill presses, table saws, grinders, air compressor, electric hand tools, gas powered pressure washer and a forklift. There are fire extinguishers located at each welding station. What brought staff's attention to the business is the unauthorized sign that was placed within the road right-of-way setback on 850th Street. That is an issue that we need to address under the conditions. Typical hours of operation are 7:00am to 7:00pm Monday through Friday and 7:00am to 4:00pm on Saturday. The applicant has no regular outside employees but occasionally hires temporary (contracted) help needed to complete special projects within a specified timeline. Most raw and finished materials are stored indoors. A metal shelving unit sits in the front of the building. Raw materials are picked up and hauled by Mr. Roatch. Recycling and scrap metals are hauled to Kadingers salvage in his personal vehicle. There is not a lot of big trucks coming in hauling material to the site. Surrounding land uses include Schmitt Timber (zoned industrial)

and several residences along 850th Avenue, (zoned General Rural). The general nature of the area is wooded. The Town of Gilman Board of Supervisors recommended approval of this request on 11/13/2013. The Town indicated this request falls within the Town's land use plan and the plan commission will review the use in three years. Pierce County Code talks about off-street parking places and there are several parking spots on the side of his driveway in front of the building. This use is established.

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, including hours of operation.
2. The business shall be conducted by the owner of the dwelling unit.
3. No more than 8 persons not residing on-site shall be employed at the site at any given time.
4. The entire business area within the building shall not exceed 2400 square feet.
5. There shall at least 2 designated parking spaces, with a minimum of one space for handicapped parking.
6. The on-premise advertising sign shall be moved to a compliant location (at least 33 ft from centerline) by May 1, 2014.
7. A land use permit shall be obtained for all future structures prior to construction.
8. This conditional use permit shall be renewed every 2 years. Permit may be renewed administratively if no compliance issues arise.
9. Applicant understands that expansion or intensification of this use will require issuance of a new conditional use permit. Land Management staff should be contacted if applicant has questions as to what constitutes expansion or intensification.

Chairperson Fetzer opened the hearing to the public. No public comment. **Public hearing closed.** Sanden asked Mr. Roatch if the business is up and running? Mr. Roatch stated yes. Sanden asked how long it's been operational. Mr. Roatch stated 4 or 5 months. Chairperson Fetzer asked how business has been so far. Mr. Roatch stated slow, he needs to get some advertising done. Ross asked if it will be a problem getting that sign moved by May 1st. Mr. Roatch stated no. **Holst moved to approve the conditional use permit for a Farm & Home Based Business for a welding business for Terry Roatch with conditions #1 - #9 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/Ross seconded. All in favor. Passed.**

Discuss take action on proposed amendments to Chapter 238-20 of the Floodplain Ordinance relating to camping and camping units and to Chapter 240-29D, of the Zoning Ordinance relating to the height of Industrial buildings.

Staff Report – Jim Kleinhans: In the course of administrating the floodplain ordinance we found some things that should be included in our code; definitions to help support the administration of that ordinance. In some places, yurts have been permitted as cabins. We have some in the County and they function pretty well as a habitable structure. They don't have running water as a rule. They usually associate or support that with a privy. In the floodplain we had a recent case where a person had a yurt but called it a tent-like structure. They are somewhat of a tent-like structure with a lattice but more permanent than a tent. We thought if we included a definition for yurt, calling it a tent-like structure instead of a tent, the attorneys wouldn't pick that apart. It really is defined as a tent in Webster's Dictionary. So we included a definition for yurt and hopefully we can add that to the floodplain code just for clarification. Then regarding camping in the floodplain outside of campgrounds for a private facility, we have proposed Section M, that would state camping in a camping unit in floodplain outside of an approved campground under this section is allowed without a permit if the camping unit consists of nothing more than an easily removable tent or if the following criteria is met:

- a. The camping unit is a mobile recreational vehicle.
- b. The camping unit is on a parcel of land that has less than 4 camping sites and the parcel is not advertised, represented or used as a campground and
- c. The camping unit may not occupy the site for a period of more than 180 consecutive days.
- d. Support services are consistent with items J and L listed above.

That talks about restriction to floodplain, the flood flows and utilities; natural gas lines, propane tanks, etc. We have had issues with people setting up camping in the floodplain and floodways. When they set a couple big cylinders there for propane and don't attach them to trees, it's important to include some of these things so we don't have issues where we get a flood and people aren't able to deal with things that they have developed but haven't thought through the whole process. It's more consistent with WI Administrative Code for floodplain management as well. Another definition regarding habitable structures, we define human habitation but we didn't have habitable structure defined which was in WI Administrative Code NR 45. That would be any structure, a portion thereof used or designed for human habitation. There is also a definition about habitable structure in the riverway but the riverway definition is a lot more involved or restrictive. We decided to go with NR 116, the regular floodplain program and we would request to add that to our floodplain code as well. We have a couple housekeeping items under Chapter 238-24D where the Department of Commerce has been changed to the Department of Safety and Professional Services. We would just amend those sections where the reference to Administrative Code is from Comm to SPS. We're just trying to keep our code current. Under the Zoning Code, Chapter 240, we've dealt quite a bit with the frac sand industry lately. Knowing that the processing facilities are rather tall because of the way they process their sand with the gravity and sieves to make the product that they need to meet specifications for their buyers, we have had a number of variances come through recently. One out in Grange Hall and the other was in Trenton. The Board of Adjustment(BOA) struggled with supporting the variance standards for hardship for these buildings. We thought possibly amending the section on Industrial buildings where this committee was authorized to take them up to 60 feet. The Land Management Committee could grant exceptions to Industrial and possibly Commercial buildings that require structures to be taller than 35 feet or taller than 60 feet, just take out that reference to 60 feet. Instead of tall commercial buildings or tall industrial buildings coming before the BOA, they would just be dealt with by this committee either through site plan review or a conditional use permit. If you understand how the BOA deals with their standard and trying to write up their Findings, Facts and Conclusions, they struggle with that to make it sound right. Maybe this committee can do that looking at the purpose and intent of the zoning code and how we praise(?) our conditional use permit just like we did with the last applicant. If it's not contrary to public interest, things like that might be easier to justify, protecting the public interest is typically one of the things we look at. Pichotta stated after we had finished the staff report, he was doing some work on ACT 20 which changes the standards for cellphone towers in the State. It establishes a ceiling law as to what a municipality can require. You can't say someone can't put up a cellphone tower, you can't specify heights, make them paint them and you can't make them use a monopole. If someone wants to do it, they basically can. It also takes away the ability to require setbacks. If we were to have language in our code that said Industrial and Commercial structure heights may be granted exceptions by the Land Management Committee we could use the same mechanism to continue to require that at least communication towers be set back their height from adjacent property lines. We are going to be bringing forth, at some point in the not too distance future, some language regarding cellphone towers and probably going to be recommending they become a permitted use versus a conditional use because it doesn't seem right to have them be a conditional use when the reality is we can't say no and we can't place conditions. Rather than what is in the staff report, he suggests the committee consider language that says Industrial and Commercial and then instead of buildings, say structure heights may be granted exemption by the Land Management Committee provided that all setbacks and yards are increased by not less than one foot for each foot the structure exceeds 35 feet. If you are comfortable with that, it would be helpful when we tweak the code relating to cellphone towers. We haven't seen much for commercial structures that are higher than 35 feet but it doesn't mean we won't. Sanden asked about being limited to what we can do with cellphone towers because of the

jurisdiction not being in our court but we do have the authority to determine setbacks? Pichotta stated we do if those same setbacks apply to all commercial structures. Holst stated that is why it would be advantageous to us to have these setbacks in place for this and then update your ordinance again to apply to cellphone towers when they get that in place. Sanden asked if we approve this, does it stop here or does it have to go to the full board. Pichotta stated it does go to the full board, it's an ordinance amendment. If you are comfortable with the changes that have been presented here, we would publish a public hearing notice and bring these changes back to you on January 15th. Sanden asked about part N, the first one that we talked about, if he understood, there was problems with people camping in floodplain areas and having some issue with tanks and such. How does this address this, it looks like it says there they are allowed to do that. It says they can be there without a permit. Kleinhans stated that under L it talks about the propane tanks, they would be properly anchored or placed at flood proof elevations. Some of those things, when the floods come up they are not prepared or people are not there and all of a sudden stuff starts heading downstream. Sanden asked if a yurt is considered a tent or habitable structure. Kleinhans said it's a habitable structure, that is what we have permitted elsewhere in the County but in the floodplain they call them a tent. Under this code it says you can have a tent in the floodplain where you don't permit it. Sanden stated but not a yurt. Kleinhans, a yurt is not as easy to remove as a tent. If we can do something with the code so we have something to fall back on so we're not calling it a tent, we're calling it a yurt which is a tent-like structure. Sanden said that is where he was confused because it says a tent is allowed and then we define a yurt as a tent-like structure. Does that mean it's a tent? Kleinhans stated tent-like, he thinks there is a difference. In 2007 or 2005 we talked to the committee about amending our shoreland code and that has been in the works for over a decade and we found out the Natural Resources Board just approved some final changes to NR 115 but they are still leaving it open that the legislator can change it some more. Some Counties are waiting to make those changes and some are moving forward without putting all of the changes in the code, for instance the part about impervious surface regulations which will be a nightmare to regulate. St. Croix County is going forward probably this week with a hearing. It doesn't make sense to dig into this until the legislator is done playing with this. It shouldn't take that long to do. One of the things he wanted to mention is we applied for a grant to change the code. They keep extending the grants and now they are extended until May 2016 and the legislator should be finished with this by May 1, 2014. After May 1st of next year, we can get to work on it. This is one we have been working on and off trying to get it going but it doesn't make sense to do it yet. Holst stated he thinks the changes make sense even though the yurt isn't going to affect him. He sat on the BOA for a couple years and they deal with a completely different animal than we do and if we can make their job easier it would be very beneficial. Sanden stated it helps us too and he supports the 240-29D amendments. Chairperson Fetzer stated it would stream-line things more. Pichotta asked if that is consensus or does the committee want to make a motion? It doesn't matter if your directive is to have us schedule a public hearing to consider these amendments. Chairperson Fetzer directed staff to move forward with a public hearing to amend Chapter 238-20 and Chapter 240-29D.

Discuss take action on Travel/Training Requests. Pichotta stated there are no requests at this time.

Departmental Update and Future Agenda Items

Public hearing for expansion of a nonconforming structure in the Town of Salem for Wieser Concrete.
Public hearing to consider and take action on amendments to the Floodplain ordinance and the Zoning ordinance that was brought before you tonight.

Site Plan review for a winery for Shannon & Angel Zimmerman in the Town of Clifton.

Discuss take action on a status report and potential modification of the CUP for Muskie Proppant relating to disposal of their waste product.

Discuss take action on location of a new air shaft for WISC in the Town of Maiden Rock.

Motion to adjourn at 6:30pm by Sanden/Aubart seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, December 18, 2013 – 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: January 15 th , February 5 th & 19 th , March 5 th & 19 th , 2014.	Chair
3	Approve minutes of the December 4, 2013 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for a conditional use permit for a Farm & Home Based Business for a welding business, pursuant to Pierce County Code, Chapter 240-36D in the General Rural District for Terry Roatch & Tony Roatch, owners on property located in the SW ¼ of the SE ¼ of Section 2, T27N, R16W, Town of Gilman, Pierce County, WI.	Kleinhans
5	Discuss take action on a request for site plan approval for Shannon and Angel Zimmerman, owners on property located in part of the SW ¼ of the NW ¼ and part of the SE ¼ of the SW ¼, all in Section 3, T27N, R19W, Town of Clifton, Pierce County, WI.	Roy
6	Discuss take action on proposed amendments to Chapter 238-20 of the Floodplain Ordinance relating to camping and camping units and to Chapter 240-29D, of the Zoning Ordinance relating to the height of Industrial buildings.	Kleinhans
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.

(12/6/13)

PIERCE COUNTY WISCONSIN

DEPARTMENT OF LAND MANAGEMENT & RECORDS

Pierce County Courthouse

414 W. Main Street P.O. BOX 647

Ellsworth, Wisconsin 54011

ZONING OFFICE 715-273-6747

PLANNING OFFICE 715-273-6746

Fax: 715-273-6864



MINUTES - Pierce County Land Management Committee Meeting, December 4, 2013

Present: Jon Aubart, Joe Fetzer, Jim Ross and Eric Sanden

Others: Andy Pichotta, Emily Lund and Shari Hartung

Absent: Jeff Holst

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

Chairperson Fetzer continued the meeting. Next meeting dates: Dec 18th (if necessary), 2013. Pichotta stated it will be necessary. We have a number of agenda items. If the committee is comfortable with the first and third Wednesday of each month except we should talk about the first meeting in January because the first Wednesday in January is the 1st. Do we want to do a week later? Aubart asked if there is a need to. Pichotta stated we have one pending conditional use permit application and that is for expansion of a nonconforming structure at Wieser Concrete. Chairperson Fetzer asked if there is a rush? Pichotta stated there is no rush for them because they need a letter of map amendment in order to construct. Chairperson Fetzer stated we can push them back. Pichotta, So we are looking at possibly the one meeting in January at the 3rd Wednesday? There was a consensus among the committee.

Approve Minutes: **Ross moved to approve the November 20, 2013 LMC minutes/Aubart seconded. All in favor with Fetzer not voting because of absence at the last meeting. Passed.**

Discuss take action on a request for approval of a 4-Lot Major Certified Survey Map for MIDIOWA Construction Inc, owner, Pete Gartmann, agent, on property located in part of Gov Lot 3, Section 14, T26N, R20W, Town of Oak Grove, Pierce County, WI. Chairperson Fetzer invited Kim Christiansen forward: Staff Report – Emily Lund: Kim Christiansen is the owner of MIDIOWA Construction Inc and is proposing to create 4 lots within a five-year period, which is considered a Major CSM per Pierce County Code (PCC) §237-9B. The certified dedication of easement is described on page 3 of 3 of the CSM. Staff walked the site on 10-28-2013 and verified that no erosion issues were present on the proposed lots. On 11-6-2013, LMC discussed a rule exception to the requirement that an erosion control plan be submitted, but no action was taken. The applicant subsequently submitted road plans, stormwater and erosion control plans to the Land Conservation Department for review. The CSM is located in Section 14, Town of Oak Grove. Surrounding land use is agricultural, residential and woodland. The parcel is zoned General Rural Flexible 8. The current density units are 27. After the CSM is approved, then 23 density units remain. Oak Grove Town Plan Commission and Town Board reviewed the CSM. On 10-21-2013, the Town Board of Oak Grove approved the CSM and the 3-acre minimum lot size. The road is to be designed and constructed to Town specifications, but it will remain a private road. The Town will sign off on the CSM when they have confirmed that the road was constructed to their specifications. One shared driveway access point on State Hwy 35 between Lots 2 & 3 was issued by the Wisconsin Dept of Transportation (WI DOT). Per PCC §237-17(B)3, staff reviewed the site to see if the property was subject to any hazards to life, health or property; no such hazards were found. The CSM meets slope and road frontage requirements. Will Heidt completed a soil test on all 4 lots and

conventional septic systems are recommended. Pierce County Surveyor, Louie Filkins, reviewed and approved the CSM. Survey review fees in the amount of \$500 were paid on 10-7-2013. Property is not in the Farmland Preservation Program, per Land Conservation Department. The Land Conservation Committee approved the storm water and erosion control plan on 11-21-2013. The plan was approved with the following recommended conditions:

1. The County must approve any modifications to the plan.
2. Permanent seeding species detailed in the plan must be used due to the coarse-textured soils existing on the site.
3. All disturbed areas must be completely covered with straw mulch.
4. Any erosion concerns that may arise during construction will be addressed to the satisfaction of the County.
5. Letter of completion and as-built plans or redline/record drawings which include highlighted changes or deviations from the approved plan must be submitted to the Land Conservation Department.

No restrictive covenants are proposed. A private road maintenance agreement was submitted. The agreement is being reviewed by the Pierce County Corporation Counsel, was signed today and will need to be recorded along with an approved CSM. Applicant should be aware that archeological features were reviewed and the site was cleared by the Historical Society and the State Archeologists. There aren't any hits on these four lots. The proposed road shall be named 1259th St and a traffic control sign (stop sign) and road number sign shall be required at the intersection of 1259th Street and State Highway 35.

Staff Recommendations: Staff recommends the Land Management Committee approve this 4 Lot CSM with the following conditions:

1. All conditions of preliminary Major CSM approval shall be completed before Final Approval is granted.
2. The private road shall be built to Town specifications prior to final approval.
3. All conditions recommended by the Pierce County Land Conservation Committee shall be met (1-5).
4. A financial surety in form of a bond, irrevocable letter of credit, or other method, in the amount of 200% of the estimated cost of installing erosion control measures shall be submitted to the Department along with a copy of said estimate. Said surety shall be in place prior to site disturbance. We can strike #4 because we received a surety bond in a check and we got the bid.
5. Erosion control measures shall be installed according to approved plans and associated conditions and site stabilized to the satisfaction of the Land Conservation Department, prior to final plat approval. Applicant understands that final 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.
6. 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.
7. Applicant agrees that any unforeseen erosion issues that arise during construction will be addressed to the satisfaction of Pierce County.
8. The private road serving the proposed lot shall be labeled as 1259th St, as according to our uniform road numbering system.
9. The applicant shall purchase a road number sign and stop sign from the County Highway Department and they shall be placed at the intersection of 1259th Street and State Highway 35.
10. The private road maintenance agreement shall be reviewed by the Pierce County Corporation Counsels Office and any changes deemed necessary shall be made. We can strike #10, this has been completed.

11. The private road easement dedication, maintenance agreement and approved Major CSM shall be recorded simultaneously.
12. Applicant shall obtain all necessary sign permits (i.e. temporary new development signs; on-site construction signs; on-premises residential neighborhood signs).

Sanden asked Emily if the area falls under the bluff buffers or any tree removal. Is it Single Family Residences and is there plenty of room before the 12% slope? Mr. Christiansen stated yes.

Sanden moved to approve the 4-Lot Major Certified Survey Map (CSM) for MIDIOWA Construction Inc, Kim Christiansen, owner with conditions #1 - #12 striking #4 and #10/Ross seconded. All in favor. Passed.

Discuss take action on Travel/Training Requests. Pichotta stated there are no requests at this time.

Departmental Update and Future Agenda Items

Public hearing for a Farm & Home Based Business for a welding business in the Town of Gilman
Flood Plain Ordinance amendments relating to camping and camping units and Zoning Ordinance amendments relating to the height of Industrial buildings.

Site Plan review for Shannon & Angel Zimmerman for the winery. Unsure if the discussion will include the subordinate issue with the restaurant and the winery component.

Motion to adjourn at 6:15pm by Sanden/Aubart seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, December 4, 2013 – 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: December 18 th (if necessary), 2013.	Chair
3	Set next meeting dates for 2014.	Chair
4	Approve minutes of the November 20, 2013 Land Management Committee meeting.	Chair
5	Discuss take action on a request for approval of a 4-Lot Major Certified Survey Map for MIDIOWA Construction Inc, owner, Pete Gartmann, agent, on property located in part of Gov Lot 3, Section 14, T26N, R20W, Town of Oak Grove, Pierce County, Wisconsin.	Lund
6	Discuss take action on Travel/Training Requests	Pichotta
7	Future agenda items.	Pichotta
8	Adjourn	Members
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A quorum of County Board supervisors may be present.

(11/21/13)

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MINUTES - Pierce County Land Management Committee Meeting, November 20, 2013

Present: Jon Aubart, Jeff Holst, Jim Ross and Eric Sanden

Others: Andy Pichotta, Emily Lund and Shari Hartung

Absent: Joe Fetzer

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

Next meeting dates: Dec 4th & 18th (if necessary), 2013.

Approve Minutes: **Ross moved to approve the November 6, 2013 LMC minutes/Sanden seconded. All in favor. Passed.**

Discuss take action on a request for site plan review for an accessory structure in the Industrial District for Schmitt Timber Corporation, owner on property located in part of the SE ¼ of the SE ¼ of Section 2, T27N, R16W, Town of Gilman, Pierce County, WI. Chairperson Holst invited Jeff and Greg Schmitt forward: Jeff Schmitt explained they are tearing down an existing building and constructing a new one. Greg Schmitt stated it will be used to store more lumber and covering up machines. They are trying to make it better.

Staff Report – Emily Lund: We have site plan review for an accessory structure for industrial uses. The property is located in Section 2, Town of Gilman and in the industrial zoning district. This request involves tearing down an existing 48' x 45' accessory building. Then the construction in the same location of a new 60' wide x 88' long x 28' tall building with a 10' wide x 72' long roof extension. The building is proposed to be a total of 6,000 square foot. The use is for lumber storage equipment storage, belt conveyor/saw storage and open space. Cleary Building Corporation drafted plans and sent them to the Department of Safety and Professional Services (DSPS). It is designed to meet 50 PSF snow load and 90 mph wind speed. The industrial use is not being expanded with this new request. They currently have 20 employees and no additional employees are proposed at this time. The proposed new construction will allow the company to process lumber more efficiently, quietly and will allow equipment to be stored inside. Pierce County Code 240-15K Purpose and Intent for Industrial Zoning is stated in the staff report and also 240-75 Site Plan Review. The property has trees along the north side of the driveway and trees around the existing buildings screening adjoining neighbors. There are piles of harvested trees to the south and processed plaited wood (within the property). Adjacent uses include residential and agricultural uses. Applicants have 20 existing parking spaces. There will be no increase in traffic. No additional advertisement signs are planned at this time. DSPS requires handicapped accessible parking to be 96 inches wide van and 96 inches wide automobile parking stalls with a 96 inch wide shared access aisle near the new building. The property is served by an existing private well. A holding tank was installed in 2013 to accommodate 1 floor drain and 20 employees. The proposed building is to be 100 ft north of the adjacent neighbors. Per Pierce County Code 240-30B(5), buildings in industrial districts located adjacent to railroad access are exempted from front, rear and side yards provided they do not violate any other provision of Chapter 240 Zoning Code. For security lightning, an existing light pole is near the plate

storage area. Additional lights may be constructed around the perimeter and inside the building. Applicants will need approval from DSPS, which staff received a copy of their plans and approval, today. The applicants should also contact the Town Building Inspector to obtain any necessary town building permits, if required.

Staff Recommendation: Staff recommends the Land Management Committee consider the information provided in this report to determine if any aspect of this development, as proposed in the site plan, is potentially harmful to the health, safety, aesthetics and general welfare of the county and can be addressed through modifications to the proposed site plan. Staff also recommends the LMC consider including the following conditions in any plan approval.

1. Applicants shall submit DSPS approved building plans and obtain a Pierce County Land Use Permit for the industrial accessory structures for a \$300 fee.
2. Applicant shall comply with all relevant local and state ordinances and regulations and secure all necessary permits and licenses (e.g. Todd Dolan, Gilman Building Inspector, Department of Safety & Professional Services (DSPS), etc.).

Sanden moved to approve the site plan review for an accessory structure for Schmitt Timber Corporation with conditions #1 - #2, striking the reference to DSPS in condition #1/Aubart seconded. All in favor. Passed.

Discuss take action on Travel/Training Requests. Pichotta stated there is one request and that is for Jim Kleinhans to attend the WOWRA Conference on January 31st and February 1st in Stevens Point. The only costs would be attendance and mileage because he is would be staying with a friend. Ross moved to approve attendance at the WOWRA Conference for Jim Kleinhans /Aubart seconded. All in favor. Passed.

Departmental Update and Future Agenda Items

MIDIOWA Construction Certified Survey Map (CSM) approval. They are on the Land Conservation Committee's agenda for tomorrow.

Motion to adjourn at 6:09pm by Aubart/Sanden seconded. All in favor. Motion carried.
Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, November 20, 2013 – 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: December 4 th & 18 th (if necessary), all in 2013.	Chair
3	Approve minutes of the November 6, 2013 Land Management Committee meeting.	Chair
4	Discuss take action on a request for site plan review of an accessory structure in the Industrial District for Schmitt Timber Corporation located in part of the SE ¼ of the SE ¼ of Section 2, T27N, R16W, Town of Gilman, 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.

(11/8/13)

PIERCE COUNTY WISCONSIN

DEPARTMENT OF LAND MANAGEMENT & RECORDS

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MINUTES - Pierce County Land Management Committee Meeting, November 6, 2013

Present: Jon Aubart, Joe Fetzer, Jeff Holst, Jim Ross and Eric Sanden

Others: Andy Pichotta, Brad Roy and Shari Hartung

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

Next meeting dates: November 20th, Dec 4th & 18th (if necessary) all in 2013.

Approve Minutes: **Sanden moved to approve the October 16, 2013 LMC minutes/Ross seconded. All in favor. Passed.**

Discuss take action on a request for renewal and potential modification of a suspended conditional use permit for Rudy & Cathy Jungwirth (Valley Vineyard), located in Lots 6, 7 & 8, of the Crossroads Land Division, in the SW ¼ of the NW ¼ of Section 23, T26N, R19W, Town of Oak Grove, Pierce County, WI. Chairperson Fetzer invited Mr. Jungwirth forward:

Staff Report – Brad Roy: On October 16, 2013, the LMC suspended the applicants CUP until November 6, or until such time as a DNR and /or DSPS approved (as applicable) Waste Stream Management Plan was developed and implemented. At the October 16 meeting, the applicant suggested that by-product waste and liquid waste from the winery would be placed into a sealed container and hauled offsite by P.I.G. waste haulers or that the liquid waste would be land-applied. However, a formal plan containing sufficient detail was not submitted and numerous questions regarding implementation were unanswered. The applicant has been working with a local plumber regarding the development of a Waste Stream Management Plan and has made modifications to the waste management strategies that were described on October 16. A plan was submitted that describes:

- The production process
- Estimated volumes of liquid and by-product waste
- Waste containment measures
- Waste storage and removal measures
- Timeline for implementation

After the grapes are picked and crushed the by-product waste will be stored in containers onsite. P.I.G. will remove the waste from the site. This is compliant with DNR regulations. The wastewater generated from the wine-making process will run to a sump pump which will discharge to a 500 gallon polypropylene tank with an alarm. The liquid from the tank will be pumped out and disposed of by Darrell's Septic. This is compliant with DNR regulations. A Non-Domestic Wastewater Holding Tank Plan Approval Application has been filed with the DNR. We received DNR approval last week. Final installation is expected to be completed by no later than December 15, 2013. Roy stated that he spoke with the DNR today to confirm that this plan is compliant with all their regulations and doesn't need DSPS review or approval. Chairperson Fetzer asked if it is compliant and doesn't need DSPS approval. Roy stated that is correct. Prior to the October 16, 2013 meeting, staff contacted the Town of Oak Grove regarding this request. Chairperson stated that the town has concerns about the number of licensed

bartenders and when the applicant is hosting town approved events during the harvesting. At the October 16 meeting the LMC discussed these concerns and concluded that these issues could best be resolved by the Town of Oak Grove. The Town recently requested that a condition requiring that the applicant provide neighbors with notice of days where larger than typical attendance is anticipated to be added to the CUP. Through the Waste Stream Management Plan process it was determined that the sanitary system for winery guests needed additional review. The applicant has hired a plumber to make all necessary changes. The existing conditions are listed #1 - #15 in the staff report.

Staff Recommendation: Staff recommends the Land Management Committee determine whether Waste Stream Management Plan is acceptable and also consider whether any other additions or modifications to the established conditions are necessary to help mitigate impacts on public health, safety, the public interest and the character of the area, and if appropriate, renew the CUP with the following conditions (proposed new conditions are shown in *bold italics*):

1. No more than 8 persons not residing on the site shall be employed in the business.
2. The entire business area shall not exceed 5,000 square feet in an accessory structure.
3. The applicant shall delineate 12 parking spaces that will be available for customer parking with one space delineated for handicap parking and there shall be no on-street parking.
4. Any proposed advertising signs shall comply with the zoning code standards and any necessary permits secured.
5. If the liquor license is not renewed annually, sales of wine need to cease.
6. The hours of operation shall be Wednesday through Sunday, 10am to 6pm.
7. Food served shall be incidental to wine tasting and must not require a food license, no "carry in" foods shall be allowed.
8. Activities outside the scope of this CUP (including catered food service) may be authorized by the Oak Grove Town Board consistent with the Town's Special Event Ordinance.
9. Applicant understands that expansion or intensification of this use will require modification to this conditional use permit.
10. Applicant shall discontinue the use of the audio bird repellent.
11. ***This permit shall expire in one year, renewal may be granted by the LMC.***
12. ***Winery waste water and by-products shall be disposed of in a manner consistent with the DNR/DSPS approved Waste Stream Management Plan. Full implementation of Waste Stream Management Plan (including installation of winery holding tank) shall be completed prior to December 16, 2013.***
13. If a new owner wishes to continue the business with the established conditions prior to the permit expiration, a proposed business/operations plan shall be presented to the Town of Oak Grove and the LMC for review prior to business commencement. Conditions of the permit may be modified.
14. Failure to comply with one or more of the above conditions may result in the issuance of an order by Land Management staff to suspend this use, pursuant to 240-84, and/or termination of this conditional use permit by action of the Land Management Committee, pursuant to 240-76(I).

Sanden asked about the Town's request for applicant to provide neighbors with information, are they referring to the days open or the harvesting or what specifically? Sarah Palodichuk, Oak Grove Chairperson, stated they spoke with Rudy about this and are talking about specific events: the Great River Road Wine Trail and harvesting. We just wanted communication from Rudy to his neighbors. I don't know that it needs to be a condition if he is happy to provide that information. Ross asked how the neighbors are going to get notified because he could see a problem there. Mr. Jungwirth stated he can supply a calendar if they want or he can email them or he can go through Oak Grove. Ross stated however you want to solve it, he can see it becoming a problem later if you don't decide now how you are going to communicate with the neighbors. Ms Palodichuk stated the neighborhood has an email list with a point person they can email it to and they can distribute it. Mr. Jungwirth stated the dates are the first week in June every year and the second week in November every year. Aubart asked where the holding tank is located. Mr. Jungwirth stated it had to be located inside because they didn't want it freezing. It's inside the winery. It's already in, the sump pump is installed the alarm is in, everything is complete. It needed a

15 inch opening for Darrell's Septic to pump it out and the alarm got installed yesterday. Aubart asked about the change from what we had talked about at last meeting. Mr. Jungwirth stated P.I.G. is still taking all the solid waste. Aubart stated that we talked about the liquid waste, they were going to take that too? Mr. Jungwirth stated at first they said they would be able to take that also because it was minimal. If we had 2,000 pounds of skins, there is maybe 40 gallons of water. They said that's not a problem but then I saw that their tanks aren't watertight. Aubart stated as we're sitting here tonight that holding tank is in place and functional? Mr. Jungwirth stated yes, for the liquids. After the last meeting, he decided since he isn't working, he would harvest 2,000 pounds of their additional grapes in the field. They did that and called PIG to pick that material up just to make sure it was OK with them to have grape skins and they had no issue. Holst asked if we can modify condition #12. Pichotta stated you could leave it and we'll go out and verify. Holst stated he thought all the grapes had to be harvested before freezing. Mr. Jungwirth stated they have one product out there that is meant for Ice Wine. They harvested it a little early. It's supposed to be left on until early December. He still has two rows out there that he might decide to make Ice Wine out of but you have to pick it at night, at exactly 23 degrees. And it's hard to get people to work in the dark at that temperature. Your red grapes all get harvested prior to frost. Chairperson Fetzer asked about the bartender issue. Ms Palodichuk stated that's been taken care of already. **Holst moved to renew the suspended CUP for Rudy Jungwirth, Valley Vineyard with conditions #1 - #14 and remind applicant that it is a conditional use permit and he has to abide by the conditions/Ross seconded.** Aubart asked how soon it could be verified. Roy stated he could inspect on Friday. Aubart stated based on past statements, he would like to see approval contingent on verification by staff. Holst stated with the second's permission he could modify his motion. Ross agreed. **Holst moved to renew the suspended CUP for Rudy Jungwirth, Valley Vineyard with conditions #1 - #14 after verification with staff that condition #12 has been satisfied/Ross agreed to the amendment. All in favor. Passed.**

Discuss take action on a status report and potential modification of a conditional use permit for Nonmetallic Mining in the General Rural District by 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. Chairperson Fetzer invited Pete Krautkramer forward: Mr. Krautkramer stated he and Jim Small went to the Spring Lake Town meeting and they are in good standing there. This year they did very well on the dust and problems from before. Jim will go over the stormwater ponds.

Staff Report – Brad Roy: County Materials received 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. Last year the hours of operations were expanded to 6AM to 6PM Monday through Friday, Saturday 8AM to noon. The number of allowable unreclaimed acres was also increased to 40. The permit was renewed in April of this year. Staff did not receive any complaints about the operation since the last renewal. Backup alarms have been changed to lessen noise impacts on neighboring properties. Condition #4 states, Storm water pond design shall be completed by a State certified engineer. The pond design shall be reviewed and approved by the Pierce County Land Conservation Department within 6 months. (The 6 month timeframe was added at the April 2013 renewal.) No plans have yet been submitted for review. The plan for stormwater management has changed from when the mine was first proposed and the original condition established. Due to this change, the applicant would prefer to not have engineered certified plans drawn up and would prefer to submit their own drawings for Land Conservation review and approval. Given that the mine appears to be internally drained staff agrees that engineered plans are likely not necessary. A condition requiring Land Conservation Department review and verification would appear to be sufficient to ensure proper function. The Town of Spring Lake was contacted regarding this status report. They did not identify any concerns about this renewal. The existing conditions #1 - #28 are listed in staff report.

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. Staff further recommends that condition #4 be modified to read:

Storm water measures shall be reviewed and internal drainage verified by the Pierce County Land Conservation Department within 1 month. If determined to not be internally drained, engineered plans shall be submitted for Land Conservation review within 90 days.

Jim Small presented a drawing of the mine and stormwater ponds. He stated at their first meeting they had proposed to build silt ponds in the valley and that's where that condition came from. By the second meeting they decided to add a fines recovery system in so they didn't have to do that. In July 2007, he designed a pond that would hold a 50-year rain event. Holst stated we've had twelve of them since then and two 100-year storms since then. Small stated that it held up well. That pond is gone. They have a new pond and it's changing all the time. They are done blasting now. He plans to topo the map. He gives an updated map to Brad every year and they do have a new pond that replaced the original one so he should renew it with Brad and Jim Devlin at DNR. Right now that pond is only holding the water from the cornfield adjacent to the pit. All the water from the pit stays in the pit. Pete built a nice pond with an overflow channel. He hasn't surveyed it yet but will do that before it's covered with snow. Sanden asked how high above the water table they are. Mr. Small stated the Eau Galle is at 900 feet and the bottom of the Prairie Du Chen is 1045 feet. At the lowest point they would mine is still 60 feet above the water table. Mike Jacobson, Supervisor for Town of Spring Lake, stated it has been a quiet year. Pete delivered on what he promised. The Town didn't give them extended work hours but allowed them to prepare and do maintenance at the end of each day. They have mitigated the dust, their trucks are abiding and they are on the other truck drivers also. They worked with the Township this year on some activities that they needed. This is the best outcome they could have hoped for. Chairperson Fetzer commended Pete and Jim on the good job they have done mitigating impacts. The committee appreciates it. Mr. Krautkramer stated he is asking for the nonproduction hours for repairs to be from 6:00pm to 8:00pm. Holst asked if they wanted anytime on Saturdays. Mr. Krautkramer stated no.

Holst moved to approve modification of the conditional use permit for the CMC-Spring Valley, LLC (County Materials) for Nonmetallic Mining with conditions #1 - #28, amending condition #2 to read "Hours of operation shall be 6am to 6pm with nonproduction hours from 6pm to 8pm, Monday through Friday and 8am to noon on Saturday. Operation shall be closed on holidays." And amend condition #4 to state "Storm water measures shall be reviewed and internal drainage verified by the Pierce County Land Conservation Department within 1 month. If determined to not be internally drained, engineered plans shall be submitted for Land Conservation review within 90 days."/Ross seconded. All in favor. Passed.

Discuss take action on a request for renewal of a conditional use permit for Ellsworth Baseball Association Inc, owners on property located in the NW ¼ of the NW ¼ of Section 2, T24N, R18W, Town of Trenton, Pierce County, WI. Chairperson Fetzer invited Dean and Cheryl DeGross forward: Mr. DeGross stated the nets were on backorder but they have received them now and they will be done by spring. They limited all the games to day games so it was very few night games. So the light issue is taken care of.

Staff Report – Brad Roy: The facility was deeded to the Ellsworth Baseball Association in 2007. The site contains a baseball field, volleyball courts, playground equipment and recently added two softball fields. Two soccer fields were removed to make room for the softball fields. The CUP was renewed in November 2011. It was modified in 2012 to address ongoing issues with neighboring properties. The property is zoned Rural Residential 20 and Commercial. Private Outdoor Recreational Uses are conditionally permitted in the Commercial District. Prior to 2012 Private Outdoor Recreational Uses were also conditionally permitted in the Rural Residential 20 District. In 2012 the Zoning Code was modified to make Private Outdoor Recreational Uses no longer a permitted use in the Rural Residential 20 District. Given that, this use is now considered to be a preexisting nonconforming use which can continue indefinitely as long as the use is not expanded. Any expansion of the use would need to be authorized by a new Conditional Use Permit. Last year the applicant submitted a plan to address impacts to neighboring

properties. That plan stated that netting would be installed above the fence on the third-base side this year to help contain foul balls. Netting would be installed along the first-base side in 2014. The applicant notified us that the netting has now been received. The plan also addressed lighting issues. It states that the number of night games will be limited and that shrouds are to be placed on some of the fixtures to better contain the light on the site. This will apparently be done as funds become available. It should be noted that the Ellsworth Baseball Association is under new management. It is unclear as to whether current management is aware of the plan. Conditions 12 and 13 were added at the modification in 2012. At this time, staff has not received notice of liability insurance and the hours of operation are not posted on the site. Staff has not received any complaints since the modification in 2012. Staff contacted the Town of Trenton regarding this renewal. Chairperson stated that he had not received any complaints and had no concerns about renewing the permit. The existing conditions are listed #1 - #14 in the staff report. **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 Private Outdoor Recreational Use with the following conditions:

1. Land use must be established within 12 months of approval and notify the Land Management Department when the use is formally established to document compliance with current conditions.
2. A two-year permit renewal to verify compliance with permit conditions.
3. A land use permit shall be issued for any buildings located or constructed on the site.
4. On-premise signs located along the public roads shall be permitted by Pierce County.
5. Adequate portable satellite waste stations shall be provided, one additional satellite for the proposed softball fields.
6. Solid waste dumpsters or waste containers be located on site and maintained.
7. Operation and maintenance plan be submitted with a contact number for a local responsible party, to the Land Management Department.
8. Road access and driveway permits must be secured from the County Highway Dept. Property fence issues along the north and west property lines to be addressed.
9. Hours of operation shall be 8:00am to 10:15pm, Sunday through Thursday, 8:00am to 10:45pm, Friday and Saturday.
10. Alleviate lighting overflow problems for adjacent property owners.
11. A plan must be drawn up in conjunction with the neighboring property owners to address overflow lighting and foul ball issues by the conditional use permit renewal in September 2011.
12. Proof of adequate liability insurance shall be submitted.
13. Post a sign with hours of operation. Facility to be vacated by closing time.
14. *Netting shall be installed and operations conducted consistent with the January 3, 2012 letter to the Zoning Administrator.*
15. *Failure to comply with one or more of the above conditions may result in the issuance of an order by Land Management staff to suspend this use, pursuant to 240-84, and/or termination of this conditional use permit by action of the Land Management Committee, pursuant to 240-76(I).*

Sanden asked when you are anticipating the netting to be put into place, the liability insurance to be submitted and signs of operation to be posted? Mr. DeGross stated they have the insurance, he will talk to Tom about providing documentation. The netting is in storage until spring, it was backordered and they just got both of them. Sanden asked when the season starts. Mr. DeGross stated they started earlier last spring because it was the only field they could get open. The Skeeters start practicing in June. They won't have the boy's baseball next summer. The varsity girls will start when school ends. It will either be the end of May or in June. **Sanden moved to approve the renewal of the conditional use permit for a Private Outdoor Recreational Use for the Ellsworth Baseball Association modifying conditions #12, #13 & #14 to state "on or before June 1, 2014"/Ross seconded. All in favor. Passed.**

Discuss take action on a request for a rule exception to the requirement that an erosion control plan be submitted for a 4-Lot Major Certified Survey Map for MIDIOWA Construction Inc, owner, Pete Gartmann, agent, on property located in part of Gov Lot 3, Section 14, T26N, R20W, Town of Oak Grove, Pierce County, WI. Chairperson Fetzer invited Kim Christiansen and Pete Gartmann forward: Staff Report – Andy Pichotta: MIDIOWA Construction Inc is asking for a rule exception to the requirement that an erosion control plan be completed for a 4-Lot Major Certified Survey Map (CSM). Mr. Christiansen is proposing to create 4 lots within a five-year period, which is considered a Major CSM. Pierce County Code (PCC) requires erosion control plans for the creation of Major CSM sites and states that accompanying information shall include erosion control plans. Staff walked the site on 10-28-2013 and verified that no erosion issues were identified on the proposed lots. Rule exceptions per PCC Subdivision of Land §237-30 states:

- A. Where the Land Management Committee finds that undue difficulties will result from strict compliance with the regulations of this chapter or better design will result, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such rule exception will not have the effect of nullifying the intent and purpose of this chapter.
- B. A majority vote of the entire membership of the Land Management Committee shall be required to grant any rule exception to these regulations and any rule exception thus granted shall be entered into the minutes of the Committee setting forth the reasons which, in the judgment of the Committee, justified the rule exception.

The proposed CSM is located in Section 14, Town of Oak Grove. Surrounding land use is agricultural, residential and woodland. The parcel is zoned General Rural Flexible 8. The following conditions must be present for a proposed land division to qualify for this type of rule exception (LMC policy).

- No roads are being constructed as part of the land division.
- No erosion problems are present on the property.
- There are no problems with stormwater or surface water flow on the subject property or that originate on the subject property.

The staff report states that no roads are being constructed as part of this proposed land division. There is a bit of confusion between the County and the Town regarding what the Town required. If you look at the proposed CSM, attachment to agenda #8, you will see that there is a detail for a private access point onto State Highway 35. It states drive detail not to scale, shared driveway dimensions 24 ft by 70 ft asphalt surface with 40 ft 18 in CMP and pipe endwalls. The reality is that it's not going to be a shared driveway but a private road built to Town road standards. We have learned that was a requirement that the Town placed on the approval of this CSM before they moved it along to us. Based on that, it appears a road is going to be created in conjunction with this and so it wouldn't appear to qualify for a rule exception. His understanding is that road is not a shared driveway but a private road being built to Town road standards. That would trigger a stormwater sediment erosion control plan. Sarah Palodichuk stated what Andy just stated sounds right to her. Gary Huppert stated the road as far as he understands is coming off of Highway 35 for the approach into the lots. Ms Palodichuk stated there is a 70 foot stub of road and then two driveways with two houses each. Pichotta asked if the 70 foot is entirely in the right-of-way. Is there to be a cul-de-sac? Mr. Christiansen stated no. Holst stated 70 feet would put it past right-of-way. Mr. Christiansen stated it will be 10 feet into the property, far enough for them to get in and turn. It's a shared driveway is what it is. Ms Palodichuk stated if it's a shared driveway, then it wasn't approved. The Town doesn't allow a driveway to have more than two houses on it. Mr. Christiansen stated it's confusing, the State would only allow them one access. There is no room for a road. If you want an erosion control plan, he can draw a silt fence on each side and we can call it an erosion control plan. Pichotta stated it's not clear to him if the Town is asking for a road design plans to be submitted. Mr. Christiansen stated no, because it's not a road. Pichotta stated what their code says that three or more houses served by a single access point be brought up to Town specified public or private road standards. Mr. Gartmann asked isn't that what it is to be brought up to their standard? That will be built to that standard that they have agreed to meet. Mr. Christiansen stated the width and length is all they asked for and that's why they have 24 ft

of pavement and showed the length. Pichotta stated you are building a road in conjunction with your land division. Mr. Christiansen stated if that's what you call it. Mr. Gartmann stated we are building an access to their standard. Mr. Christiansen stated they asked us not to call it a town road. Mr. Gartmann stated it cannot be a town road. Ms Palodichuk stated the Town asked that it be a private road with the designation with their assurance that they not ask for it to be taken over by the Town. Mr. Christiansen asked what Land Conservation would require for an erosion control plan besides to look at it and say there won't be any erosion because there is only 2,000 square feet at the most be disturbed on this thing. Pichotta stated you are asking us to substitute our judgment for Land Conservation Committee at this point. Mr. Gartmann asked if they can provide an erosion control plan before it's installed and make it subject to getting an erosion control plan. Mr. Christiansen stated they will drop this part of the variance and provide an erosion control plan with the conditions of the approval of the Certified Survey Map. Pichotta stated you are asking for us to approve the CSM contingent on your supplying of an erosion control plan in the future. He stated that it's a required submittal. Mr. Christiansen stated the unfortunate thing about this is that it has been on the table for quite some time. It's very confusing. Pichotta stated if this was a shared driveway it would qualify for a rule exception to the requirement of an erosion control plan. But based on what he is learning here, it's not a shared driveway, it's a private road to be built to public road standards. Chairperson Fetzer suggested that if we can't do one, we can't do the other. Mr. Gartmann asked what they do now. Pichotta stated the issue is, it was his understanding that what you submitted was what the Town signed off on. That is not what the Town signed off on - a shared driveway, they signed off on the inclusion of a private road built to public road standards and that is different than what this says and he did not learn that until just before the meeting. Mr. Christiansen stated that is not what they were told at the meeting either. Ms Palodichuk stated that is not true. They would have had to grant an exception. Holst asked if we have to re-advertise this. Pichotta stated no, it's not a public hearing, simply an agenda item. Holst stated you will need to meet with Land Conservation and do an erosion control plan and come back before this committee. Mr. Christiansen asked when our next meeting is. Pichotta and Holst stated in two weeks. Mr. Gartmann asked if they just get the plan together and present it at the next meeting. Pichotta stated it needs to be approved by the Land Conservation Committee. Holst stated it's just a miscommunication here, he is sorry it's an inconvenience but they will all be able to work through. Ruth Wood stated the next Land Conservation meeting is November 21, 2013 at 10:00am. Mr. Gartmann stated your meeting is the day before. Pichotta stated we will also meet the first week in December. Ms Palodichuk asked if they could approve it based on the submittal of it, if that is possible. The same way you said Rudy's needs to be verified to make sure that is present. Pichotta stated this issue a little more complicated and he is not comfortable making a snap decision to recommend approval with conditions. If it's possible to do that we can put it on for the next agenda. There is a good bit of process to sort through with a couple committees. Holst suggested we follow protocol, dot all the I's and cross all the t's and come back. That is what he is comfortable with. Ross stated to Sarah's point, we are dealing with another committee's opinion; Rudy's was not, just with the LMC. Pichotta stated either take no action or deny the request for a rule exception at this point or if the applicant just wants to withdraw it. We will help you jump through the hoops. This is unforeseen confusion relating to what the Town required. Mr. Gartmann stated that basically what they need to do is provide the plan and get it to Land Conservation on the 21st and back to this committee. They don't need to go back to the Town. Pichotta stated if the town is comfortable with that. Typically what you would submit is cross-sections associated with what your road plan is going to be and then as part of those road plans you would identify BMP's that you are going to use to ensure stormwater doesn't created erosion issues. Holst stated your silt fence either side of it. Chair Fetzer asked what action should be taken. Pichotta stated that it appears that no action on either agenda item is able to be made at this point. No action was taken. Applicant will submit a stormwater and sediment control plan for LCC review and then the issue will be back for LMC review.

Discuss take action on Travel/Training Requests. Pichotta stated there are none at this time.

Departmental Update and Future Agenda Items

Working today for a better tomorrow

Site plan review for Schmitt Timber in the Town of Gilman

Motion to adjourn at 6:53pm by Ross/Sanden seconded. All in favor. Motion carried.
Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, November 6, 2013 – 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: November 20 th , December 4 th & 18 th (if necessary), all in 2013.	Chair
3	Approve minutes of the October 16, 2013 Land Management Committee meeting.	Chair
4	Discuss take action on request for renewal and potential modification of a suspended conditional use permit for Rudy Jungwirth (Valley Vineyard) located in Lots 6, 7 & 8, of the Crossroads Land Division, in the SW ¼ of the NW ¼ of Section 23, T26N, R19W, Town of Oak Grove, Pierce County, WI.	Roy
5	Discuss take action on a status report and potential modification of a conditional use permit for Nonmetallic Mining in the General Rural District by 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.	Roy
6	Discuss take action on a request for renewal of a conditional use permit for Ellsworth Baseball Association Inc, owners on property located in the NW ¼ of the NW ¼ of Section 2, T24N, R18W, Town of Trenton, Pierce County, WI.	Roy
7	Discuss take action on a request for a rule exception to the requirement that an erosion control plan be submitted for a 4-Lot Major Certified Survey Map for MIDIOWA Construction Inc, owner, Pete Gartmann, agent, on property located in part of Gov Lot 3, Section 14, T26N, R20W, Town of Oak Grove, Pierce County, Wisconsin.	Lund
8	Discuss take action on a request for approval of a 4-Lot Major Certified Survey Map for MIDIOWA Construction Inc, owner, Pete Gartmann, agent, on property located in part of Gov Lot 3, Section 14, T26N, R20W, Town of Oak Grove, Pierce County, Wisconsin.	Lund
9	Discuss take action on Travel/Training Requests	Pichotta
10	Future agenda items.	Pichotta
11	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.

(10/25/13)

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



MINUTES - Pierce County Land Management Committee Meeting, October 16, 2013

Present: Jon Aubart, Joe Fetzer, Jeff Holst, Jim Ross and Eric Sanden

Others: Andy Pichotta, Jim Kleinhans, Brad Roy and Shari Hartung

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

Next meeting dates: November 6th & 20th, Dec 4th & 18th (if necessary) all in 2013.

Approve Minutes: **Ross moved to approve the October 2, 2013 LMC minutes/Sanden seconded. All in favor. Passed.**

Discuss take action on a request for renewal and potential modification of a conditional use permit for Rudy & Cathy Jungwirth (Valley Vineyard), located in Lots 6, 7 & 8, of the Crossroads Land Division, in the SW ¼ of the NW ¼ of Section 23, T26N, R19W, Town of Oak Grove, Pierce County, WI. Chairperson Fetzer invited Mr. Jungwirth forward: Mr. Jungwirth stated he doesn't have anything to add at this point.

Staff Report – Brad Roy: The applicants operate Valley Vineyard LTD, which first received a conditional use permit for a Farm and Home Based Business in 2008. Grapes are grown and wine is produced onsite. Guests can sample the wine and purchase bottles in a tasting room. On July 17, 2013, the LMC modified the CUP requiring the replacement of two dead screening trees and the development and implementation of a DNR and DSPS approved Waste Stream Management Plan. Deadlines to complete the conditions were also established. The applicant did replace the trees but failed to meet the established deadline and is still in the process of developing a Waste Stream Management Plan. The two dead screening trees along the driveway were replaced mid-September. Given the lack of precipitation in the month of August staff felt it reasonable to allow some flexibility on the timing of the planting of the trees. However, the applicant's failure to comply with the deadline does appear to reflect an emerging pattern of disregard for LMC required conditions. A certified plumber inspected the septic system and determined it to be in proper operating condition. A Waste Stream Management Plan compliant with DNR and DSPS regulations has been developed, however, not implemented at this time. Staff has spoken with the DNR staff about the status of this issue. At the time of this report they had indicated the initial applications have been submitted but additional information is needed. The by-product (stems and skins) can be land applied in appropriate locations or used for animal feed. The waste-water can be land applied on a vegetated area or distributed to the septic system. On October 15th we received information from the DNR and Mr. Jungwirth that all by-product and the water will be removed by a hauler. As required by LMC policy, Land Management Staff notified the applicant on October 9 that he was not in compliance with his conditional use permit and that unless outstanding compliance issues are rectified immediately, that daily citations would be issued. Staff issued a citation on October 11. A Waste Stream Management Plan has been developed but implementation has not yet occurred. At this point staff recommends the LMC suspend the applicants CUP until such time as a compliant plan is submitted and implemented. The Town of Oak Grove authorized the applicant to host an event onsite, consistent with their Special Events Ordinance, where the patrons prepared their own food. This event occurred at the same time as harvesting

activities where the applicant hosts a large number of volunteers to pick grapes. A lunch is provided for the volunteers. Staff contacted the Town of Oak Grove Chairperson regarding this request. The chair stated that the town has two concerns: The first concern is the number of “licensed bartenders” for the business and whether a licensed bartender should always be present on the site during operation. Currently only Mr. Jungwirth has a bartender license. Staff has reviewed the State of Wisconsin regulations regarding bartender’s licenses. It appears to require that each establishment have a licensed bartender, but does not appear to require that a licensed bartender always be present. Ms. Palodichuk noted that it is in the Town’s Liquor License Ordinance that requires a licensed bartender to always be present. The other concern is when the applicant hosts events on the same day as the harvest. With the volunteer grape pickers being provided a lunch, there is the potential to have patrons of the business served food in violation of the CUP. Ms. Palodichuk believes that a condition restricting events on the day of the harvest or separating the business patrons and the volunteers may be appropriate. The existing conditions are listed #1 through #15.

Staff Recommendation: Due to the fact that a Waste Stream Management Plan has yet to be fully implemented, staff recommends the Land Management Committee suspend the applicants conditional use permit. If this action is necessary, staff further recommends that this issue be placed on a November LMC agenda and if compliance has not been achieved at that point, that revocation of the applicants CUP be considered. If the LMC choses to renew the CUP we are recommending the following conditions #1 - #14 (proposed new conditions are in ***bold italics***), the only changes were the removal of the condition regarding the replacement of trees and modifying #11 to state this permit shall expire in one year, renewal may be granted by the LMC and #12 Winery waste water and by-products shall be disposed of in a matter consistent with the DNR/DSPS approved Waste Stream Management Plan:

1. No more than 8 persons not residing on the site shall be employed in the business.
2. The entire business area shall not exceed 5,000 square feet in an accessory structure.
3. The applicant shall delineate 12 parking spaces that will be available for customer parking with one space delineated for handicap parking and there shall be no on-street parking.
4. Any proposed advertising signs shall comply with the zoning code standards and any necessary permits secured.
5. If the liquor license is not renewed annually, sales of wine need to cease.
6. The hours of operation shall be Wednesday through Sunday, 10am to 6pm.
7. Food served shall be incidental to wine tasting and must not require a food license, no “carry in” foods shall be allowed.
8. Activities outside the scope of this CUP (including catered food service may be authorized by the Oak Grove Town Board consistent with the Town’s Special Event Ordinance).
9. Applicant understands that expansion or intensification of this use will require modification to this conditional use permit.
10. Applicant shall discontinue the use of the audio bird repellent.
11. ***This permit shall expire in one year, renewal may be granted by the LMC.***
12. ***Winery waste water and by-products shall be disposed of in a manner consistent with the DNR/DSPS approved Waste Stream Management Plan.***
13. If a new owner wishes to continue the business with the established conditions prior to the permit expiration, a proposed business/operations plan shall be presented to the Town of Oak Grove and the LMC for review prior to business commencement. Conditions of the permit may be modified.
14. Failure to comply with one or more of the above conditions may result in the issuance of an order by Land Management staff to suspend this use, pursuant to 240-84, and/or termination of this conditional use permit by action of the Land Management Committee, pursuant to 240-76(I).

Ross asked Mr. Jungwirth where he is with compliance. Mr. Jungwirth stated the compliance issue would have been solved on the 3rd, 4th or the 7th but because Brad Roy did not get back to his phone calls, it didn’t happen until yesterday. That was when Peter Skorseth from the DNR notified Brad and Land Management that no permits were required because we are getting rid of our product through PIG, the garbage company. They have a sealed container that they can haul it away so the last report he got, and

Brad has a copy of that, came in at 9:27am that says no additional requirements are required from the DNR. No permits are required because PIG is going to be taking that product. As far as the comment that he is not living up to Land Management's plan, after the last meeting he went to the DNR on the 21st of July. Mr. Skorseth told him that because of the size of his operation and what they do because of the amount of the water they use, no permits would be required. He let Brad know that and he did not get an answer back. All he did find out was that he was supposed to have an inspection of his plumbing system which they did have and he has it with him. He got a letter from Brad requesting that he have it inspected and he sent him a list of all the people in the County that can do the inspections. One of them was Marko and another was Wang. He deals with both those people because Marko does his pumping every three years. When he submitted the Marko one; that was submitted in early August, Brad got back to him on September 13th and told him it can't be Marko, it has to be a certified plumber. So then he had Wang do it. Actually, both were on the report. From that point, Brad said he did have to have some kind of permit in talking with Peter from DNR. Rudy stated that when he talked to Mr. Skorseth the last time, he said that if Land Management still insists that he have a permit, he would come out and inspect and verify. So he did come out and inspect. It was 3rd of October when Mr. Skorseth did the inspection. They went through everything and some of the options for the water were to either put it in his grass or put it in the septic system. So he left a message for Brad to find out if that is OK. He did not get an answer back and finally Brad stopped out on the 8th and said that he was in violation. Mr. Jungwirth stated all you had to do was get back to me regarding the water and we could have been in compliance. Mr. Jungwirth stated that Brad's comment was that it isn't up to us to decide what you want to do. You have to submit it and we will tell you if it's OK. If you read the DNR's report, he said I needed to talk to Land Management to verify what they wanted so he could write up a report. He stated that the report made it sound like he is not trying to comply with Land Management but he has been working on it all summer. He doesn't know where the big issue is coming from; it was all very simple; unfortunately Land Management does not give suggestions as to what you can do with your waste product. Now that they know, because he is the first winery here, now they can at least suggest that to the next person. PIG was more than happy to bring out a sealed container to put the product in. We could even put in the water we use if we wish too. We are putting in a containment system in the back of the winery so that no water can run away and it will be pumped into a tank and either put in the waste management or in the yard. We can put the water in either place. DNR did not have an issue with putting it in the yard because it's just water, no big deal. Kleinhans asked Mr. Jungwirth if anything is getting run into the septic system. Mr. Jungwirth stated no, it's all going either into the containment system or it's going to go into the yard. They had no problem with putting it in the grass. He asked if there was any problem with putting it in the woods and they said it's too steep a slope so they didn't want him to let it run in the woods. So he said fine, they can solve that issue so they are just going to put it in the yard. They are going to pump it into a tank every time they use it. The amount of equipment they use; they have a crusher, de-stemmer and a press. The total water volume in a five week period could be for each use, 15 gallons. You just spray off the juice that's on the tank. As far as what type of system, the DNR is still leaving that up to him. They can either use a vacuum system to suck up the water in the contained area or they can use a sump pump and haul it out to the yard. Both issues would be hauled out to the yard or put in the tank from PIG. Either one, the DNR is agreeable with; he just needs to let them know. They didn't do any processing this year because they sold their grapes to Dancing Dragonfly up in St. Croix Falls. All they have been doing is moving their grapes around and hauling them up. The DNR said if they aren't doing any processing, he doesn't need permits period. But he would need for next year because they will be processing next year. As far as the trees, at the last meeting when they were discussing the trees and he said they were 21 - 22 foot trees, Jeff Holst did mention that he didn't know anything about 21 - 22 foot trees as to whether that is a good time to plant or not. So he appreciates the committee waiting because he didn't want to put them in too early. Holst stated that he has since found out any time is a good time; you just have to take care of them. Mr. Jungwirth stated it takes a lot of water when it's dry. Holst stated you can plant trees anytime the ground isn't frozen; you just have to take care of them. Holst stated he doesn't appreciate Mr. Jungwirth chastising staff in public; if you have a problem with staff, let people know on this committee. Mr.

Jungwirth stated if he had known that was the case, he would have done that. He didn't think they wanted to talk to him until the meeting. Now that he knows that, he appreciates it. Holst stated he is not going to get into a public debate whether or not Brad received your messages or didn't. Ross concurred. Mr. Jungwirth brought the issue up because you are stating that he is not complying and appears to be fighting the system and he was not. I have been in contact with people all summer. If it's going to be put in print he just wanted to answer it, that's all. Sanden asked staff if anyone has heard from the DNR. Pichotta stated we were copied in on an email chain and it does appear that the DNR is satisfied. It says that they have a Valley Vineyard file and no additional information is necessary. They did request some additional information. Pichotta stated one of the things the applicant said is that no permit is required. It clearly says in this email that no sanitary permit is required. Are you suggesting that you don't actually need a waste management strategy? Mr. Jungwirth stated not as long as it's put in the dumpster. According to Peter Skorseth, PIG has a permit so he doesn't have to worry about having a permit. Pichotta stated that actually is referring to a sanitary permit; which is not the same as a Waste Stream Management Plan. You are still required to do a Waste Stream Management Plan. Correct? Mr. Jungwirth stated correct, yes and that's going to be in the letter that he is going to be using the containment system so the water can't go anywhere. Sanden asked if that gets signed off by the DNR? Pichotta stated it certainly does, the DNR didn't submit to us any kind of formal approval, however based on the emails were copied on, they appear to be satisfied. Pichotta asked Mr. Jungwirth about his Facebook page; it says that you are going to be making lambrusco and chardonnay, is that accurate? Mr. Jungwirth stated that is coming from Dancing Dragonfly. They process it for us and we are going to be having that in stock. They have purchased all the grapes and they wanted to make chardonnay out of it and he said he wants 100 gallons back. Pichotta stated that the facebook page said you retained a couple of rows and the way it was phrased led him to believe that you were making the wine. Mr. Jungwirth stated those rows are still there; they have not harvested them. Pichotta asked and the lambrusco also? Mr. Jungwirth stated they already have that to Dancing Dragonfly. That was taken up. Pichotta noted that if that was the case it was phrased interestingly; it was phrased in the first person so he assumed that Mr. Jungwirth was making it. Mr. Jungwirth stated no. Aubart asked if there is an additional email besides the one that they got with the staff report? Pichotta stated yes. Aubart stated this one talks about the waste water being pumped out on the land or on an approved site. Apparently there is an approved site now? Pichotta stated yes, PIG apparently. Holst stated its Mr. Jungwirth's yard. Aubart asked if that has been approved. Mr. Jungwirth stated yes that was. That was the choices. He could either go through PIG or put the water in the yard. Aubart asked if we have a Waste Stream Management Plan. Pichotta stated we don't have a copy of the plan, he had been expecting that we would be provided a narrative that fully explains how it's going to be done. Aubart stated then we don't have a copy of a plan. What we asked for in the condition was "shall develop and implement a Waste Stream Management Plan which is compliant with DNR and DSPS regulations. Verification of compliance shall be submitted to the Land Management Department by no later than October 7, 2013. So we haven't had any verification submitted. Pichotta, We do have an email that suggests that the DNR is OK with the plan that has been submitted. However, we haven't seen the actual plan itself. Mr. Jungwirth said it does state that on October 15th by the DNR, would you like to see a copy of that? Aubart stated yes he would. Ross asked how he attempted to get ahold of Mr. Roy. Was this always by phone or email? Mr. Jungwirth stated unfortunately it was by phone and he will use emails from now on. Chairperson Fetzer stated what that is saying is that the plan is acceptable but we don't have a copy of it? Mr. Jungwirth stated Peter Skorseth has a plan. Pichotta asked if Mr. Jungwirth submitted a plan to him. Mr. Jungwirth stated he just told me to send him what we were doing and he would fill it out. There is no permit required because you just need to contain the water and then haul it out to the front yard or put it in a dumpster and PIG didn't have a problem either way because their container they would supply us with would be sealed. Holst stated that we're basically a week late with getting a plan. Mr. Jungwirth stated he would have had it last week. Mr. Jungwirth stated he would not have been late if he had gotten a call back from Mr. Roy. Pichotta asked Mr. Jungwirth what the question was that he was going to ask Mr. Roy, exactly. Mr. Jungwirth stated the question was regarding whether or not they could use their septic system for the average of 365 gallons of water per year. He did not get an answer on it

until the 9th when he was told by Mr. Roy that we don't set the plan, you do and we will approve it or disapprove it. If you read the DNR report which is in the staff report, it says that you need to be working with Land Management to find out what is agreeable with Land Management before the DNR could set up a plan. Mr. Roy told me that if I use the septic system, I have to have a septic system inspection again. I need to go through all kinds of reports; I said it's easier to put it in the grass, because that's compliant with DNR. So that's what he decided to do. Pichotta stated #3 in the email that is contained in the staff report states: "The processing equipment can be washed in an area tributary to a trench drain that will catch the wash water and distribute it to a tank/sump/wet well where it can be pumped out and into the current on-site sewerage system. Valley Vineyard will have to work with the DNR, Pierce County Land Management and Zoning Department and the Department of Safety and Professional Services for approval to do this." That does not mean we have to approve your use of the septic system. It means that if you are going to put in place a catch system; that we have to potentially issue a permit for it. It doesn't mean we have to sign off on the concept of it. Did you also call DSPS about the same thing? Mr. Jungwirth stated he didn't know who DSPS is. Pichotta stated Department of Safety and Professional Services. Mr. Jungwirth stated he thought the DNR is all he needed. Pichotta stated that the email refers to the fact that if you were to pursue a particular strategy it would potentially require that Land Management Department to be involved and issue a permit for it. Mr. Jungwirth stated that's if I was going to put it in the septic system probably. Pichotta stated that's if you were going to put in a trench drain to catch the lost water and distribute it to a tank/sump/wet well. That's if you put in a separate septic system. It's a reference to the fact that the County issues permits for on-site septic systems. Mr. Jungwirth stated once they found out the cost factor of that, they decided they would just put it in the grass. Pichotta noted that is not exactly how you presented what that says. Roy stated he is confused about the applicant talking about putting it in the grass when the email talks about all waste water being hauled off-site by PIG. Mr. Jungwirth stated right, they gave him two options; either put it in the grass or have PIG haul it. PIG said they would take it. The only reason he mentioned the grass is because today, Peter said he thought about it last night and about 9:30pm it came to him that it would probably be a lot easier just putting it in your grass. Roy stated through his discussions with Pete Skorseth; if you are going to land apply it, there is a land application permit from the DNR. Mr. Jungwirth stated no, there is not. Ross stated we are going to want to know that for sure. The other thing is, that he was hoping the committee would see some good communication going on between you and Land Management and he isn't going to take your word that you tried to call. He knows that our staff does a very good job here. So he isn't comfortable with this idea that we wait up until the last minute mentality and expect the committee to accept that. Mr. Jungwirth stated he tried all the way through September and you would have to talk to Pete Skorseth that he was out of town and when he did return he notified Mr. Skorseth that they are still wanting a type of report and that is when he said he was in meetings all week and that is how it ended up last week, Thursday, the 3rd. It took time and he tried to communicate but unfortunately the communication fell through. Brad did admit that he got the information that Rudy sent to him on the 7th. But he did not get a call back and Peter was waiting for a call back so he could finish the report. Had he gotten a call back he would have been in compliance. Holst stated that generally when he wants to get ahold of someone, he makes numerous calls or gets in his car and drives to wherever he has to go. If it's important to the life-blood of my operation, I would go and get it done. He strongly suggests to Mr. Jungwirth that if he has something like this to get done that he get it done and not try to blame other people. Mr. Jungwirth stated he agrees with Jeff. He has no problem. Aubart stated he has issues with this plan, what you gave them is that PIG is going to haul this off in a sealed container and now, maybe his hearing is bad but five minutes ago you said you are going to dump it on the lawn. Mr. Jungwirth stated he has the option of putting the water on the grass or hauling it away. Aubart stated that is not what it says right here. Clearly under condition #14 of the recommendations from the last meeting, we talked about "develop and implement a Waste Stream Management Plan which is compliant with DNR and DSPS regulations". Clearly if you don't know what DSPS is then I think I would figure that out to see if you're in compliance with that. It says "Verification of compliance shall be submitted to Land Management Department no later than October 7, 2013. This letter is obviously from yesterday. Mr. Jungwirth stated correct. Aubart noted that you're not even going

to do what he is talking about in this letter. Mr. Jungwirth stated that he asked Brad who he was supposed to call after the last meeting because he did not know and Brad said you need to talk to the DNR in Baldwin and he gave him Peter's name. Ross stated to Mr. Jungwirth that the onus is also on you, to have taken a look at what was submitted here. As Jon stated, a plan that is compliant with DNR and DSPS. Mr. Jungwirth stated DSPS was never brought up. Ross, Aubart and Sanden all stated it was brought up right here in the conditions from the last meeting. Mr. Jungwirth stated he thought they were all the same. Holst stated it was brought up in this email dated October 7th under #3. Holst stated he can understand why a person wouldn't know but he can also understand why a person in Mr. Jungwirth's situation would get to know who they are. Sanden asked staff regarding the request by the Town of Oak Grove, as far as prohibiting any events during the day of harvest, would that be best applied here as a condition or is that something the Town of Oak Grove would deal with. Pichotta stated it seems that would appear to be simpler to address on their end. They would just simply ask the question, is anything else planned that day that involves food and if there is, perhaps don't issue approval for that day. So they do have the ability to address that on their end. Sanden asked on the other hand, given the history and things falling through the cracks or not totally understood, it wouldn't hurt us to put it here as well. Holst stated then we begin to be in the position of enforcing their ordinances and he doesn't know if we want to get into that position. Chairperson Fetzer stated it's the same with the bartender issue. Holst stated the Towns have the ability to regulate that better than we do. Pichotta stated that it is his understanding that this issue is on an upcoming Oak Grove agenda. Aubart asked how many volunteers do you have help harvest the grapes? Mr. Jungwirth stated it will depend; they try to keep it to 24 in the morning and 24 in the afternoon because it doesn't work if they have more than 24. They had two days that they harvested and they had only a morning on the one day and a morning and afternoon on the other. Holst stated he can see where it would be interesting for people to come and watch you harvest grapes and beneficial to your operation. He can also see why you would have to feed them a little lunch to get them to come out. He has no problem with any of those things. Chairperson Fetzer stated he doesn't see it as being any different than the old threshing bee. They do that when they are harvesting crops, they feed people. Holst stated they do also. Pichotta asked Mr. Jungwirth if it is his intention to implement this plan and is there anything that is required to be put on the ground or in the ground to catch your wash water? Mr. Jungwirth stated they have a big twelve foot apron on the back of the winery. So when they are working back there, his plan is to put down these long retaining blocks with a curve on one end and concave on the other so you can form them. It will cover a 12 ft by 16 ft area where their two pieces of equipment will set. So after they clean the equipment they can rinse it and dispose of the water. Pichotta asked if the details are contained in the formal Waste Stream Management Plan? Mr. Jungwirth stated that Peter looked at it and saw where they should put it and he gave him the option to either do aluminum or concrete to hold the water and so there is nothing actually drawn. Pichotta asked if Mr. Jungwirth was stating that all Mr. Skorseth from the DNR has given you is some verbal instruction as to what you need to do to comply? Mr. Jungwirth stated correct. And he said as long as he does those things he won't have to doing anything until next year now. They only harvest between the last week in August through the second or third week in September. This year was later. They shipped everything up to Dancing Dragonfly. Holst asked if they were completely harvested. Mr. Jungwirth stated he has the two rows of chardonnay that he has to get up yet. Holst asked if all you have to do is pick them and haul them up there. Mr. Jungwirth stated yes that is all he does. They even put 27,000 pounds in cold storage because they didn't have capacity to take care of their 63,000 pounds. So it's in a freezer in Hammond. Pichotta asked if Mr. Jungwirth could get a copy of the Waste Stream Management Plan from the DNR and provide us with a copy of it. Mr. Jungwirth stated he said there was nothing required. So Mr. Jungwirth said Pichotta should call him. Pichotta suggested that what Mr. Skorseth said was that there was no additional information required and said that there is no septic permits required. A Waste Stream Management Plan is required. Mr. Jungwirth stated there are no permits required as long as he does it the way he mentioned. Pichotta stated if this is according to the plan, we want a copy of the plan. Mr. Jungwirth stated he can see if he can draw something up. Pichotta stated our expectation was that on or before October 7th, we were going to get a copy of a plan that detailed how you were going to handle solid waste disposal and liquid waste disposal, as well as a

description of what you had done to prepare your property in order to implement the plan. That was our expectation of what we were going to receive. Holst stated and compliance by October 7th, that means it had to be implemented. Mr. Jungwirth stated that is why he went to Peter on the 21st of July. He went and started way early and Mr. Skorseth told him with the size of their operation and what they do, there wouldn't be any permits required. Pichotta asked permits or plans? Mr. Jungwirth stated permits, if Land Management insists they want a permit, he can come out and inspect it. Pichotta stated we didn't want a permit, we wanted a Waste Stream Management Plan. Those aren't interchangeable terms. Mr. Jungwirth stated that is what he writes up. Ross stated that is what we wanted. We want to be clear on that, we wanted a plan. Aubart stated he doesn't think it's up to the DNR to write it. It's your plan, they are just going to approve it. Mr. Jungwirth stated he is just going by what Peter told him. Saying if no permits are required, why would you want a plan? Aubart stated because we are asking for it. It's right here. Mr. Jungwirth stated if you want something, I can certainly send it to you but he is just going by what the DNR told him. Holst stated they have to go by what #15 was in our previous condition. Sanden stated and to be clear what are we expecting from the DSPS so we can get it on the record. Pichotta stated that there is the potential for a number of different management strategies for the waste. Depending on which direction Rudy chose, it would either be approved by the Department of Safety and Professional Services (DSPS) or it would be approved by the DNR. Depending on how he approached it. When Brad said that it's not up to us to choose how you deal with your Waste Stream, that's what he was referring too. It's not up to us to say here is how we want you to do it. We don't care how you do it, as long as it's compliant with either the DNR or Department of Safety and Professional Services. Ross said, and we need to see a plan that speaks to that. Pichotta stated yes. Mr. Jungwirth stated the plan was it's going to PIG. Holst stated the key word here is "and" not or. The DNR and DSPS, you got signed off by one but not by the other. Mr. Jungwirth asked where they are located. Kleinhans stated LaCrosse. Mr. Jungwirth stated he agrees with Mr. Holst and there will be communication next time, trust him. Ross stated he is not of the mindset that he is willing to terminate the CUP entirely. **Ross moved to suspend the CUP for Valley Vineyard until the November 6 LMC meeting or until we are provided with a DNR and DSPS compliant Waste Stream Management Plan that has been implemented/Sanden seconded.** To be clear please have the Waste Stream Management Plan completed and provided to our staff prior to the meeting date. Mr. Jungwirth stated he could do that. **All in favor. Passed.** Kleinhans handed Mr. Jungwirth contact information for Department of Safety and Professional Services (DSPS).

Discuss take action on a request for a renewal of a conditional use permit for Filling and Grading to improve an existing boat ramp in the Shoreland/Floodplain District, pursuant to Pierce County Code, Chapter 240-41E, by Pierce County Parks, owner on property located in part of Government Lot 5 in Section 3, T24N, R18W, Town of Trenton, Pierce County, WI. Staff Report – Jim Kleinhans:

Last year, Scott Schoepp from the County Parks Department applied for a conditional use permit to rebuild the boat launch down on Trenton Island. Cedar Corporation was acting as the agent for the procedure. There were a couple issues that needed to be resolved, one was a grant to do the work and another was a Chapter 30 permit to place the boat ramp, loading docks and the riprap of the bed of the Mississippi River. Jim provided a copy of the Chapter 30 permit that was obtained this year, April 4th. There were some other issues, near shore parking would include lighting and we had some issues with wattage and replacement tree planting. The Corp of Engineers permit was approved about the same time as the DNR approved their permit on April 4th. Things have been moving along but they didn't get to the project in this year waiting for the other approvals so Scott called and asked that the committee consider extending the conditional use permit for another year and that you extend the renewal until December 1, 2014 so that they can completely get the bids out and get it constructed.

Staff Recommendation: Staff recommends the Land Management Committee determine whether any additions or modifications to 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 with the original conditions modifying condition #7 to state that the project shall be completed by December 1, 2014. **Holst moved to approve renewal of the conditional use permit for the Pierce County Parks**

Department for Filling and Grading in the Shoreland/Floodplain District until December 1, 2014/Aubart seconded. All in favor. Passed.

Discuss take action on Travel/Training Requests. Pichotta stated there are none at this time.

Departmental Update and Future Agenda Items

County Materials status report in the town of Spring Lake

Conditional use permit renewal for Ellsworth Baseball Association

Valley Vineyard will be back before the committee

Motion to adjourn at 6:53pm by Holst/Ross seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, October 16, 2013 – 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: November 6 th & 20 th , December 4 th & 18 th (if necessary), all in 2013.	Chair
3	Approve minutes of the October 2, 2013 Land Management Committee meeting.	Chair
4	Discuss take action on a request for renewal and potential modification of a conditional use permit for Rudy Jungwirth (Valley Vineyard) located in Lots 6, 7 & 8, of the Crossroads Land Division, in the SW ¼ of the NW ¼ of Section 23, T26N, R19W, Town of Oak Grove, Pierce County, WI.	Roy
5	Discuss take action on a request for renewal of a conditional use permit for Filling and Grading to improve an existing boat ramp, in the Shoreland/Floodplain District, pursuant to Pierce County Code, Chapter 240-41E, by Pierce County Parks, owner on property located in part of Government Lot 5 in Section 3, T24N, R18W, Town of Trenton, Pierce County, WI	Kleinhans
6	Discuss take action on Travel/Training Requests	Pichotta
7	Future agenda items.	Pichotta
8	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.

(10/04/13)

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



MINUTES - Pierce County Land Management Committee Meeting, October 2, 2013

Present: Jim Ross, Eric Sanden and Dale Auckland

Absent: Jon Aubart, Joe Fetzer and Jeff Holst

Others: Andy Pichotta, Jim Kleinhans and Shari Hartung

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

Next meeting dates: October 16th, November 6th & 20th, Dec 4th & 18th (if necessary) all in 2013.

Approve Minutes: **Sanden moved to approve the September 4, 2013 LMC minutes/Auckland seconded. All in favor. Passed. Sanden moved to approve the October 25, 2012 Joint Land Management Committee and Land Conservation minutes amending the bolded wording to strike the redundant phrase “adoption of the”/Auckland seconded. All in favor. Passed.**

Public hearing to consider and take action on a request for a map amendment (rezone) from General Rural District to Commercial District for City of Red Wing, owner, on approximately 4.5 acres in part of the NE ¼ of the SW ¼ and the NW ¼ of the SE ¼ of Section 6, T24N, R17W, Town of Isabelle, Pierce County, WI. Chairperson Ross invited Rick Moskwa forward: Mr. Moskwa, Public Works Director for the City of Red Wing, stated they are asking to rezone a portion of the airport, if you look at the map, near the new airport pad was built about seven years ago. The pad was federally funded. It has stipulations that say anything that goes around it has to meet the definition of the funding and one of the definitions is that it cannot be a privately held operation. If anyone operates off pad it has to be for the public. So it has to serve the better-meant of the public and it has to be public/aircraft related. It has to be an aviation business open to the public. When it was built, no zoning was attached. It was just what the airport was zoned at that time because we didn't know what was going to be developed there. When we got to the process and the owner that we are doing the rezone for, Wes Converse is here in attendance. We found out after talking to staff, replacing a hangar of about 100 feet by 120 feet and asking for an office with well and septic. When talking with staff, talking about it in principal and design, after some concerns, the office part of this structure is separate from the hangar and doesn't fit that zoning requirement the way it should. They sat down with Mr. Converse and then staff told them what the process is. So they went before the Town of Isabelle Planning and they approved it then they went before the Isabelle Town Board and they approved this. This is their next step. Ross asked if part of the pad wasn't redone recently. Mr. Moskwa stated they had a drainage problem. Last year they brought in three and a half feet of fill to bring it up to buildable level. Ross stated he thought there was concrete work done recently. Mr. Moskwa stated that was for the taxi ways and runways, resurfacing. Ross asked on the map, the U shape, why they aren't using that area. Mr. Moskwa stated that is scheduled for another piece of concrete, the L shape area is for additional hangars for future expansion. Ross asked if Mr. Converse's hangar will go in an area indicated on the map. Mr. Moskwa stated there is room for two hangars there; he will be on the inside. It is their plans to have future development, but it's been there seven years and this is the first expansion. It's kind of a slow go. Ross stated his only other concern is on 151st Ave, you are saying no additional businesses could operate off of that road, you couldn't build anything other than

aircraft use. Mr. Moskwa stated the businesses surrounding the area should be aviation related. We wouldn't be able to build a hangar there but towards Meyer's that's all private hangars.

Staff Report – Jim Kleinhans: The City of Red Wing has applied for this rezone to move part of their facility into commercial to accommodate, primarily, Mr. Converse's business. The 4.5 acre parcel is downsized quite a bit from what was originally requested. At this point, like Rick said, it's a little slow so maybe this would accommodate their needs going into the immediate future. What we discussed with Rick and Mr. Converse is that we could permit hangars there but no offices based on the allowable uses in the Zoning Code so that is why the request is for the Commercial district. In the staff report, the Purpose and Intent of Zoning Code of what the parcel is zoned right now and the Commercial District which does allow for some retail and services. Nearby land uses include commercial, agriculture and residential. Construction in Commercial Districts requires site plan review by the Land Management Committee so as these proposals come forward, you will be dealing with things under site plan review like surface water drainage, signage, lighting, parking, things like that. The MN Department of Transportation is currently reviewing the zoning ordinance that the Joint Airport Zoning Board put together. In the future, if this request goes through, we will notify the Department of Transportation in Minnesota that there is a change. He noted that he had sent out the staff report to all of the Joint Airport Zoning Board members for their information. The Town of Isabelle reviewed this request before it came to this committee and the Town Board recommended approval of this request for a map amendment based on consistency with their Comprehensive Land Use Plan. One item we always list for rezones is the value of the land for agriculture. Soil information is provided in the staff report. This request does not convert farm land which is consistent with provisions of the Town of Isabelle Comprehensive Land Use Plan.

Staff Recommendation: Given that the Isabelle Town Board has determined this request to rezone 4.7 acres from General Rural to Commercial to be consistent with their comprehensive plan, staff recommends the LMC approve this rezone request and forward a recommendation to the County Board of Supervisors.

Chairperson Ross opened the hearing to the public. Ron Bartels, Town of Isabelle supervisor, stated that the town supports the rezone and Wes Converse's business. He feels we need to get business in the County and do everything we can to keep Wes's business in the County. Mr. Converse has 50 employees. It's a nice operation, no controversy. **Public hearing closed.** Ross asked what the problem is with the office part. Kleinhans stated that in the Table of Uses there are certain land uses that are allowed in different districts, some with permitted uses, some with conditional uses. Offices are listed as permitted under Commercial or Light Industrial Zoning Districts. When the office proposal came in, he stated he couldn't accommodate their needs and would need to talk about adjusting the zoning or doing something different and that's how they came to this map amendment. If these are going to be hangars and facilities that are supporting the public or the public has use of them, the commercial district seem to fit because they would provide service to the general populous of the County and the surrounding area. Auckland stated the key word for him is "it fits". He believes it will work.

Sanden moved to approve the rezone request from General Rural to Commercial for the City of Red Wing and forward a recommendation to the County Board of Supervisors/Auckland seconded/All in favor. Passed.

Discuss take action on a request for a rule exception to allow for an extension of Preliminary Plat approval on Whispering Pines for Jeffrey & Diana Oskey and Patina Properties LLC, owners on property located in the SE ¼ of the NE ¼, the fractional NE ¼ of the NE ¼ and the fractional NW ¼ of the NE ¼, all in Section 2, T24N, R18W, Town of Trenton, Pierce County, WI. Chairperson Ross invited Joyce Anderson forward: Ms Anderson stated she and her sister have this land development they decided to pursue. If you look at the last page of the staff report, you will see that they spent a lot of time with Trenton Township to get this development to this stage. We partnered with Jeff & Diana Oskey to do this because Trenton wanted the road going through their property to match up with 163rd already in Hager Heights. Then the economy tanked and the road would be quite an investment. They decided when the lots in the Hager Heights development start selling then they would build the road. That hasn't

happened. There are still five lots available across the street. They are asking for another extension to put the road in. They have done all the things through the State and Township. They even had the State come out and look for Indian artifacts. If they don't get this extension, they probably won't pursue the project.

Staff Report – Andy Pichotta: This is a request for a rule exception to allow for an extension of Preliminary Plat approval for Whispering Pines. Attached to the back of the report are the previous staff reports; this would be the third extension. In 2007, the applicants received concept plan approval. Conditional preliminary plat approval was granted in January of 2008. In September of 2009 the applicants sought and received a rule exception to allow a 24 month extension to the project. In October 2011 the applicants received a second rule exception to extend preliminary plat approval. All parcels meet the Town of Trenton 1-acre minimum lot size. The Town conditionally approved preliminary plat in 2007 with the condition that the owners sign and deliver a Developer's Agreement to the Town of Trenton. Staff has been provided a draft copy of the agreement and understands that the applicants and Town have been working together to complete this task. The applicants shall complete the Town's conditions prior to site disturbance. While this subdivision completion dates were extended, the Town of Trenton adopted a new subdivision code on 9-10-2008 and their Comprehensive Plan was adopted by Ordinance No. 19 on 3-10-2009. If the LMC does not approve the rule exception, the stormwater sediment and erosion control review fee the applicants paid on 9-17-2007 totaling \$6,300 will be forfeited to the County; the subdivision review fees the applicants paid on 9-17-2007 totaling \$3,500 will be forfeited to the County; the applicants would have to re-apply for preliminary plat approval; and the applicants would have to work through the newly adopted Town of Trenton Subdivision Code. Pierce County Code §237-17C(3) allowed applicants 24 months to finish preliminary plat. However, after 11-2-2010 the County Board adopted Ordinance No. 10-05 allowing final plat to be submitted within 36 months from the date of preliminary plat approval. The parameters associated with rule exceptions per Pierce County Code Subdivision of Land §237-30 are stated in the staff report. Since this staff report was put together, Pichotta noted that he has looked in the Subdivision code and an amendment made in late 2010 gives the committee the discretion to extend the timeframe for final plat without utilizing the rule exception mechanism. Sanden stated the deadline is put in place to keep the process moving. He doesn't ever remember a time when they have issued a third extension. He doesn't want to see the applicants lose \$10,000. He asked Andy for his professional opinion on whether they would be setting a precedence, what problems do you see? Pichotta stated that since the Town of Trenton first saw this, the Town has put into place a subdivision code as well as a new comprehensive plan. Pichotta stated that the concern as he sees it is potentially allowing someone to circumvent regulation at the town level. He noted that a condition of approval is that a Developer's Agreement be in place prior to breaking ground. So the town does have an ability to ensure any concerns it may have are addressed through that mechanism. Ms Anderson stated she sat on the Town Planning Commission and their development was the model for how they wanted to make the ordinance work. As they worked through it, they were in compliance at that point. Sanden asked if realistically they are looking to break ground in the next 12 or 24 months? Ms Anderson stated it would be at least a couple years. She can't see that they can come up with money that they are going to be financing to put a road in when there is no demand for lots. When she sees the other lots sell across the street that is when there will be the need. Sanden stated it's not the process to leave a development in limbo until such time as it's decided it's a go. At some point he would think you would decide to pull the plug and come back when it is ready to go whether that be five years or ten years from now otherwise we will be right back here in 24 months. Again he has to weigh that with the loss of \$10,000. Ms Anderson stated she can't put another \$200,000 in when there is no demand. Ross asked if we have heard from the Town of Trenton specifically on this. Pichotta stated we have been in contact with the Town. When Emily was working on the staff report she spoke to the clerk to get the ordinance adoption dates from them. Ross asked about any movement on the lots across the street. Ms Anderson stated no, there are two lots on 161st Street and three lots on 163rd. Her and her sister own a little less than half of the land in the project and Oskey's own the rest. Originally they wanted a cul-de-sac and it ended up with all the work done at the Trenton level to incorporate Oskey's property and get the road going to 161st. Pichotta stated that he understands their concerns but he doesn't want to see this used as a

mechanism that folks use to stave off time until economic conditions are ideal for something. The LMC could grant a shorter timeframe and ask the applicant to secure a Town Recommendation regarding a longer extension. In that way, we could solicit the Town's opinion as to whether they are comfortable with it continuing in a holding pattern or what they would like to see. Ross asked if the committee could extend up to a period of 48 months. Pichotta said the way he reads it; you could extend it whatever timeframe you wanted. However once you get your last preliminary plat approval, you have 36 months from that last approval to get all your improvements in and apply for final plat approval. Kleinhans noted that in the office we're starting to see new development, Emily has been doing a fair amount of CSM reviews and approvals and we're seeing new development. Not just additions like we were seeing three to four years ago, new homes going up, new construction. He thinks the trend has turned in Pierce County. That might weigh on your decision too. Pichotta noted our revenues went up \$100,000 between 2011 and 2012. Ross stated the main concern is the applicant losing \$10,000. If things turn around, we could make the process as easy as we can. If we have the opportunity to see growth, we're ready for it. Sanden asked if a formal part of the motion would be to ask for Town of Trenton's recommendation. Pichotta stated if that is the direction you want to go, he would say extend it temporarily for six months with the understanding that he applicant would come back within that timeframe with a Town recommendation regarding a longer extension. Ross asked if Ms Anderson has spoken with the Town of Trenton. Ms Anderson stated no but she is comfortable with doing that; she won't be here in six months though. **Sanden moved to grant a 12 month extension to preliminary plat approval, if another extension is needed, input from the Town of Trenton will be solicited regarding a full 36 month extension, finding that undue difficulties will result from strict compliance and also that this action will not have the effect of nullifying the intent and purpose of the chapter and given that we are in extraordinary economic times/Auckland seconded. All in favor. Passed.**

Discuss take action on Travel/Training Requests. Pichotta stated he has one request for Emily Lund. She would like to attend a workshop being held in Eau Claire on November 4th through the 8th for local Floodplain Officials, focusing on management map studies, ordinances and administration. There are no fees associated just travel costs. **Sanden moved to approve the travel/training requests for Emily Lund/Auckland seconded. All in favor. Passed.**

Departmental Update and Future Agenda Items

Conditional use permit renewal for Rudy Jungwirth, Valley Vineyard.

Request for extension of a conditional use permit renewal for filling and grading to improve the existing Boat Ramp on Trenton Island.

Possible Status report for County Materials on Hwy 128, haven't heard from the Town of Spring Lake yet to see if they want to talk about it at the Town level first or if they are comfortable with us putting it on for the 16th.

Motion to adjourn at 7:45pm by Sanden/Auckland seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**AMENDED
LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, October 2, 2013 – 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: October 16 th , November 6 th & 20 th , December 4 th & 18 th (if necessary), all in 2013.	Chair
3	Approve minutes of the September 4, 2013 Land Management Committee meeting and the October 25, 2012 joint LMC/LCC meeting.*	Chair
4	Public hearing to consider and take action on a request for a map amendment (rezone) from General Rural District to Commercial District for City of Red Wing, owner on approximately 4.5 acres in part of the NE ¼ of the SW ¼ and the NW ¼ of the SE ¼ of Section 6, T24N, R17W, Town of Isabelle, Pierce County, WI.	Kleinhans
5	Discuss take action on a request for a rule exception to allow for an extension of Preliminary Plat approval on Whispering Pines for Jeffrey & Diana Oskey and Patina Properties LLC, owners on property located in the SE ¼ of the NE ¼, the fractional NE ¼ of the NE ¼ and the fractional NW ¼ of the NE ¼, all in Section 2, T24N, R18W, Town of Trenton, Pierce County, WI.	Lund
6	Discuss take action on Travel/Training Requests	Pichotta
7	Future agenda items.	Pichotta
8	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.

(9/20/13)

***Amended 10:15 a.m. 9/26/13**

PIERCE COUNTY WISCONSIN

DEPARTMENT OF LAND MANAGEMENT & RECORDS

Pierce County Courthouse
414 W. Main Street P.O. BOX 647
Ellsworth, Wisconsin 54011
ZONING OFFICE 715-273-6747
PLANNING OFFICE 715-273-6746
Fax: 715-273-6864



MINUTES - Pierce County Land Management Committee Meeting, September 4, 2013

Present: Joe Fetzter, Jeff Holst, Jim Ross and Eric Sanden

Absent: Jon Aubart

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

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

Next meeting dates: September 18th, October 2nd & 16th, all in 2013.

Approve Minutes: **Ross moved to approve the August 21, 2013 LMC minutes/Sanden seconded. All in favor. Passed with Holst not voting because of absence at the last meeting.**

Discuss take action on conditional use permit renewal and potential modification for Muskie Proppant LLC Sand Processing Plant located in part of the SE ¼ of the SW ¼ of Section 7, including Lot 1, CSM V4, P165, all in T25N, R15W, Town of Union, Pierce County, WI.

Staff Report – Brad Roy: This facility was permitted in 2011 and began full operation late last year processing sand from a mining operation located in Pepin County. Sand is trucked to the site, off-loaded, conveyed to a raw sand stockpile, then dried and processed for sale. The facility also has byproduct storage stockpiles, storm water ponds, a high capacity well, process water treatment facilities and elevators for the storage silos. Applicant notified us the final product is primarily trucked to Chippewa Falls or Minneapolis. The applicants originally planned to return the waste sand (byproduct) to the mine to be used in reclamation. This was apparently not clearly stated in the Reclamation Plan approved by Pepin County. Pepin County will not allow for the applicant to modify the Reclamation Plan. Until a modification can be made or another disposal site can be identified the waste sand is being stored onsite. There have been multiple compliance issues on the site. On June 5, 2013, these issues were discussed with the LMC. Additional conditions and deadlines for compliance were established. The legal description for the property is in Section 15 in the Town of Union and is zoned Industrial. The applicant notified us of a couple other changes recently. The hours of operation are 24 hours per day generally hauling is from 6:00am to 6:00pm. Semi-trucks hauling final product are spread out over 20 hours per day. The applicants have prepared an updated site plan for the facility which recognizes the modifications from the previously reviewed site plan. The updated site plan is enclosed. The applicant has discussed a potential structure to enclose the waste sand that is stored onsite. This may potentially reduce fugitive dust concerns. Prior to any construction, plans must be presented to the LMC for Site Plan Review and approval. The DOT approved the construction of the Hwy 10 intersection. The applicant has indicated that they have received all necessary DNR permits. The Zoning Office issued a permit for a sanitary system located onsite. Numerous concerns have been raised about the dust suppression methods utilized onsite. A Fugitive Dust Plan has been submitted. The plan details potential sources, control measures and daily record keeping. There have been no changes to the storage of byproduct since June. The applicants are apparently still unable to modify the Reclamation Plan for the extraction site in Pepin County to allow for the byproduct to be placed back in the mine. The access driveway slope issue has been corrected and is compliant with Pierce County Code 240-57(I). Within the past year staff has received complaints

regarding the use of jake brakes. There have been no further complaints since Condition 12 was added in June. The applicant has indicated that they are continuing to pursue additional product sources which may result in new travel routes. Municipalities (Pierce County, Towns) have expressed a desire to have road agreements if sand processing facilities were to utilize local roads. Staff has contacted the Town of Union Chairman regarding this renewal request. Staff received a call today from the Town Chair and he said the only concern he has and has heard about is regarding dust, but it hasn't been real recent. The existing conditions are listed #1 - #16 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, public safety and the character of the surrounding area and determine if any modifications are necessary. (Staff suggested modifications are shown in *italics*.)

1. *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.*
2. *Activities shall be conducted as submitted in the application and as presented to the LMC, unless modified by another condition of this CUP.*
3. Applicant understands that expansion or intensification for this use will require modification to the conditional use permit.
4. *Applicant shall obtain all necessary permits and approvals for any construction and signage for the site.*
5. Raw product and load out stockpiles shall be limited to 35 feet in height above grade.
6. No jake brakes shall be used in sensitive areas when approaching the facility along the designated haul route.
7. *The Fugitive Dust Plan shall be adhered to.*
8. Byproduct shall be utilized in the reclamation of an existing licensed nonmetallic mine or disposed of or stockpiled consistent with Pierce County Solid Waste Code.
9. *Any potential new or modified haul route shall be reported to the Land Management Department and road agreements shall be secured from applicable municipalities prior to route use.*
10. *The facility 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.*
11. *All polyacrylamide flocculants must be used consistent with WI DNR permit requirements.*
12. *Any unforeseen dust and/or erosion issues that arise shall be addressed to the satisfaction of the County.*
13. *The conditional use permit shall expire in 1 year.*

Ross asked about clarification of where the product is trucked to; Chippewa Falls and Minneapolis. Roy stated that is correct. When the applicants got a copy of this report they notified us that it's going to Chippewa Falls and Minneapolis. What was originally submitted was Eau Claire or Nelson. Sanden asked about the time frame for Pepin County and their process? Roy stated the he believes the moratorium they had has expired. Kenny King stated Pepin County's moratorium is off and they have worked with the Township. The paperwork has been turned into the Township with the issues that they had with it. Kevin Accola stated Pepin County will have probably a 90 day review period to look at the application and hopefully approve it in that time frame. We will also have our agreement in place with the Town to be able to haul material. Holst suggested adding a condition #14 and have a review with these guys in 120 days. That should give them enough time to come back with what happened with Pepin County, just a status update. Mr. Accola stated there are a couple of these conditions they would like to address. They have looked through all of them and for the most part most of them are acceptable. Some are vague and ambiguous. Some of the terms that are used are not really defined, particularly #10 and #12. When you talk about silica emissions, there are currently no technologies to monitor for silica emissions. What we monitor for is PM10, PM2.5 and fugitive dust. If that changes then the DNR would require them to make a change at that point. With the current and future studies, is a staff person going to be looking at studies that are coming up and review those types of studies to see if there is a significant public health threat? In #12, unforeseen dust and erosion issues, is not really defined as far as what that means. Holst stated we

can write it down if you want; no offsite dust and no offsite erosion. Mr. Accola stated he feels condition #1 covers things that they need to do at the plant to address their fugitive dust. The DNR has a permit that they have to follow for dust, stormwater and erosion. All those issues are wrapped up in those permits and they are regulated under those permits. They have plans in place for their Stormwater Pollution Prevention Plan and their Fugitive Dust Plan. In consultation with their attorney, she reviewed these and went to the County Code to see what that said and pointed out that Chapter 240 Zoning under 240-76 says that the Land Management Committee may in approving an application for a conditional use permit impose such restrictions and conditions that determines are required to prevent or minimize adverse effects on a proposed use or development on the properties in the neighborhood and the general health, safety and welfare of the County. The key word there, they believe is required. Nothing in #10 or #12 gives us any indication that we are required to do something, it's more of this may happen in the future. Those are the issues they have with conditions #10 and #12 and would like the committee to consider whether or not those conditions are applicable to the conditional use permit. Chairperson Fetzer stated condition #10 is probably word for word with WISC's conditions. You are in the same business as WISC so we're just trying to be consistent. Roy stated it is. A couple years ago the DNR started a study on silica emissions and basically concluded that more information is needed and the study needs to continue. They didn't say whether it's harmful or not. Basically, condition #10 is to see what the result is. If they find out it is harmful and there needs to be new control methods, we're going to bring you in. Holst stated this is a warning to the applicant that this possibly could happen; it might not happen. That's a good faith effort on our part to warn you that it could possibly happen. Holst stated that this also gives you warning that, if unforeseen problems arise, the County is going to be looking at that also. As a County, we have to be in a position to protect our people if MSHA and everybody else doesn't. This gives you a little warning that the County is going to be watching too. It's just another level of the bureaucracy that you have to play by. Ross concurred with Mr. Holst, even though there hasn't been recent complaints that the Chairman of Union has heard. It still lingered out there, in case it does come up. Holst stated if you build a building; that will likely take care of a lot of the issues. You have made a lot of improvements, you've stepped up to the plate, you've done what you said you were going to do and we appreciate that. That carries a lot of weight with this committee. Chairperson Fetzer stated he lives in the area and sees that you have made significant strides. Mr. King asked about condition #9, road agreement, what triggers the need for a road agreement, any sand hauled? If he has to bring in 20 or 30 loads of sand and try it through the plant, does that trigger a need for an agreement? Roy stated he would say not. That is not what we are intending. When it becomes part of the process where these roads are getting used very frequently and it can damage the Town Roads, we would want agreements. Pichotta stated if bringing in materials in through Town or County Roads; at least speak to those municipalities and let them know what you are up to. Let them know that you are willing to enter into an agreement should you end up using those roads. We don't want you running roads with heavy equipment that can't handle it and damaging them. If you work it out beforehand, it may be that one isn't necessary but it would be necessary if you use that with some regularity. Holst stated you will know if the product will work before you bring it in. Mr. King stated they have talked with Chad Johnson about volumes of 150,000 to 200,000 ton a year and he saw no issue with that on County Road CC. **Holst moved to approve the conditional use permit renewal and modification for Muskie Proppant LLC, 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 - #13, adding condition #14 Applicant shall provide a status report before the Land Management Committee within 120 days/Ross seconded. All in favor. Passed.**

Discuss take action on a status report and potential modification of a conditional use permit for Nonmetallic Mining for County Materials, agent for BS 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. Chairperson Fetzer invited Pete Krautkramer and Jim Small forward: Pete Krautkramer stated County Materials is asking to put the Z-

curve in place. They need to do a blast at full-face; benching isn't working for them. They did the signature blast. They aren't talking about safety or destroying anyone's property; they are talking about human perception on feeling that blast, like a thunderstorm. Everybody in here will have a different perception.

Staff Report – Brad Roy: In 2006 the Syllas agreed to allow County Materials to mine within 50 feet from the property line as long as the mining did not encroach within 400 feet of the house and peak particle velocity would not exceed .35 inches per second. Last year the LMC modified the conditions and raised the peak particle velocity from .35 to .50. A signature hole blast was completed on August 5, 2013. An analysis was done of the wave form to determine the optimum blast time utilizing electronic detonators. Since then, there have been two production blasts. Each blast was designed to remove the top half of the mine wall. The blast on August 22 had a peak particle velocity of .41 and the August 26 blast peak particle velocity was .25. County Materials would like to go back to the Z-curve. The Sylla's appear to acknowledge that the Z-curve is designed to protect structures. However, they want the peak particle velocity limit to go back to .35. They are 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 LMC required that the operator come back before the LMC after a production blast to determine if any modifications to the permit are necessary. The Town of Rock Elm is in the process of developing a Blasting Ordinance which would supersede this permit. The existing conditions are listed #1 - #13.

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 and determine if any modifications are necessary.

1. Hours of operation remain consistent daylight hours Monday through Friday, 6:00am – 6:00pm during the construction season with an occasional Saturday, 6:00am – 6:00pm, property owners within 300 feet and Mr. Huebel shall be notified in advance of Saturday operation hours.
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 (48 hours) of any planned blasting. Peak particle velocity shall not exceed 0.50 inches per second. A signature hole process will be conducted to minimize vibrations.
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 feet 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. County Materials shall come back before the Land Management Committee as soon as possible after the next production blast for a status report and to review conditions.

Sanden asked Mr. Krautkramer, you mentioned benching isn't feasible, can you explain more of why that doesn't work. Mr. Krautkramer stated it is very costly for County Materials to bench the blasts. They need to get equipment in to clean off the bench. It is right around 60 feet total face and they have been blasting at 35 feet. The upper half is a poorer quality and they need to mix it. Sanden asked if they did a full-face blast would it be fewer times. Mr. Krautkramer stated no, it would be the same amount of blasts.

They wouldn't take the entire face length wise. They would take a portion at a time and drop it down. Holst asked how many ton per blast. Mr. Krautkramer stated 12,000 ton. Holst asked if you went to full-face what would you be looking at for amount? Mr. Krautkramer stated about the same. Holst stated 12,000 or 24,000, which would it be? Mr. Krautkramer stated per blast, 12,000 ton and then two days later they do another 12,000 before they crush. Sanden asked about the August 22nd and 26th blasts, those were the benching type blasts? Mr. Krautkramer stated that was the top part of the bench, yes. Pichotta asked Mr. Krautkramer if you are able to do a full-face blast and stay under the .5 inches? Mr. Krautkramer stated all the records of blasts back to 2009, because he just came in and started taking over, he looked at all the files and they were all at .5 something; one went into .6. Chairperson Fetzer asked if that was full-face. Mr. Krautkramer stated that was full-face. Mr. Sylla stated one went into .71 in 2004. At a .71, it would go on the wrong side of the Z-curve. Pichotta asked if they can design a full-face blast and stay under the .5? He noted that he was expecting that you might attempt with one of the two production blasts to actually do a full-face blast. Mr. Krautkramer stated he wanted to try the benching and hopefully he could keep it down to a .35 doing this and do it economically. After they started doing it, he could not blend. He needs the layers to blend. It's very distinct. Pichotta stated it seems like this puts us back to square one where we did the signature blast and we did these two benches and now we're back to wondering what the peak particle velocity of a full face blast would be – which is what you actually wanted to do going in. Mr. Krautkramer stated he didn't understand the signature blast at all because what did we get out of that. Pichotta stated maybe an understanding of the substrate so you could use timers to try and knock down the vibration levels? Mr. Krautkramer stated yes, but we are back to the same place we were before. We're still trying to hold a .35. Mr. Sylla stated we have talked a lot about disturbing nature with the high peak particle and high frequency but blasting up close isn't just a matter of being annoyed by disturbances, as they are getting near our home, there is a safety concern. He was warned that the full-face blast is not to be used in a close proximity. They would like to see them go back to .35, if they go over, fine. But they want to see them designing for the .35. John Eager stated he thought this was going to be a bench blast and now you want to do a full-face blast. He has concerns about how you are going to use your data from a bench blast and now do a full-face blast. Mr. Krautkramer stated the reason they did the bench blast is we told them we would work with them. We tried it. Mr. Eager stated now you are coming in with that information and wanting to do a full-face blast. Part of the reason we came out there was to experience what you are doing and now you are going down a new road and you don't have the data to back it up. Mr. Krautkramer stated if we go back in the blast there is a lot of data. Mr. Sylla stated with the Z-curve they are allowed to load the holes with heavier blast and because it's getting closer to the home, that is a huge safety concern for us. Ross asked Mr. Eager where the Town is on their Licensing Ordinance. Mr. Eager stated they are waiting to see what the County requires. They have been postponing to see what happens here. Mr. Sylla stated they could all live with the signature blasts that they did. All but one was under a .35. When they exceeded it, .41, if they were designing for a .35 and it went to a .4, they would be happy with that. Chairperson Fetzer asked Mr. Krautkramer about constantly monitoring your data on blasts, don't you do that? Mr. Krautkramer stated yes, the blasting company takes care of that. He has been emailing it to John and Dan Flory. As far as safety, every blast since he has been over here, they have stood out in Bill's yard. Nobody ever was concerned about safety. Chairperson Fetzer stated safety was on his mind. He didn't know what to expect. Mr. Eager stated it was a concern for him also. Mr. Krautkramer stated they aren't there to hurt somebody and if the County says you can go now our blasters are not going to load this thing up. Mr. Eager stated what you did, he didn't think it was bad but his concern is if you do a full-face - is it going to be the same? Mr. Krautkramer stated according to what he looked on old records, it's going to be a .5 something. Mr. Sylla stated that if you change it to the Z-curve it allows you to go way beyond .5. Sanden asked if we use the Z-curve for standards in any other mines, is this the only one we don't? Pichotta stated the Z-curve is a State standard. We have no other mines that we have singled out for this sort of treatment but the reality is we don't have any situations that are similar to this either. Mr. Krautkramer stated they are 400 feet from the house. Holst stated you agreed to that and got 50 feet from the property line. Ross asked about the two benches, it doesn't give you enough of a mix, you have to do full-face to get the mix? Mr. Krautkramer stated the

upper 25 feet of the upper level is a lot poorer grade material than the lower 35 feet. When you do a full-face blast it blends the material more. So when you go into crush it, it blends some more. So we pretty well have a good blend and we're done. Also when he does the upper bench, 50% stays on the bench up there so he has to go through with an excavator and clear that all off. Holst stated what we're concerned about is peak particle velocity. Sanden asked if in any of the data they had, do any of the full-face blast go past a .5. Mr. Krautkramer stated there was one that was a .6 since 2009. Holst asked how many times do you shoot per year? Mr. Krautkramer stated four times a year. Holst asked how long do the blasts last. Mr. Krautkramer stated about one second. Mr. Sylla stated he has a log and in 2011 they shot eight blasts. Holst stated then we are looking at 10 seconds. He asked what is the life expectancy of that quarry? Mr. Small stated they have about 130 feet. Mr. Krautkramer stated they have the 130 feet to go to the buildings. They are contracted with Schoeder's but there are so many variables. He stated for a couple years he doesn't believe they were in there. Mrs. Sylla stated if they contract with someone else then they have to come back before the committee pleading their case again. Holst stated no, whatever conditions are put on this go with the land. Chairperson Fetzer stated they stay with the quarry. Holst stated the State adopted the Z-curve. Holst stated when they started, they were picking numbers out of the sky which was basically what they did with the .35 and the .5. We are trying to find something that is a compromise. It allows them to use their property. Mr. Sylla stated their concern is if a fly rock comes out of there and hits someone. Sanden moved to alter condition #6 to not exceed 0.60 inches per second. Chairperson Fetzer asked why we would go up. Sanden stated Mr. Krautkramer said they could do full-face blast a little over .5 or go back to the Z-curve and that could give them all the way up to a 2. Holst stated he can understand both of those conditions. If the Town feels the County didn't do something adequate, then they can do something. If they don't choose to, then they live with what we propose here. The Z-curve would give us a standard but does it give us what we want to use? Chairperson Fetzer asked Pichotta about his perception of the blast that was a .40. Pichotta stated it felt fairly reasonable, he was inside the structure. It was much like a clap of thunder; although that may not be what we are talking about. We are talking about a full-face which is probably a bit different. He suggested the inclusion of another condition: "Applicant shall conduct a pre-blast survey of structure and well integrity and shall be responsible for any damage from said blast. Ross, on condition #13, he would like to see a specific time line versus as soon as possible, like within 30 days after the blast. Holst, does that give the applicant sufficient time to gather the data and bring it back to the Land Management Committee. Mr. Krautkramer, we can do that, you understand his next two blasts will be the lower portion of the bench. It will be next year sometime for the full-face blast. Chairperson Fetzer stated he would have an issue with going to a .60 inches per second because everything will go over. Holst stated if we pick a finite number and they go over then they are in trouble, if it stays under those people are happy. We also have to have the understanding that sometimes these things might become a .525 but if it was engineered for a .5. Pichotta suggested leave it at a .5, they design the blast, try and do a full-face under .50 and come back to the committee. They do one production blast not counting the two benches and come back after one. Mr. Krautkramer stated he needs to do two blasts at a time to bring in a crusher. Ross stated as soon as possible is too open-ended for him. If it's 30 days after the 25,000 or drop, fine. Mr. Krautkramer stated every report that he looked at were a .50 something after a full-face blast. Holst stated you will have the opportunity to do two blasts before you come back. Mr. Eager asked Mr. Krautkramer if he can be notified when they are going to do the full-face blast. Pichotta stated notify us as well. **Sanden moved to approve the modification of the conditional use permit for Nonmetallic Mining for CMC-Spring Valley, LLC (County Materials) with conditions #1 - #13, modifying condition #13 to read "County Materials shall come back before the Land Management Committee within 30 days after the next two production blasts for a status report and to review conditions." And adding condition #14 "Applicant shall conduct a pre-blast survey for structure and well integrity and shall be responsible for any damage resulting from blasting."** Mr. Sylla asked about the pre-blast survey for the structure. Holst stated if you allow them onto your property to do a pre-blast survey of any structures to see if any structural damage is caused by their blasting. Ms Sylla stated they have already had one done. Holst stated very good so would you rather them not come back. Mr. Sylla asked about the well. Pichotta stated we are talking about both.

Chairperson Fetzner stated we did not know there was a base line for the structures done. We were just trying to protect you. Mr. Sylla stated the well they would definitely like to have done. Holst stated we can leave the house off if you are comfortable with it. **Sanden amended condition #14 to remove the structure and include the well only and revise condition #13 to read County Materials shall come back before the Land Management Committee within 30 days after the next two full-face production blasts for a status report and review of conditions./Ross seconded. All in favor. Passed.**

Discuss take action on status report for a conditional use permit for a Retreat Center 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.

Staff Report – Emily Lund: The owners purchased the property on 4-17-2012 and received CUP approval on 5-2-2012 to change the use of the agriculture barn to a retreat center for country-style weddings and receptions. Many neighbors were in opposition of the change in use, so a status review was a conditioned part of the approval. The preparation for the use has taken longer to complete because a few expensive projects were not anticipated to be completed. The first wedding is planned for September 2013. After checking with the Town Chair, Town Building Inspector and the property file, no complaints have been received from the public. Also, no weddings have taken place at this property at this time. The Town Building Inspector, Todd Dolan, reported that on 7-31-2012 (Trans. ID 2114754), the applicants received commercial plan approval from DSPS for a dance hall that was seasonal, unheated and without water sprinklers. As originally proposed, they added a new deck with stairs to the east of the barn and a handicapped accessible ramp to the west. New wiring was added and an air test was completed by the inspector. A mop closet, water fountain and two bathrooms were added within the upper level of the barn, as required by the Uniform Commercial Code (UCC). The bathroom stall dividers need to be added before final inspection. On 6-4-2012, the Department issued a state sanitary permit to replace the septic system to the residence. On 8-28-2012, the Department issued a state sanitary permit for the retreat center's septic system. The Department inspected both mound system installations on 10-4-2012. Another condition of the approval was to submit a landscaping plan to screen the parking area from County Road N (attached to staff report). The owners propose to plant 7 aspen trees parallel to County Road N to screen the parking area. Currently they landscaped the property as planned by adding flower gardens and an orchard with 5 different kinds of fruit trees. The existing conditions are listed in the staff report #1 - #8.

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 and determine if any additions or modifications are necessary. (Staff suggested modifications are shown in *italics*.)

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. Department of Safety & Professional Services (DSPS), Department of Health & Family Services, etc.).
3. Maximum occupancy shall be limited to 150 people, 3 events per week and 1 event per day on Friday, Saturday and Sunday.
4. The maximum capacity of 150 persons will require 50 available parking spaces, with a minimum of one space for handicapped parking.
5. 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.
6. *Applicants shall work with Todd Dolan, Martell Building Inspector, to secure final approval from DSPS prior to holding any events.*
7. *Applicant shall establish a vegetative screen, consisting of _____, between the parking lot and County Road N within _____ months.*

8. *A status report shall be made to the LMC in one year.*
9. *This conditional use permit shall be renewed every 2 years. Permit may be renewed administratively if no compliance issues arise.*

Ms Deyo explained they are almost done with all the work, a little bathroom work left. They had all the dirt brought in for the landscaping. The handicap ramp is complete. A little more clean up and they will be ready to go. Ms Deyo and Mr. Dufek will be the first wedding at the Retreat Center on September 21, 2013. Chairperson Fetzer asked about condition #7 Applicant shall establish a vegetative screen, consisting of blank. Sanden stated they were proposing seven Aspen trees, we could just go with seven Aspen trees. Pichotta stated from experience they know that Aspen trees don't do a very good job screening. Sanden asked if there was a reason they picked Aspen trees as opposed to conifer trees? Ms Deyo said there is a field that they rent to a farmer so they were a little concerned about too much shade for his crops. Ms. Deyo said they are open to suggestions. We just were worried about shade. Aspen are really pretty trees. Holst stated we have been having applicants plant some kind of Spruce. They give you a better visual screening and their noise abatement seems better than an Aspen and they can still be a really pretty tree. You can plant them this fall or in the spring. Mr. Dufek asked if they recommend a certain size. Holst stated 9 to 12 foot trees, you can still move them but they add to that instant change. Sanden stated 15 feet apart, Spruce might need more space in which case there would be fewer than seven. Ms Deyo stated they are going to plant them from the parking lot all the way over to the driveway no matter how many trees that takes. Holst suggested to stagger them if they are too close together to give it an offset and cover it. Lund asked committee when they want the status report one year from today and then when should the conditional use permit be renewed would that be two years from next year. Holst stated two years from the original date. Roy stated they would be in in May and back in September. Lund stated they would be back twice next year. Holst stated it is advantageous to all parties if you are in more frequently, you can address any issues and if there is no problem, there is no problem. Chairperson Fetzer asked if typically these are renewed administratively if there are no complaints in May, then we could go with a year renewal and a status report after the summer to find out what's going on. If there are complaints we will be coming in. Ross asked what we did for spacing on the others. Holst stated we never gave it a number for spacing, just a number of trees.

Sanden moved to approve the modification of the conditional use permit for Melissa Deyo and Donald Dufek for a Retreat Center with conditions #1 - #9, adding "no less than five Spruce trees, 9 to 12 foot tall between the parking lot and County Road N within 12 months to condition #7/Holst seconded/All in favor. Passed.

Discuss take action on proposed 2014 Land Management Budget: Andy Pichotta reported: Just a quick synopsis of the sheets you see that there is generally four budgets; planning, zoning, surveyor and GIS. Surveyor is proposed to go up by 8.1% which will be explained later in the budget. Under the County Planner budget, administration prepares the personnel numbers for us; the other numbers for operating are largely what we present to you. We are proposing a slight increase in Sundry Repair and Maintenance which deals with the contract associated with our copier. That goes up almost 12%; otherwise we are proposing the same operating expenses as 2013. For Zoning, the numbers from administration are what they are for personnel. On the operating side we are proposing no increase. Sanden asked about the life insurance. Pichotta stated the 20% increase went up \$3, it just looks like a lot. County Surveyor, we reduced new equipment. We had \$10,000 budgeted to assist in the purchase of new GPS equipment. We're proposing to reduce that back down to \$2,500. At the last meeting you authorized us to move forward with an unbudgeted expense in the regard to the purchase of that equipment, in order to keep it eligible for contingency funds, we utilized the \$9,000 that is available in that line item currently for new equipment as well as \$3,000 associated with road repair services in order to keep it under \$17,000.00. It's got to be 10% of the whole surveyor budget in order to be eligible for contingency otherwise it would need to go to the full board. By using those dollars we kept it under so it could be authorized by Finance and Personnel. There is a 75% reduction in new equipment budget. County Planner/GIS is the only budget that has the distinction of going down. Under Other Professional Services

we had \$2,400 budgeted which we typically utilized to pay for Arcview Arc Info Licenses. As you may recall from the last meeting changes in ACT 20 which deals with the biannual budget for the State increases Wisconsin Land Information Program base budget by \$50,000 so we now have in 2014 a \$53,000 or \$54,000 Grant from the State to purchase services or goods related to land information. So there is a reduction in operating costs of \$2,400 which makes it a 1.8% reduction in that overall budget. The Land Information Grant, still an expenditure budget, currently our budget was \$6,000. When someone records something in the Register of Deeds Office, a portion goes to general fund, a portion goes to the State and a portion goes into the Land Records Fund. What we retain is subtracted from \$50,000 and we are eligible for a grant from the State for the difference between what we retained and \$50,000. What changes for 2014 is that \$50,000 threshold is now \$100,000. We are now eligible for substantially more in grants. Holst asked if there is any match. Pichotta stated no. If you look at the bottom, we have a list of items we are proposing to take out of the Land Records Modernization Fund. Basically this is a combined fund that has about \$75,000 in it. What he is proposing to do is identify enough expenditures to ensure that we can at least secure all of the grant dollars that are available for us between what we retain and \$100,000. Some of these are 2013 expenditures that didn't happen because we didn't have the equipment failures in the Register of Deeds Office; the flatbed scanner and receipt printers. Should those things fail between now and the end of the year, those things will come out of the budget and he wants to ensure that we still have enough to secure that full grant up to \$52,000 or \$53,000. We can retain within the Land Records Fund itself that we house here in the County. We are on a five to six year plan to acquire aerial photos as well as Lidar in 2016. That Land Records Modernization list at the bottom was reviewed and approved by Land Information Council a week or two back. He is budgeting out of the Land Records Fund \$26,486, assuming we are going to get at least \$40,000 in a grant. 2014 is going to be prorated for the County's based on what's available. We hope to know more within a few months on that. Park Development he is proposing no expenditures this year out of Park Development, as you are aware a couple years ago we utilized \$60,000 out of it to purchase some land adjacent to the Trimbelle Recreation Area. Currently \$325,000 is budgeted for the Trenton Island Boat Ramp. It looks like we're not going to get as much grant funding as we had hoped for that project. We will likely have to utilize a substantial amount of monies left in the Park Development Fund. Wisconsin Fund Grant is a program we vacillate between \$20,000 and \$10,000. So for years he budgeted around \$15,000 each year and it's either slightly higher or slightly lower. The next sheet is a revenue budget. Monumentation Fees have stayed close to the same; basically we are seeing similar amounts of surveying activity. Under State Aid Planning/GIS is that Land Records that he referenced so we are anticipating a substantial increase in that. Under Zoning/Farmland Preservation we received a grant to offset the costs of us developing the County Farmland Preservation Plan which is currently being reviewed by the State. We have received the first funds of \$15,000 and once it's approved by the County Board we should be eligible for the second half which will be another \$15,000. Zoning permits 2011 actual was \$38,204, 2012 actual was \$136,304. He tried to be somewhat conservative; he is hoping we will see \$100,000 in 2014. Staffing levels, Operating Budget and Capital Improvement; the Survey Technician is vacant, we want to hold that position open indefinitely. We have to have our monumentation and our parcel data to a certain standard by 2017. If it looks like we can't get the production out of Louie working by himself; it may be advantageous to us to fill that position. He is reserving judgment on that until we see how the new equipment is working out. He doesn't plan to fill that position but feels it's prudent to keep it open. The operating budget is similar for the next three years. Capital Improvements; we have identified \$25,000 in both 2015 and 2016 for new vehicles. The reality is that he has been projecting \$25,000 for new vehicles for the last ten years. Holst stated the County might go to a fleet of vehicles where the County has vehicles and the Department doesn't. That might be beneficial to small departments like ours. Pichotta stated that would be as long as there are four-wheel vehicles. He stated the department has probably spent a \$1,000 per month for the last several months on vehicle repairs. He isn't certain it warrants purchasing new vehicles so we will continue to limp along. Holst asked how many miles are on each vehicle. Pichotta stated that he believed there are 118,000 on the Jeep, 142,000 on the Ford and 161,000 on the Chevy. The increase in the surveyor position is because Barry was under his wife's insurance and they are assuming someone would

want family health insurance coverage so that made it go up by \$15,000 or \$17,000. **Ross moved to approve the proposed 2014 Land Management Department Budget/Holst seconded. All in favor. Passed.**

Discuss take action on Travel/Training Requests. Pichotta stated he has two requests at this time, both for Emily. She would like to attend the Wisconsin Wetlands Association meeting on September 12th & 13th in Chippewa County. It would not involve any overnight and there are no fees associated. The second request is the Wisconsin County Code Administrators annual conference in the Fox Hills Resort, October 2nd through the 4th, \$125 registration and two nights in a hotel at \$60/night. **Holst moved to approve the travel/training requests for Emily Lund/Ross seconded. All in favor. Passed.**

Departmental Update and Future Agenda Items

Andy stated we have no agenda items at this time and he proposed that the committee doesn't meet on September 18, 2013. Committee agreed.

Motion to adjourn at 7:35pm by Holst/Ross seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, September 4, 2013 – 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: September 18 th and October 2 nd & 16 th , all in 2013.	Chair
3	Approve minutes of the August 21, 2013 Land Management Committee meeting.	Chair
4	Discuss take action on conditional use permit renewal and potential modification for Muskie Proppant LLC Sand Processing Plant located in part of the SE ¼ of the SW ¼ of Section 7, including Lot 1 CSM V4, P165, all in T25N, R15W, Town of Union, Pierce County, WI.	Roy
5	Discuss take action on a status report and potential modification of a conditional use permit for Nonmetallic Mining for County Materials, agent 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
6	Discuss take action on a status report for a conditional use permit for a Retreat Center 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, Town of Martell, Pierce County, WI.	Lund
7	Discuss take action on proposed 2014 Land Management Budget	Pichotta
8	Discuss take action on Travel/Training Requests	Pichotta
9	Future agenda items.	Pichotta
10	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.

(8/23/13)

PIERCE COUNTY WISCONSIN
DEPARTMENT OF LAND MANAGEMENT & RECORDS
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MINUTES - Pierce County Land Management Committee Meeting, August 21, 2013

Present: Jon Aubart, Joe Fetzer, Jim Ross and Eric Sanden

Absent: Jeff Holst

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

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

Next meeting dates: September 4th & 18th, October 2nd & 16th, all in 2013.

Approve Minutes: **Aubart moved to approve the August 7, 2013 LMC minutes/Ross seconded. All in favor. Passed.**

Chairperson Fetzer stated the applicants engineer is not yet here for Agenda item #4, he will entertain a motion to table that item until later in the meeting. Ross moved to table the public hearing for William F. Holst III and Nancy Beeler and move to the last public hearing on the agenda /Sanden seconded. All in favor. Passed.

Public hearing to consider and take action on a request for a conditional use permit for Filling and Grading in the Shoreland Area within the Industrial Zoning District, pursuant to Pierce County Code Chapter 240-41E, for William & Patricia Schroeder, Shelley Endres and Wisconsin Specialty Sands, Inc, owners, by Wisconsin Industrial Sand Company, agent on property located in the W ½ of the SW ¼ and the S ½ of the SW ¼ of Section 1; NE ¼ of the SE ¼ of Section 2 and part of Gov Lot 1 in Section 12, all north of the railroad and all in T24N, R18W, Town of Trenton, Pierce County, WI. Chairperson Fetzer invited Wisconsin Industrial Sand forward: Jeff Himes, along with Rich Budinger, Mark Krumenacher and Eric McLeod are here to request a conditional use permit for filling and grading to add a track at the Hager City site to allow them to build unit trains. The unit trains are blocks of cars from 100 to 110 cars that are shipped and delivered to the customer, returned as a unit without splitting them up. In order to make this project work, they are acquiring 40 acres from Shelley Endres and Bill & Patricia Schroeder. They will build five tracks totaling about 19,000 feet of track. A unit train is about 5,000 feet long. They will also be building a service road along the track so the railroad can inspect the unit train before they pull it. Basic operating process for this will be the BN delivering the unit train empty. The train will be made up of cars that are filled at Maiden Rock and Hager City. The Hager City employees will assemble the unit train. Once the block is put together the BN will pull that and deliver another set of empties and the process will start over again. They will continue to have daily service going in and out of Hager City going down to LaCrosse for their business that isn't served by the unit train. The benefits for WISC are more efficient method of transportation of product to customer and back to the plant, energy savings and reduction in freight costs. Benefits to the community include jobs created by the construction project; they will be adding operators at the Hager City plant to build and maneuver the cars and build the unit trains. The BN will hire crews to operate the trains. This project is not going to change the existing plants impacts. The dust; they load at that facility and dust collection equipment is already on that facility. Noise; the plant process stays the same; there will be some added car

movement in the rail yard that's consistent with traffic along the main line. Although, we may see a reduction in brake noise. Right now they have to set brakes and use a tugger to pull the cars through the loadout system and the brakes squeal. They will be using track mobiles to move the cars and they have their own brake system. They will continue to operate to meet or exceed expectations from the community and the regulators and the Township. They have demonstrated a quick response to issues or concerns raised by their neighbor's and community. The change in operation is consistent with the current use and what properties adjacent are being used for. They are looking for a favorable recommendation for the filling and grading. The lower end of the project is within 300 feet of the Mississippi River and that requires the Filling and Grading permit. All the work on their project will be on the north side of the BN, there are no wetlands in that area and all runoff will be controlled by the drainage Stormwater Pollution Prevention Plan that they will have in place.

Staff Report – Brad Roy: WISC is seeking approval for a rail expansion at its Mineral Processing Facility in the Town of Trenton that will require filling and grading. A small portion of the project area is located within the Shoreland Area, that being an area located within 300 feet horizontal distance of navigable water where the existing or resultant slope is toward the water, triggering the need for this CUP. This permit is required to ensure that the applicant is taking the necessary measures to protect the waterway. The proposed expansion includes the construction of five rail sidings to the BNSF Railroad. The sidings will be used for storage and in the loading process. The proposed new track, access road and asphalt pad areas will require some fill and some areas will require excavation to obtain the required grades. The grades will be consistent with the BNSF mainline elevations. The southern portion of the project that is located within the Shoreland area will require a cut into an existing bluff which is comprised primarily of sand and gravel. The cut material will be utilized as engineered fill where needed. The majority of cut material will be permanently placed on the property and graded and seeded. GZA Geotechnical Engineers have designed and implemented a geotechnical exploration program, tested soil samples and completed soil slope stability modeling and calculations necessary to design the slope re-grading and provide recommendations for earth retention systems. The final retention system designs have not been selected at this time. The applicant is working with the WDNR to obtain a General Stormwater Permit for Construction Activities. Erosion control Best Management Practices (BMPS) will be utilized on site. BMPS for the project include:

- Disturbed soils will be seeded as soon as practicable.
- Access to construction site will be limited to a controlled entrance at the processing plant.
- A tracking mat will be utilized and wash water, if required, will be treated prior to discharge.
- A silt fence will be placed along the southern extent of the construction area, as stormwater run-off discharges to the south.

Some of the filling and grading within the Shoreland Area takes place in the BNSF rail right-of-way and, as such, is exempt from municipal regulations. The Town of Trenton recommended approval of this request on May 14, 2013 without any specific recommendations or reference to the Town Comprehensive Plan.

Staff Recommendation: Staff recommends the Land Management Committee determine whether the proposed use at the proposed location would be contrary to the public interest or would be detrimental or injurious to public health, public safety or character of the surrounding area. If found to be not contrary to the above, staff recommends the LMC grant this conditional use permit with the following conditions:

1. Activities shall be conducted consistent with the approved plans.
2. 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.
3. Applicant agrees that any erosion issues that arise shall be addressed to the satisfaction of the county.

Chairperson Fetzer opened the hearing to the public. No public comment. **Public hearing closed.** Ross asked about the new way to move the cars, is it a smaller unit moving them and typically quieter to move them that way. Mr. Himes stated the current machine is a big winch at the end of the track. The

units in this project are self-contained, self-propelled that couple to the cars and move them. They are rail mounted and also have rubber tires so they can drive off the track, then move to the next location, drive back on the track and shuttle the cars. There will be two of those units in the project. Sanden asked about the impact on the cut into the shoreland, will there be any filling in that small piece? Mr. Himes stated that on the small piece they will cut the excess material out and bring everything up to the grade necessary to tie into the existing track and grade a road. Sanden noted that we are seeing the siding issue in a couple of pieces, and this request is just the grading issue. Roy stated yes. **Sanden moved to approve the conditional use permit for Filling and Grading in the Shoreland Area within the Industrial Zoning District for William and Patricia Schroeder, Shelley Endres and Wisconsin Specialty Sands Inc by Wisconsin Industrial Sand Company, due to the fact the proposed use at the proposed location would not 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 - #3/Ross seconded. All in favor. Passed.**

Public hearing to consider and take action on a request for a conditional use permit for Expansion of Mining Accessory Uses in the Industrial Zoning District, pursuant to Pierce County Code Chapter 240-37B, for William & Patricia Schroeder, Shelley Endres and Wisconsin Specialty Sands Inc, owners, by Wisconsin Industrial Sand Company, agent on property located in the W ½ of the SW ¼ and the S ½ of the SW ¼ of Section 1; part of the E ½ of Section 2 and part of Gov Lot 1 in Section 12, all north of the railroad and all in T24N, R18W, Town of Trenton, Pierce County, WI. Chairperson Fetzer asked Jeff Himes to explain this request: Mr. Himes noted that he had covered most of the information regarding this request in his prior comments, one additional piece of information is that there was a parcel that they have owned, part of the plant property before they acquired it, that was excluded from the initial conditional use permit request. They are also asking to include that parcel in the permit.

Staff Report – Brad Roy: WISC is seeking an expansion of its Mineral Processing Facility in the Town of Trenton. The facility was originally permitted in 2006. Sand is trucked in from the Bay City mine and is washed, dried, screened and shipped by rail. The proposed expansion area is approximately 54 acres. The future uses will remain consistent with the current use. Activities to be conducted will consist of the construction of an expanded railroad siding for the plant and one of the existing tracks present at the plant will be replaced and a new access road constructed. There will be no additional buildings or structures constructed on site. There is an existing residence on a parcel that is to be acquired for the rail expansion project. The project will not utilize that area of the property and staff is not aware of the plans WISC has for the existing residence. A parcel, owned by WISC, adjacent to the existing facility is also being added to the CUP. There is an old unused residence on the property. WISC currently has no plans for the structure or parcel. Any construction will require Site Plan Approval and any use of the parcel which expands/intensifies the current use will require modification or issuance of a new CUP. All this property is in the Industrial District. Pierce County Code §240-15K states “the Industrial District is established for the purpose of allowing those industrial uses that are more intensive than those uses allowed in the Light Industrial District. The purpose of the district is to accommodate a heavy volume of traffic, the potential need for rail access to parcels and the presence of noise and other factors which could pose a nuisance in other districts. The intensity and use of land as permitted in this district is intended to facilitate the total range of industrial uses.” The proposed expansion includes the construction of five rail sidings to the BNSF Railroad. Track A will be constructed in the BNSF right-of-way at Highway 63 and extend approximately 9,500 feet south. Four additional sidings (Track B through E) comprising approximately 8,000 feet will be constructed adjacent to the BNSF right-of-way. Each track will be separated by approximately 15 feet. An approximate 13-foot wide, unpaved access road will be constructed along the entire length of Track A. The southern portion of the project will require a cut into an existing bluff, most of that material will stay on site. To comply with BNSF requirements, an approximate 500 x 40 foot asphalt-paved switch pad will be added to the north and south ends of the project where Track A connects to the northbound main line. A switch house, two propane tanks and switch heaters are presently

understood to be required by BNSF on the asphalt pads. The facility has a Storm Water Pollution Prevention Plan and a Spill Pollution Control and Countermeasures Plan. These plans identify potential sources of stormwater pollution and spills of oil-related materials and other chemical, and established controls to minimize any potential impacts to surface waters. WISC is planning to have these plans updated. The applicant is working with the WDNR to obtain a General Stormwater Permit for Construction Activities. Erosion control Best Management Practices will be utilized on this project. A Fugitive Dust Plan has been developed for the operation. The plan details the measures to be taken to reduce roadway dust from truck traffic on paved roads and railway dust from rail traffic, during periods of dry or windy conditions. A water truck will be available during construction activities. Several concerns have been raised about the health effects of silica dust. 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 has performed archeological, wetland and endangered resources reviews for the proposed project. The review concluded that there are no archeological sites or wetlands in the project area. The endangered resources review determined that there are State and Federally listed mussels and fish in the Mississippi River and that the Bald Eagle could be potentially impacted by the project. The WDNR made the following recommendations:

- The rail spur construction project must use erosion control measures to mitigate impacts to state or federally listed mussels and fish associated with the Mississippi River.
- Avoid human activity between March 15 and August 1. If abiding by this timing restriction is not feasible, perform a survey of the site and within 660 feet of the site for nest Bald Eagles. If they are present in the area, contact WDNR for guidance in mitigating impacts.

High density residential, Rural Residential 20 District, is located adjacent to the proposed rail expansion to the east and south across the rail line. In past similar situations the LMC has required buffering. In this case, buffering may be difficult. The residential district to the east is approximately 60 feet above the facility on a bluff. The hillside leading to the residences has existing trees. The applicant does not own the land to the south of the rail line to screen those residences. The LMC should consider the effectiveness that any buffering may have on surrounding land owners. The Town of Trenton recommended approval of the rail expansion project on May 14, 2013 and the adjacent parcel on July 9, 2013 without any recommendations or reference to the Town Comprehensive Plan. The existing conditions are listed in the staff report.

Staff Recommendation: Staff recommends the Land Management Committee determine whether the proposed use at the proposed location would be contrary to the public interest or would be detrimental or injurious to public health, public safety or character of the surrounding area. If found to be not contrary to the above, staff recommends the LMC grant this conditional use permit with the following conditions:

1. Activities shall be conducted consistent with the submitted plan.
2. 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.
3. Applicant agrees that any erosion issues that arise shall be addressed to the satisfaction of the county.
4. Applicant shall obtain all necessary permits and approvals for construction and signage for the site.
5. WISC 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 from such studies.
6. The operator shall provide notice to the County of any orders to cease and desist from MSHA.
7. This permit shall expire in two years and may be renewed administratively if no compliance issues arise.

Chairperson Fetzer opened the hearing to the public. Tom Breen, Oak Grove, asked about definitions, giving the advancing of this industry and the threat, as he sees it, to the railway and highway 35. With filling and grading, will this result in altering swamp land and woods, otherwise unusable into serviceable area or will it erase the scenic areas and desirable habitat to accomplish what will be massive construction and mechanized equipment around. Secondly, expansion of mining accessory uses; is that just the

occupation of more visible land by even more machinery and hardware. Bill Sharp, within 300 feet, asked about the noise levels of a train hitting a box car at 20 mph to hook it up. Do we have any noise regulations or restrictions? **Public hearing closed.** Mr. Himes stated the filling and grading will be down below the bluff, well out of the site of Highway 35. There is a tree plantation on the Mr. Schroeder's property that won't be affected. It's a brushy area. No wetlands will be disturbed. Mining, accessory uses will be handling of the trains, the vehicles that they use to ship the sand, the expansion of that is adding the track facility. We're not going to hit the trains at 20 mph; that would cause potential damage to the cars and our equipment. There will be some additional activity with the track wheels grabbing the cars, coupling and pulling them forward and building the trains. There is going to be some noise with that but in relationship to the noise of the trains on the main line and the plant itself and the shuttling of cars and moving cars. The noise level associated with this project will be well within the noise that is already generated. The plant runs relatively quiet. There haven't been any issues with excessive noise in the plant. He doesn't know of any regulations on trains. Sanden asked if there is a potential for noise reduction. Mr. Himes, we may see a potential reduction in noise because of the issue he described earlier with the brakes dragging when using the tugger. We may see a net reduction in noise on the track because they will be using the track mobile as opposed to the tugger. Sanden 54 acres is in the extreme northwest part, from what is being described there will be track on that part too? Roy stated no, that area won't have any. That was the adjacent piece that was acquired after the original permit was issued. There hasn't been any activity there but since they were coming in for an expansion, the thought was to add it now. **Ross moved to approve the conditional use permit for Expansion of Mining Accessory Uses in the Industrial Zoning District for William and Patricia Schroeder, Shelley Endres and Wisconsin Specialty Sand Inc, by Wisconsin Industrial Sand Company, due to the fact the proposed use at the proposed location would not 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 - #7, Sanden asked to add a condition #8, Bald Eagle nest survey will be conducted for areas within 660 feet of the site and if any nests are found the DNR will be contacted for guidance and to mitigate impacts/Sanden seconded. All in favor. Passed.**

Public hearing to consider and take action on a request for a conditional use permit for Filling and Grading in the Floodplain District and Shoreland Area for William F. Holst III and Nancy Beeler, owners on property located in the NE ¼ of the NW ¼ and part of the SE ¼ of the NW ¼, all in Section 19, T25N, R18W, Town of Diamond Bluff, Pierce County, WI. Chairperson Fetzer invited Mr. Holst and Mr. Humphrey forward: Roger Humphrey, Humphrey Engineering, explained they are here for a conditional use permit on the Diamond Ridge subdivision. This project was previously approved. The permit expired and they are coming back to re-initiate the project. Sanden asked Mr. Humphrey what their intentions are. Mr. Humphrey stated the project is a subdivision that has been through various stages of approval, DNR permits, with the market slow down and some other requirements, the timing of those requirements stalled it out. Economic conditions, the archeological study, floodplain studies, a lot of variables but the overall intention is to move forward with the original planned subdivision with all of those applications that were previously submitted.

Staff Report – Emily Lund: Before we go on, Roger had said he was going to mention some information about the engineering. Mr. Humphrey explained the engineering has been reviewed by him, it was done by Bohlen Land Surveying and Engineering and the spinoff of the engineering and the surveying side. They have reviewed the information and what came across on the subdivision was, in order to comply with the Shoreland Ordinances and stormwater requirements there are several ponds constructed on the site that were reviewed and analyzed through a floodplain study and various stormwater calculations. All those seem very much in line with what is being proposed. On the applicant's property that he owns, there is a slight rise in the 100 year stormwater event but it happens to exist on his property, part of it is on the subdivision and part of it is off the subdivision. By ordinance requirement, you will be requiring an easement of some nature from the applicant on the part within the subdivision. Before he is able to convey it to another party, that easement should be in place. **Lund:** The applicant and agent are here today to get

a conditional use permit for filling and grading in the floodplain district and the shoreland area. The LMC approved a CUP authorizing this activity on April 19, 2006, but the permit expired before the project started. The applicants are re-applying for the CUP at this time. The applicant's intentions are to create two storm water retention ponds within 300 feet of navigable waters as part of a proposed subdivision called Diamond Ridge Addition. The proposed subdivision is located in Section 19, Town of Diamond Bluff. The plat area is 39 acres, more or less. Shoreland provisions contained in the zoning code regulate filling and grading within 300 feet horizontal distance of navigable water and require the issuance of a conditional use permit. The proposed Diamond Ridge Addition plat is located directly adjacent to Hope Coulee, where a conditional use permit is required for filling and grading within 300 feet of navigable waters. A copy of the proposed plan is provided. A profile of the land is provided in the staff report. Soil pit information is before you. There was a floodplain study done and there was a net increase of .08 feet when there is a 100 year event and it stays wholly on their property. This project was first reviewed by Ayres & Associates in 2006; they recommended storm water control devices to be incorporated into the project area in order to control erosion as per Pierce County Code Subdivision of Land Ch. 237-17(3)(a) & (b). Applicant's agent then designed two retention ponds and drainage easements around the ponds within the development. The North Basin is proposed to be 120 feet long, 20 feet wide, and 6 feet deep. The East Basin is proposed to be 170 feet long, 15 to 35 feet wide, and 6 feet deep. Adjacent areas to the facility will be re-graded to direct surface waters from the stream bank and water exiting the basins will be to the east or downstream. Surface runoff waters will be piped downhill to these proposed ponds. Those steep hillsides will have to be stabilized soon after the drainage pipes are installed per May 2006 plans. The second submittal was then reviewed by the Land Conservation Department and approved by the Land Conservation Committee in July 2012. Pierce County Code Floodplain Zoning §238-17 Hydraulic and hydrologic analyses is in the staff report. There are some requirements of easements when you increase the region flood depth by .01 feet but according to the DNR program guidance that only applies when it increases on adjoin properties. The Town of Diamond Bluff recommended approval of this project at their March 7, 2006 Town Board meeting and stated that the Town views the proposal acceptable for runoff control. This project was again reviewed and approved at the July 14, 2011 Diamond Bluff Town Board meeting.

Staff Recommendation: Staff recommends the Land Management Committee determine whether the proposed location would be contrary to the public interest or would be detrimental or injurious to public health, public safety or the character of the surrounding area and if found to be not contrary to the above, grant this conditional use permit with the following conditions:

1. Filling and grading activities shall not commence until such time as preliminary plat approval has been secured.
2. The project shall be conducted consistent with approved plans and shall be completed within one year of the approval date.
3. The applicant shall inform the Land Conservation Department at project commencement and shall provide opportunity for their inspection and monitoring of construction activities.
4. The applicant shall note any deviations from the proposed plan or other potential pollutant sources present on site and not addressed in the erosion control plan and/or storm water management plan and shall notify the County of the condition and propose changes to the plan to address the issue.
5. The applicant shall ensure that any changes to the construction plans are reviewed and approved by Land Management or Land Conservation Department staff.
6. Best management practices shall be implemented and maintained per the erosion control and storm water management plans until the site is completely stabilized.
7. The applicant shall comply with state and federal agencies, and secure all necessary approvals, permits and licenses (i.e. WI DNR, WI DSFS, ACOE, etc).

Chairperson Fetzer opened the hearing to the public. Dave Dodge owns adjacent property, asked if this is for the drainage ponds and that's all. Mr. Humphrey stated yes, correct. Mr. Dodge stated if it's to continue on with the drainage ponds, he is fine with it. Sanden stated there will be a preliminary plat hearing later on. **Public hearing closed.**

Sanden moved to approve the request for a conditional use permit for Filling and Grading in the Floodplain District and Shoreland Area for William F. Holst III and Nancy Beeler, due to the fact this request 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 - #7/Ross seconded. All in favor. Passed.

Discuss take action on County Surveyor purchase of GPS and equipment.

Staff Report – Andy Pichotta: As a part of the 2013 Land Management Department Budget discussion the LMC authorized the inclusion of \$7500 in the Surveyor Budget to be utilized toward the purchase or lease of more current GPS equipment. At that time it was anticipated that \$7500 would be adequate to secure (possibly lease) appropriate equipment. After conducting additional research, Louie Filkins, County Surveyor, has suggested that ideally a base station would also be purchased in order to maximize staff productivity. Mr. Filkins was asked to research options to address Surveyor equipment needs and to attend tonight's meeting to discuss options with the LMC. An email detailing equipment needs and discussing several options is attached for your information.

Staff Recommendation: Staff recommends the LMC consider the attached information, as well as information presented by the County Surveyor, to determine the scope of equipment to be acquired and also whether it should be purchased outright or leased (or payment plan) and the timing of said purchase. Mr. Filkins stated the GPS is old, purchased in 2000 and is failing. Its old technology, they use it three out of five days most weeks. It's their main tool other than the truck. Without it, they can't survey or they would be set back in time 30 years. The radio frequencies that the current system uses were outlawed by the FCC as of January 1, 2013. When he looked into trying to repair the system, it's so old, they don't support it anymore, you can't upgrade it, even service is becoming difficult. It's getting to be a problem with the unit. The other bullets mention increased technology; the updates you would expect with memory, more cables, more satellites, operates on a network system, currently they have a base and a rover with the two communicating via a radio link. This system can operate in that fashion and it can also operate standalone using a cellphone modem to connect with Madison. It's another plateau of technology where you don't have to set up the base. Originally he thought that would be the ideal way to go but as he investigated, he found out from other surveyors that you have increased accuracy if you have the base set up, especially elevations. There is a spreadsheet on pricing. The Leica quote has been updated, that is the one he is recommending. The representative for Leica lives in Rosemount, MN and is the current equipment rep. They have a Leica system right now and the rep has been very good to work with. If they need anything for parts or a loaner, he comes through Ellsworth often. The purchase price now is \$26,201.20. He could only hold that for 30 days so it went up \$335. It's still far below the other quotes. There is a finance option and when he and Andy originally talked about it the idea of a lease was something they wanted to investigate. They included that information for a three year option because each company offered that, making the comparison the same. The quotes received are in the staff report. It's important to note that this is a system, not just one piece of equipment. It's everything they need to do their surveying including tripods and radio links. There is a cellphone needed with this system but they already have that and are in the process of upgrading their cellphones also. Sanden asked if the Leica is limited on expandability? He knows Trimble probably has more variety of options, is Leica going to give you enough so that five years down the road you can upgrade as needed? Filkins stated he is not familiar with the upgrade ability. He knows that for what they do and need, it will do everything and more. Most of these systems are built for what we use them for which is a high precision survey but are also used for road stake out. They can be used for massive data collection, topographic and property surveys. He thinks they will be using 10 or 20% of its capability. It has a lot more memory. He sees no reason why the system can't last 15 years. Sanden asked with a base station what kind of accuracy are you talking about? Filkins stated it's arguable but half inch to an inch with a base, horizontal and probably one inch vertical. Sanden asked Andy if there are any options for the County to get a better finance plan. Can the County borrow money from the bank and get a better interest rate? Pichotta stated it may make sense to move forward with this as an unbudgeted expense and just buy something outright. He will be bringing the

budget to the committee for 2014 at the next meeting. But it makes sense to purchase this more quickly than that so that we can get a jump on the surveying this summer. One other thing that has changed is ACT 20 which deals with the next two year budget for the state, that included some changes to the Wisconsin Land Information Program makes it so we will have a good bit more money for Land Records activities as it increases our base budget from \$50,000 a year to \$100,000 a year so we will have adequate resources to update our data but the reality is that in order to do that we need Louie to progress through the remaining monumentation that needs to be done. Basically, we have until 2017 in order to get our data to a certain standard under this ACT 20. If we don't they will penalize us. That adds a little more urgency to us getting the equipment we need so Louie can move forward quickly. Sanden stated you direct the budget in this area and it sounds like you are comfortable and this is within our ability to just handle it. Pichotta stated he can't accommodate it within our existing budget; it would have to be forwarded as a request to finance and personnel committee for an unbudgeted expense yet this year. Ross stated we would use contingency funds likely. That is something they have done on various occasions when needed. Sanden stated it would save us \$4,000 in interest. Ross stated in situations where they are buying something for \$400,000 it helps them to spread it out. He is not suggesting that \$20,000 is not a lot of money but it is more advantageous and economical to go ahead and buy it. Chairperson Fetzer stated that Louie had talked about a potential lease option. Pichotta stated it's not really a lease, it more of a payment plan. Chairperson Fetzer stated he just wanted to clarify this, when you are purchasing some of this equipment, it may be smarter to lease for five years and then you get new stuff again just to keep updated on equipment. Pichotta stated really it's more of a rent to buy situation. He is asking if the committee is comfortable with purchasing the Leica system, to authorize staff to pursue a non-budgeted expenditure to purchase the Leica system consistent with the County's purchasing policy. Aubart asked if we need a dollar amount. Pichotta stated you could pick an amount not to exceed. Louie stated the new quote is \$26,201.20. Pichotta suggested to maybe bump it up to \$27,000 given the potential for a price change. Sanden asked how long they think the process will take. Pichotta stated a month or two. Chairperson Fetzer asked when the quote was obtained. Filkins stated last week and they only hold it for 30 days but hopefully we can pull some strings.

Sanden moved to authorize staff to move forward with a non-budgeted expenditure to purchase the Leica system for not more than \$27,000 consistent with the County's purchasing policy/Aubart seconded/All in favor. Passed.

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

Departmental Update and Future Agenda Items

Status report on the Melissa Deyo, Wedding Barn in the Town of Martell.

Conditional use permit renewal for Muskie Proppant in the Town of Union.

Proposed 2014 Budget

Chairperson Fetzer asked if there have been any complaints on the wedding barn, Pichotta stated no, there was a requirement that there be a status report and they haven't yet established the use. We'll be hearing how things are going.

Motion to adjourn at 7:05pm by Ross/Sanden seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, August 21, 2013 – 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: September 4 th & 18 th and October 2 nd & 16 th , all in 2013.	Chair
3	Approve minutes of the August 7, 2013 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for a conditional use permit for Filling and Grading in the Floodplain District and Shoreland Area for William F. Holst III and Nancy Beeler, owners on property located in the NE ¼ of the NW ¼ and part of the SE ¼ of the NW ¼, all in Section 19, T25N, R18W, Town of Diamond Bluff, Pierce County, WI.	Lund
5	Public hearing to consider and take action on a request for a conditional use permit for Filling and Grading in the Shoreland Area within the Industrial Zoning District, pursuant to Pierce County Code Chapter 240-41E, for William & Patricia Schroeder, Shelley Endres and Wisconsin Specialty Sands Inc, owners, by Wisconsin Industrial Sand Company, agent on property located in the W ½ of the SW ¼ and the S ½ of the SW ¼ of Section 1; NE ¼ of the SE ¼ of Section 2; and part of Gov Lot 1 in Section 12, all north of the railroad and all in T24N, R18W, Town of Trenton, Pierce County, WI.	Roy
6	Public hearing to consider and take action on a request for a conditional use permit for Expansion of Mining Accessory Uses in the Industrial Zoning District, pursuant to Pierce County Code Chapter 240-37B, for William & Patricia Schroeder, Shelley Endres and Wisconsin Specialty Sands Inc, owners, by Wisconsin Industrial Sand Company, agent on property located in the W ½ of the SW ¼ and the S ½ of the SW ¼ of Section 1; part of the E ½ of Section 2; and part of Gov Lot 1 in Section 12, all north of the railroad and all in T24N, R18W, Town of Trenton, Pierce County, WI	Roy
7	Discuss take action on County Surveyor purchase of GPS and equipment.	Filkens
8	Discuss take action on Travel/Training Requests	Pichotta
9	Future agenda items.	Pichotta
10	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.

(8/9/13)

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



MINUTES - Pierce County Land Management Committee Meeting, August 7, 2013

Present: Jon Aubart, Joe Fetzer, Jeff Holst, Jim Ross and Eric Sanden

Others: Andy Pichotta, Brad Roy and Shari Hartung

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

Next meeting dates: August 21st, September 4th & 18th, all in 2013.

Approve Minutes: **Ross moved to approve the July 17, 2013 LMC minutes/Aubart seconded. All in favor. Passed.**

Public hearing to consider and take action on a request for a conditional use permit for a Nonmetallic Mining Operation in the Agricultural Residential District pursuant to Pierce County Code 240-37 for Wisconsin Industrial Sand Company, owner and agent for John & Marjorie Kralewski Family Partnership, Jerry & Karen O'Brien and Jill Greenhalgh, owners, on property located in the South one half of the SE ¼ of Section 3 and the NW ¼ of the SE ¼ and the SW ¼ of the NE ¼ of Section 10 and the NW ¼ and part of the South one half of the SE ¼ of Section 11 and the SW ¼ of the SE ¼ and part of the SE ¼ of the NW ¼ of Section 14, all in T24N, R16W, Town of Maiden Rock, Pierce County, WI. Chairperson Fetzer invited David Eckhardt forward: Jeff Holst recused himself from discussion and voting on this matter due to possible conflict of interest. Mr. Eckhardt explained they are operating under their current conditional use permit which was renewed January 2nd. There was a moratorium in the Town of Maiden Rock which prevented them from adding additional properties. So the purpose of this conditional use permit amendment is to add 377 acres of reserves to the property. There will be no change in business or how they operate, this is additional reserves. It's adjoining property. They have been operating within the conditions of their existing conditional use permit. Their application was reviewed by the Town of Maiden Rock. The board unanimously voted in favor of granting them the amended conditional use permit with no additional conditions. They are asking for some clarification on condition #12. It states three vent shafts, they interpret that as three additional vent shafts but would like some clarification. He pointed out there is a new condition by the Land Management Committee that was added, condition #18; that new shafts locations will be reviewed by the Town of Maiden Rock. So that should take care of any concerns on additional vent shafts. With him here tonight are Al Nelson, Plant Manager of Maiden Rock, Mark Krumenacher, Consulting Engineer from GZA Environmental, Jeff Himes, Plant Manager at Hager City and Eric McLeod, their Attorney.

Staff Report – Brad Roy: As was stated, WISC is requesting to add approximately 377 adjoining acres to its current mining operation. This request is not to change the mining process or activities, but rather to allow the existing mine to continue onto new property. The mine operates 24 hours a day, seven days a week and employs 45 people. Most of the activity associated with the operation takes place within the Village of Maiden Rock, which houses the processing plant. In April, 2012 a new loadout facility was constructed which included a conveyor and a rail car loading spout. The new loadout facility is intended to increase efficiency while reducing noise and dust. A fugitive dust plan has been developed for the

loadout facility. WISC has begun using a new wash plant with a water recycling system which has reduced the amount of water used. The mine received its first Conditional Use Permit from the Land Management Committee in 2004; it was last renewed on January 2, 2013. Tunnels are created by blasting; WISC uses a room and pillar method. The entire mining process will take place underground; mining activities will include underground blasting and washing. Surface activity is largely limited to the processing plant in the Village of Maiden Rock. There are two ventilation shafts in the current mining area that extend up to the surface. New shafts will most likely be required in the future to provide clean air to the underground mine. The exact location of any potential new air shafts has not been determined at this time. The land currently has agricultural, residential and undeveloped uses. The proposed expansion will not prevent these uses from continuing. The only above ground disturbance may be a potential air shaft. No new wells are needed for the expansion. There are currently 4 wells on-site. Three of the wells are high capacity. WISC is currently using one of the three high capacity wells for processing activities. The current mining activity takes place at approximately 50-80 ft above the Water-Table. No new exits are planned on the expansion properties. Blasting typically takes place three or four days a week; the blasts usually occur around 5:30 pm. The WDNR (and other agencies) regulate many of the activities of a mining operator. This regulatory authority originates not only in the mining laws, but in different environmental statutes. For example, primary authority for the regulation of storm water runoff, impacts to navigable waterways, and high capacity wells rests with the WDNR and other State agencies, but are not included in the mining laws. WISC has agreed to provide staff with updated copies of the operation's Storm Water Pollution Prevention Plan, Spill Prevention, Control and Countermeasures Plan and the Wisconsin Pollutant Discharge Elimination System Permit to keep on file. WISC submitted a Groundwater Response Plan for the facility. The plan addresses the source and use of groundwater within the facility as well as measures to protect the quality of the water. As part of this plan, WISC has installed two transducers and dataloggers to continuously measure and record groundwater elevations in two residential water supply wells located within the permitted mining area. WISC developed a Damage Response Plan as previously requested by the LMC. Said plan was to be developed jointly with an ad hoc citizens committee. An agreement was unable to be reached regarding draft parameters. The LMC directed WISC to present the proposed Damage Response Plan to the Town of Maiden Rock for review and comment (condition #11). The Town of Maiden Rock, at their April 10, 2013 meeting, reviewed and approved the Damage Response Plan as drafted.

Staff has not received concerns/complaints about this request, but in the past citizens have raised concerns about this operation which include:

- Health effects of silica in the air.
- Depletion of the aquifer.
- Contamination of the aquifer and surface water.
- Blasting effects on wells and structures.
- Potential decrease in property values.

Since the renewal staff has received two complaints about the noise associated with the rail load out facility. The Town of Maiden Rock recommended approval of this request on May 30, 2013 with the existing 17 conditions. The Town did not reference its Comprehensive Plan. The existing conditions are listed in the staff report.

Staff Recommendation: Staff recommends the Land Management Committee determine whether or not 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 request with the following conditions (proposed changes in **bold**)

1. Blasting shall occur up to seven days a week with no time limit constraint unless complaints are received. If complaints are received, previous time restrictions shall be reinstated. (Blasting shall occur no earlier than 5am up to four times per week, including Saturday.)
2. Comprehensive water testing will be conducted annually for residential wells located within the boundaries of the mined area. Testing of the wells on properties on which mineral rights are not

leased and fall within 1000' of mining activity shall be comprehensively tested, including for suspended solids, nitrates and dissolved solids and chlorides, two times each year. Test results and the base line data tests shall be provided to the Department of Land Management.

3. A 100-foot buffer shall be maintained from the active mining to the boundaries of non-leased properties, and where already closer than 100-feet, there shall be no further encroachment. Mining under a leased property shall be a minimum of 100' from any well.
4. Evidence of compliance with applicable state and/or federal regulatory agencies shall be submitted to the Land Management Department.
5. Any intensification of use or change in approved plans will require the issuance of an amended conditional use permit.
6. A map of mining activity and areas of future expansion shall be provided to the Town of Maiden Rock.
7. Applicant agrees that any erosion issues that arise shall be addressed to the satisfaction of the county.
8. A map of the facility and underground tunnels shall be updated annually and submitted to the Land Management Department.
9. This permit shall expire in two years.
10. An annual report demonstrating adherence to approved conditions submitted to the Land Management Department on or before December 31st of each year.
11. **The Damage Claim Response Plan, as approved by the Town of Maiden Rock, shall be adhered to.**
12. The Town of Maiden Rock's recommendations/comments, **from the January 19, 2011 public hearing**, shall be adhered to.
 - a) **Wisconsin Industrial Sand should be required to establish a historical average for each private water well they are mandated to test. This information should be shared with the owner of the well along with an explanation of what data means.**
 - b) **The Commission had concerns about the air from the mines and wanted reassurances that noxious fumes and bad odors would not affect near-by neighbors. Therefore, the Commission recommends that Wisconsin Industrial Sand set up a monitoring system that would test the air from the air shafts before and after blasts are set off in the mine.**
 - c) **The Planning Commission recommended that no new portals can be built for this site in the Town and that Wisconsin Industrial Sand would not be allowed to build more than 3 air shafts for this permit. If the Sand Company wants to build any additions to this permit they must seek another approval from the Town of Maiden Rock.**
13. WISC will 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 from such emissions.
14. A fugitive dust plan shall be developed for the processing facility and submitted to the Zoning Office.
15. The operator shall provide notice to the County of any orders to cease and desist from MSHA.
16. All polyacrylamide flocculants must be used consistent with WI DNR permit requirements.
17. Emissions from the ventilation shafts shall be monitored twice annually and the results shall be submitted to the Town of Maiden Rock and the Land Management Department.
18. **No ventilation shafts or secondary access portals shall be developed until after such time as the proposed location is reviewed by the Town and approved by the LMC.**

Chairperson Fetzer opened the hearing to the public. No public comment. Public hearing closed.

Sanden asked about condition #12c, he realizes these are verbatim from the Town of Maiden Rock's comments, could we add "additional" after 3 air shafts. Roy stated we could do that, with condition #18 that any new location is going to bring it back to the Town anyway. It could get addressed that way. He didn't know if we want to change the wording of the Town's recommendation. Aubart asked if we could take c. out of there. It seems redundant. Sanden stated except it mentions portals. Chairperson Fetzer asked what David's concern with it is. Mr. Eckhardt stated they just want clarification, it's stating three

and we have two currently. They are interpreting it as three additional. Chairperson Fetzer asked if we know how Maiden Rock is interpreting it. He then asked if anyone from Maiden Rock Board is here. Fetzer noted that there wasn't anyone from Maiden Rock Town Board present. Eric McLeod stated it was their understanding based on the comments made at the 2011 Town meeting where they established these conditions, that they were approving up to three additional. Obviously they have two existing, so they aren't going to build the two existing. Condition #18 would be a way in which the Town and the LMC could ensure the location of those additional three were appropriate relative to concerns in the community. They just want insurance that they can add the three; the location of the three will be the subject of further proceedings. Aubart stated the language that Dr. Sanden suggested, three additional, would clarify that. Pichotta stated he believes that such clarification would be appropriate. **Sanden moved to approve the request for a conditional use permit for a Nonmetallic Mining Operation for Wisconsin Industrial Sand, owner and agent for John & Marjorie Kralewski Family Partnership, Jerry & Karen O'Brien and Jill Greenhalgh, due to the fact this request 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 - #18, amending 12c to add "3 additional air shafts"/Aubart seconded. All in favor. Passed with Holst not voting.**

Discuss take action on a status report for a Nonmetallic Mining Operation in the Agriculture Residential and Industrial Districts, pursuant to Pierce County Code Chapter 240-37A for Wisconsin Industrial Sand Company, agent for Diamond Bluff Investments LLC, Holst Farms Inc, William McCusker, MOAP LLC, WTW Properties, Steven Burmood, Helen Holst, William F. Holst III and William Holst IV, owners on property located in Sections 1, 2, 3, 4, 10, 11 and 12, all in T25N, R19W, Town of Diamond Bluff, Pierce County, WI. Jeff Holst again recused himself from discussion and voting on this matter due to possible conflict of interest. Chairperson Fetzer invited Jeff Himes forward: Mr. Himes, Plant Manager for the Hager City/Bay City operations filling in for Mr. Budinger this evening to present this. WISC continues to move forward with the Diamond Bluff project. They have acquired a number of permits and completed surveys and others are in process. It is their intention to continue activity on this project.

Staff Report – Brad Roy: Last year, WISC is obtained a Conditional Use Permit for a new underground mining operation in the Town of Diamond Bluff. The mining permit encompasses 59 parcels totaling 1,867 acres. Allowable activities on the site include blasting and screening underground as well as stockpiling and loading on the surface. The mining process will be consistent to those at Maiden Rock and Bay City. The material from the proposed mine would be processed at a processing facility in the Town of Trenton which was permitted in 2012. Mining has not begun at this time, but the applicant has taken multiple measures to commence action and establish the use. The permitted mine was intended to be part of a larger project that would also extend into the Town of Oak Grove. That Town may have a moratorium on Nonmetallic Mining in place and has not provided a town recommendation at this time. Pierce County requires a town recommendation as part of the CUP application. Condition 24 required a status report in one year to provide an update on the status of the project. Access to the mine entrance site is off of 1005th St. The road will need significant upgrades if the proposed facility is approved. The applicant submitted a conceptual request to the WisDOT regarding the Hwy. 35/1005th St. intersection. WisDOT recommends that the intersection be upgraded to the B1 class. This will widen the intersection to allow trucks to enter and exit simultaneously and create a 200' right turn lane on northbound Hwy. 35. The Wind River runs through the mine entrance site and the eastern edge of the site is in the Floodplain. The proposal is for the existing 1005th St. to be moved into the Floodplain. Two stormwater ponds are also proposed within the Floodplain and the Shoreland area. These activities require additional information and permitting.

Activities to date are:

- Mine ID, obtained
- Reclamation and Fugitive Dust Plan, completed
- Initial Wetland Survey, completed

- Wetland-Shoreland survey, in progress
- Archeology survey, evaluated need
- Threatened and Endangered Species review, in progress
- Highway 35 and 1005th St. Improvements design, in progress

The existing conditions are listed #1 - #24 in the staff report.

Staff Recommendation: Staff recommends the Land Management Committee consider whether any other additions or modifications to the established conditions are necessary to help mitigate potential impacts on public health, safety, the public interest and character of the area. It may be that no committee action is necessary.

Chairperson Fetzer asked if the committee needs to do anything at this time. Pichotta stated that the LMC could make a motion to accept their report, if it so desired. Roy stated they will be back next year, as the permit will expire.

Ross moved to accept Wisconsin Industrial Sand Company's status report as presented/Sanden seconded. All in favor. Passed with Holst not voting.

Public hearing to consider and take action on a request for a conditional use permit for a Winery and Nature-Based Operation, pursuant to Pierce County Codes 240-35B(6) and 240-39C, in the General Rural Flexible 8 District by Shannon and Angel Zimmerman, owners on property located in part of the SW ¼ of the NW ¼ in Section 3, T27N, R19W, Town of Clifton, Pierce County, WI.

Chairperson Fetzer invited Mr. and Mrs. Zimmerman forward: Mr. Zimmerman stated he and his family are here to request a conditional use permit for Bellevinez Vineyard and Winery. They have reviewed the staff report and feel it is a complete and appropriate description of what they are asking for. Mr. Zimmerman stated he believes the face of agriculture is changing and both Wisconsin and Minnesota have seen increases in new winery creations since 2007. This is influenced by the development of wine grape varieties which can endure harsh winters and the quality of the fruit has improved. This has led his family to pursue a business in this industry. They are asking for a conditional use permit under the land use classifications of Winery and Nature-based Operations. The vineyard has nearly two thousand vines presently planted, with 500 of those vines now in year two of development. Additional vines will be staggered and added as they progress. Soil testing was conducted prior to the first plant in 2012 to ensure that these grapes would thrive in this area. Initial wine production will begin this fall. The business plan has two elements. The initial phase is to offer consumers a complete "wine experience", not only purchasing wine locally but enjoying it onsite at the winery, in the vineyard. The second phase is tied to the brand and identity from the first phase. As production increases, the volume of wine produced increases and can be sold in a variety of regional distribution channels. They are also requesting the ability to offer guests food. Market research suggests that guests prefer to have some food while drinking wine. Food is ancillary and complementary to the wine. They intend to construct a facility that is designed to mimic a Tuscan style farmhouse. The building size is comparable to the square footage of homes in the area. The placement of the building is to be centered and north on their property so as to maximize the distance from any neighboring property. The house to the south is over 500 feet from the structure and the house to the east is over 1,000 feet. Trees to the north and over 2,000 vines to the south and east will shield the facility. Their home is directly to the west. The facility is architecturally designed in a way to minimize sound, the shape, materials and use of berms and other landscaping techniques will serve to address sound and sight concerns. They will provide ample parking on the property. They will use a reservation system. Parking on 875th is to be strictly prohibited and will be controlled. This is a private road which they own. An easement for ingress and egress traffic does exist. They are asking to operate from May 15 – Dec 31. They ask for operating days to be any part of the seven-day week and operating hours to span from 11am to 10pm. They would request the full wine experience which would include brick oven pizza, appetizers and wine set in the socialization area of the facility be limited to Thursday-Sunday. They will also promote wine related products, very small wine crafts and Bellevinez gifts. There will be wine for sampling and purchase onsite, as well as the ability to join the Bellevinez wine club where wine can be shipped directly. Mr. Zimmerman cited pages and information from the

Comprehensive Plan that he feels pertain to this issue. He stated they have already taken steps to ensure traffic is addressed, noise levels managed and an array of measures to help visually conceal their business. He indicated they will continue to take steps to be a good neighbor to those directly around them. Regarding traffic, they will promote a route from County Road M onto 1090th St and then onto 875th Ave. They will be using a reservation system to aid in reducing excessive traffic. Steps have already been taken concerning the noise/sound issue. The facility will be located center and north on the 20-acre parcel. An existing tree line serves to shield visually and audibly the facility and the building design will have nearly all brick/block on exterior walls to aid as a barrier. If additional barriers are needed, more trees will be brought in on both sides of the road. The property to the south can be addressed in a similar way, they have offered to place trees and put a completely non-see through fence on the property line. The property to the east will be further from the structure. In 2013, 34 rows of grapes are growing between these structures. They are also contemplating the addition of trees and berms on this border, if necessary. They have agreed to stipulations such as no live music or amplified sound from the facility with the Department of Land Management. Safety is another concern. The road today sees both business and farm related heavy equipment and is designed to accommodate that type of traffic. This endeavor would be no different than if more housing is added over the coming years. This winery will operate using the same standards for alcohol service as any other establishment. If it is apparent that someone has consumed too much, they will refuse service and help facilitate transportation. He stated the food is merely a complement to the wine. It is not to disguise a commercial restaurant. They view food as an important element of safety; it can slow or minimize the effects of alcohol. Their modified request is for brick oven pizza and appetizers only. They are established in the River Falls area and wish to be good neighbors. Sanden asked about the Social Space, Rec/Storage, Kitchen, those are all indoor activities? Mr. Zimmerman stated yes, that is correct. The south side is open, everything else is enclosed. Sanden asked what they anticipate the activity in the gazebos will be. Mr. Zimmerman stated those are optional and could be used for socialization and are optional. Sanden asked if they would be having music inside these areas. Mr. Zimmerman no, the only area that there would be any form of music would be inside the physical structures and it would be the equivalent of a sound system playing some form of faint background music. Holst stated with no amplification. Mr. Zimmerman stated just the speakers on the inside walls. They have agreed that there will be no outside amplification or live music at all. Sanden asked if the trees along the northern border are conifer trees. Mr. Zimmerman stated there is an array of different trees. Sanden asked if he could estimate percentage wise how many of them are conifers versus broadleaf, is it half and half? Mr. Zimmerman stated maybe, he could only speculate about the ratio.

Staff Report – Brad Roy: The applicant is proposing to establish “Bellevinez”, a vineyard with a winery which would include a tasting room and limited food service. The operation is intended to build interest and demand for “Bellevinez” brand wine, which is to be produced onsite. Off-sale wine along with various craft and wine related products are also proposed to be sold. Food service would be conducted in an open sided pavilion. The applicant stated the number of vines and that the first harvest will be this year. The applicants reside on the 20 acre site where the winery/nature based operation is proposed to be constructed. Production of wine is to take place onsite in a 54’ x 80’ shed which was permitted in 2012. The applicant originally proposed a winery with an associated restaurant with food options similar to “Vino in the Valley”. There has been significant resistance to this type of activity by neighbors. The applicant has since modified his request for a full restaurant, but still wants to be able to provide a smaller food menu consisting of brick-oven pizzas and appetizers. The property is zoned General Rural Flexible 8. Pierce County Code 240-15 Purpose and Intent of Zoning Districts states:

General Rural (GR). This district is established to maintain and enhance agricultural operations in the county. The district also provides for low-density residential development which is consistent with a generally rural environment and allows for nonresidential uses which require relatively large land areas and /or are compatible with surrounding rural land.

General Rural Flexible (GRF/8). Allows for greater residential density but has the same purpose and intent.

“Winery” is defined as: An establishment located on land with a producing vineyard or similar growing area for the production of wine, as defined by the State of Wisconsin, that includes a room for the tasting of wine, nonalcoholic fruit juices or incidental food items or the retail sales of winery products, products by the bottle for off-premise consumption or other retail items identified in the conditional use permit. A winery is conditionally permitted in all agricultural districts.

“Nature-based Operation” is defined as: A site-specific operation reliant on the property’s natural environment and characteristics and may include multiple related uses managed as one operation. A nature based operation is conditionally permitted in all agricultural districts.

A Winery is listed in the Pierce County Code as an Agricultural Business Operation along with other uses such as Orchard and Nursery.

“Agricultural Business Operation” is defined as: A site-specific business reliant on the property’s active agriculture which may include multiple related uses managed as one operation.

The use categories of “Agricultural Business Operation”, “Nature Based Operation”, and “Resorts” were created in response to a need that was identified in Pierce County’s Comprehensive Plan.

The new classifications were intended to allow for the establishment of a variety of agriculture compatible and site specific commercial uses that would be conditionally permitted and would thus be subject to guidance and use parameters established in a town’s adopted comprehensive plan. The minutes associated with LMC’s approval of the “Nature Based Operation” classification reveal that the classification was intended to serve as a “catch-all” for proposals, but would require the LMC to make a determination of whether the proposed use is reliant on the natural environment and characteristics as well as impose conditions to limit the scale and intensity of the use to an appropriate level. It was also noted in the minutes that an operation like “Vino in the Valley” would need to be brought forward as a combination “winery” and “nature based operation”. Pierce County Code §240-76 states that any expansion or intensification of a conditional use will require an additional conditional use permit. Staff would consider an increase in seating capacity or parking spaces to be an intensification of the use. The area is characterized by mixed uses including large-scale agriculture, residential and some commercial (north side of County Rd M in St. Croix County) uses. Numerous horse boarding facilities, both private and commercial are also located in the general vicinity. The applicants are proposing to construct a 2,000 square foot enclosed structure to be used as the winery. It would house the tasting room and office and would contain limited seating. The other main feature is the “social area”. The social area is to be a 2,800 square foot pavilion opening to the south. Another structure will house the restrooms and mechanical equipment. A large open air plaza area would connect the structures. Three gazebos are also proposed on the site. The original plans called for a kitchen. However, the applicant has indicated that since the full restaurant proposal has been modified, changes to the layout will be necessary. Therefore structure designs are not final at this time. The applicant has indicated that sizes and layout may be modified, however sizes will not exceed what has been proposed. Land Use Permits would not be required for structures approved as part of any conditional use permit, however all structures would require approval by the Wisconsin Department of Safety and Professional Services (DSPS). The tasting room is proposed to be open from mid-May to December 31st, seven days a week. The hours of operation are proposed to be from 11am to 10pm. This change was a result of the meetings with the Town of Clifton. Customers of the tasting room would be welcome to use the plaza and social area, but it is anticipated that the area will be closed in mid-October due to weather. Off-sale wine and other various crafts would be sold in the winery gift shop. Only appetizers would be served in the tasting room. The applicant is proposing to serve the brick-oven pizzas from mid-May to December 31 when weather allows, but expects to need to cease sales in mid-October due to weather. The pizza service is proposed to be open Thursday through Sunday with hours of operation being 11am to 10pm with lights out by 11pm. The social area pavilion is proposed to contain a 120 person seating capacity for food service. Seating would primarily be in the pavilion; however some seating might 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. The applicant has indicated that consideration of noise was taken into account when developing the site layout. Mr. Zimmerman also went over the reservation requirement; this

being a means to eliminate the potential for large crowds waiting on site for available seating. The applicants anticipate hosting weddings or small private events. They propose to limit activities to the wedding and a small reception, and not include a typical dance or other late evening activities. There events would be done within business' regular hours of operation. Tours of the vineyard will run only when scheduled. Customers would not be allowed to walk the site unattended. Pierce County Code §240-54 requires parking for a restaurant or tavern to be: 1 space per 100 square feet of primary floor area or 1 space per 3 seats, whichever is greater. Using per seat, 40 parking spaces will be required for the pavilion. The winery will require another 20 parking spaces based on the square footage. Pierce County Code does not have parking space requirement classification for the plaza area. §240-54 has a requirement of 1 space per 500 square feet of display area for "Outside Retail Sales" uses. Staff has estimated the plaza area at 5500 square feet. This would require an additional 11 parking spaces. The parking lot will be constructed from crushed asphalt or paved. The applicant is proposing to provide 90 parking spaces. Applicant explained the parking space limits. This is done to limit traffic and noise. They also discussed the music. The number of employees would vary with the seasons and need. Pierce County Code does not restrict the number of employees for Wineries or Nature-based Operations. Applicants would apply to the Town of Clifton for all necessary liquor licenses. They would request the ability to sell beer, wine and potentially mixed drinks in the pavilion. The tasting room would sell wine exclusively. Any place that serves food to the public must be licensed as a restaurant under Wisconsin Department of Health and Family Services chapter 196. The Department Lighting Policy states: 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. Applicant discussed trees that have been planted. The residence located onsite has a septic system for the residential use. Arrangements would need to be made for the sanitary waste generated by the proposed winery and food service. Staff has discussed winery waste and wastewater with the DNR and the Department of Safety and Professional Services (DSPS). Winery operators have many options to dispose of waste and wastewater. Permits from those agencies may be required depending on the volumes and method of disposal of the wastewater and byproducts (skins and stems). Review by the DNR or DSPS is needed depending upon the manner of disposal proposed. Staff has received numerous concerns from area residents regarding this proposal. Concerns include:

Inadequate Regulations and Inappropriate Use Classifications, which has been discussed earlier in the report.

Whether a restaurant could be located outside of the commercial zoning district.

Whether approval would be result in spot zoning, we have provided Wisconsin Supreme Court definition of spot zoning. Staff is confident that an approval of this request would not result in spot zoning.

Proposal will be detrimental to the character of the area, noise, traffic, road safety and compatibility with other uses. The site is approximately one half mile from County Road M. There are approximately 12 residences near the travel route.

1090th Street is identified as a potential bike route in Pierce County and is also used for walking and horse riding. Traffic counts for the roads are not available. The make-up of the area (large-scale agriculture, horse boarding and residential) requires multiple uses to coexist on 1090th St.

Wastewater, any plan will need to be approved by the DNR and DSPS.

Another concern is parking and we've gone over the Pierce County Code.

Effects on Property Values, Staff was unable to find any conclusive data that states whether a winery will have any impact on the surrounding property values, negative or positive.

Hours of Operation

Water Usage, Wells are regulated by the Department of Natural Resources (DNR).

Serving of Alcohol

Light Pollution, The Land Management Department has a lighting policy which was discussed above. The applicant has stated that the only lighting will be on the facility and not over the vineyard. All lighting would need to comply with the policy.

Impacts on the Kinnickinnic River, The proposed site is located approximately 1.4 miles from the river. Staff believes that implementation of a State approved Waste Stream Management Plan would be adequate to protect the river.

Use of Audio Bird Repellants, The applicant has not expressed any desire to use an audio bird repellent. Chemicals used on Grapes

Distance to Sheriff's Department and response time for emergency calls and the costs for emergency response if provided by the City of River Falls.

Possible future expansions

Environmental Issues

Impact of Weddings and other Celebrations

The Town of Clifton recommended approval of a "winery" on July 2, 2013. The Town Recommendation states: "Upon recommendation from Clifton's Planning Commission, the Clifton Town Board recommends to Pierce County Land Management a Conditional Use Permit for a Winery for Shannon Zimmerman be approved with no restaurant or any food served that requires a license. The "tasting room" in a Winery, is an operation that is permitted by zoning and supported by Clifton's Comprehensive Plan." The Town's recommendation also included the following comment, "There has been strong opposition to the winery from the surrounding neighbors who have attended Town meetings for the last 4 months. The Town Board feels this action is supported by Clifton's Comprehensive Plan and can be reviewed in two years for evaluation. A town recommendation is required as part of the application for a rezone or a conditional use permit. This recommendation is necessary whether a town has adopted a comprehensive plan or has not. Pierce County will seek to further each Town's planning goals when considering the establishment of conditionally permitted uses and when considering approval of a request for a rezone or map amendment. Pierce County will consider adherence to the goals, objectives and policies of an adopted or amended town comprehensive plan to be consistent with the "public interest" for decisions relating to that Town. In cases where an adopted plan gives guidance regarding the establishment of a proposed conditional use, the specific portion of the plan relating to the request should be referenced. If a town plan is silent regarding the establishment of a proposed use, or a town has not adopted a comprehensive plan, the recommendation will be advisory in nature. (Above language is contained in Pierce County's Comprehensive Plan and also on the LMC approved Town Recommendation Form). The Town of Clifton's recommendation does not specifically cite any portion of their Comprehensive Plan and it is referenced only generally in that it states that the "tasting room" is supported by the plan. No mention of the Town Comprehensive Plan is made in regards to the food service portion of the request; therefore their recommendation is to be considered advisory in nature.

Staff Recommendation: Staff recommends the Land Management Committee first determine if the proposed "nature based operation" portion of the request (restaurant/food service) is, in fact, dependent upon being located in the proposed location. If the request is determined to NOT be locationally dependent the LMC should only consider the approval of activities consistent with the definition of a "Winery".

Staff further recommends that, subject to the above determination, the LMC determine whether the proposed use(s) in 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 Nature-based Operation and/or a Winery with the following conditions:

1. Activities shall be conducted consistent with the application unless modified by another condition of 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 applicant shall obtain necessary licenses from the Town of Clifton.

6. Applicant shall obtain all other necessary permits from state and municipal agencies.
7. The parking lot shall have at least 71 parking spaces. There shall be no on-street parking. (LMC may want to consider establishing a limit on the maximum number of spaces that can be provided.)
8. Seating capacity for full food service shall not exceed 120.
9. Applicant shall install signs detailing the need for reservations and no parking on the street.
10. Finalized plans of the structures shall be presented to the LMC for review and approval.
11. Winery may be open from mid-May to December 31st. Hours of operation shall be 11am to 10pm.
12. Pizza service may be provided from mid-May to December 31st, Thursday through Sunday. Hours of operation shall be 11am to 10pm with lights out at 11pm.
13. No beer or liquor shall be served in the tasting room.
14. Lighting shall comply with the Land Management Department policy.
15. Sound system shall only be within the structures.
16. No audio bird repellent shall be used onsite.
17. Weddings and special events may not exceed established business hours and must be conducted consistent with the other conditions of this permit.
18. This Conditional Use Permit shall expire in 2 years and a status report shall be presented to the LMC in one year.
19. Applicant understands that any intensification or expansion of the use will require the issuance of a new Conditional Use Permit.

Chairperson Fetzer opened the hearing to public comment. He stated he would appreciate if everyone would use the podium, state your name and township and also keep your comments to three to four minutes please. Gary Borgstadt and his wife, Marcia, the eastern neighbor, presented photos of the neighborhood and also photos of the LMC members homes. They feel the commercial operations planned by the Zimmerman's far exceed any existing business uses in their neighborhood and the surrounding town. They feel the CUP application, including a winery with restaurant food, does not reasonably meet the definition of a Nature-based Operation. It is their concern that it is unlikely the Zimmerman's can have effective mitigation of the noise and are concerned about vehicle and pedestrian traffic, waste disposal, and erosion from paved and plaza areas. The proposed plans are a significant variation from the current pleasant harmony of the existing neighborhood, both visually and audibly. What they propose is not in character with the area: a parking lot, large buildings, gazebos and the noise. They believe the hours of operation proposed are unreasonable for a vineyard and wine tasting room, 11am to 10pm, is extremely long hours of operation in a quiet residential neighborhood. The property concerns they have are the parking lot area will be about 200 feet along the wetland area right next to their home. Their property value and ability to ever sell will suffer due to noise, traffic, commercial appearance brought on by the small parcel. Currently the trees planted on their property line as a barrier are no higher than the alfalfa so it creates a distrust that there will be a way to mitigate it. They have come to the Clifton Town to oppose the application, a petition with 98 signatures was presented on May 7th and property owners have sought legal counsel for considering any legal action and advice. The Town of Clifton has recommended no restaurant and if the County discards their input, it would be directly ignoring the property owners who have spoken clearly against this CUP. John Holck, with his wife Connie, live on the corner of Cty Rd M and 1090th St since July 1981. They first became aware of this project last fall in the River Falls Journal, which reported that the Town of Clifton had approved a vineyard/winery for Shannon Zimmerman and in that same article Mr. Zimmerman stated that he intended to build a project similar to "Vino in the Valley". It stated he had discussed this with his neighbors who had no objections. The article also quoted Chairperson LeRoy Peterson as saying it would require a change in zoning to commercial before that could happen. They believe Mr. Peterson is correct. From talking to people in Oak Grove, they know that a vineyard and winery and tasting room in an established rural residential neighborhood is not compatible. There are certainly locations in Pierce County where the facilities can be established without impacting the homeowners. It is not speculative that the increase in traffic from a commercial facility such as envisioned by this will greatly diminish the enjoyment of their property. Their driveway fronts on

Cty Rd M but their property is exposed to 1090th St. The increase of traffic and noise will greatly impact them. There are no stacking lanes on Cty Rd M. Anyone can plant and attempt to grow grapes in an agriculture area and a winery is a conditional use, therefore there is no reason to throw in the Nature-based classification. He questions whether a vineyard/winery is natural. Well maintained vineyards are the antithesis of nature. They require intensive management, incorporating hundreds of treated fence posts, trellis systems, manual or chemical pest and fungus control, bird and animal control systems, irrigation, fertilization and a lot of heart and labor. It is very intensive agriculture not nature. The production of wine requires specialized equipment and produces very high biological strength solid waste and waste water that requires special handling. It is an industrial food production activity. They request that the committee reject the proposal in total or deal only with the vineyard/winery aspect and set conditions similar to what were recently set for Oak Grove. Carmel White, lives on that street, stated that Mr. Zimmerman has obviously scaled back his intentions to make sure that he pleases the neighborhood. She stated that what the neighbors have not mentioned is the heavy traffic that does travel down the road because they have a large horse area in the neighborhood and they constantly have heavy traffic, heavy equipment and also the neighbors constantly have parties and they do park out on the street. She has a hard time getting home due to cars on the road because she has to go around a curve. She would find it a joy to look out at a vineyard every day. She thinks it's very natural. Joe Bechtel, lives in River Falls Township, does not live in the neighborhood, but he is here to speak to the integrity of Mr. Zimmerman. He has known him his whole life. There is a lot of fear around what it could be versus what the intentions of the Zimmerman's are. He looks to the committee to set those parameters to help take some of that fear out. He thinks that this type of offering would be very welcome, not only by people in the River Falls area, but across the valley in St. Croix and the state border. Janna Kusilek, she and pat have lived on the southern property line for years. They did know that they were going to plant and have the vineyard. They did mention a small gazebo with some wine tasting. They also find out, after reading in the Journal, about the plan to have a restaurant and a commercial business. They do not want the commercial business, but they also own a business and drive on that road. She had questions for Mr. Zimmerman; she didn't realize the one building would be open to them and then indicated that their property is actually 40 feet from their diving board to the first grape vines, which will have tours. Joe Rohl, resident and member of Clifton Town Board, asked when the definition of a Nature-based operation was added in our zoning code. Pichotta stated that discussions began in 2010 and language was formally adopted in 2011-2012. Mr. Rohl asked when our County Comprehensive Plan was last ratified and when most town plans were adopted. Pichotta stated there was legislation passed years ago that required all land use decisions made by a municipality effective January 1, 2010 be consistent with a comprehensive plan. Most town plans were developed within six months either side of that date. Mr. Rohl stated that he has been hearing from a lot of people concerned about this issue. He hasn't heard any negative comments about the Zimmerman's, they have been spoken about with a high regard. He doesn't feel the staff report fully reflects the discussion that the Clifton Town Board and Planning Commission had regarding the Nature-based Operation portion of this proposal. They did discuss it at both meetings before it came back to this body with their recommendation. It was their opinion that it isn't a Nature-based Operation. It isn't unique to any other part of Clifton or Pierce County for that matter. They weren't thinking of it at the time when they made the recommendation and thus they didn't speak to the Nature-based portion. When they decided to make a recommendation, it was based on the fact that their comprehensive land use map showed that it is GRF8 zone and a winery is definitely a conditional use in that zone. Ultimately what they are trying to do is have compatible land uses existing as the best they can. They have a comprehensive land use plan that is to be their tool to help guide their decisions. None of them had a full understanding of Nature-based Operation classification that has been added to the ordinance since the last revision of their comp plan. Their conclusion was, it was going to take a rezone. If you were to rezone this property, he believes you wouldn't, because it would result in a spot zone. The other thing that he heard was, if the viability of this is tied more to the restaurant than to the property, that would be a test as to whether it truly is nature-based or not. They want to see the Zimmerman family exercise their rights under the current comp plan and zoning code and that is why they sent the recommendation for a winery with a

tasting room. Debbie Branigan, has lived on 840th Ave for the past 30 years. They have seen lots of changes and lots of added traffic to their road. It is a very scenic road with a lot of curves. With that concern, she called the Pierce County Sheriff's Department and spoke with Jason Matthys and was asking some concerns on the added traffic volume. It's not just the traffic you have to consider but the consumption of alcohol with children on the road, bicycles on the road. They have antique cars they like to drive and she would be very nervous to be out on the roads when we have this added volume of traffic. Roald Evensen, lives 1600 feet from the site in question and addressed the question of sound. Mr. Zimmerman is proposing an open amphitheater type building constructed of brick and block which will do nothing but amplify whatever inside speakers he is asking to have. They don't know the definition of light music in the staff report but they have heard a lot of not light music over the years from this property. Trees and seven foot vines as a barrier are inadequate. He is proposing a destination business that will draw hundreds and hundreds of people every weekend right through their residential community and it is an incompatible land use. Joe Gednalske, lives in Clifton Township about a third of a mile from the location. As he looks at the code for a winery, he thinks the understanding of the state of Wisconsin, a winery is someone that has a vineyard, someone that produces wine and may allow tasting on location of wine. He recently has been to wineries and doesn't see any 90 space parking lots even in California at some of the very big wineries around the world. Most of the large wineries that have a tasting room don't have food, the common practice is to not have food, they may have a breadstick but the food, the alcohol, totally puts it out of the scope of a winery by the definition of the State of Wisconsin. Catherine Munkittrick, attorney in River Falls in practice for 26 years, practices primarily municipal law and represents municipalities so she is very familiar with land use regulation and the issues that are involved in this application. She represents some of the residents in the area. The neighbors are opposed to the proposed use and what they, neighbors in surrounding area and the Town is asking this committee to do is to analyze the proposal under its own and the town comprehensive plan and under the zoning ordinance. She stated this is not a use permitted as a right, only permitted as issuance of a conditional use permit which this committee can grant or deny in its discretion. This committee, in order to approve a conditional use permit, has to find that the proposed use at the proposed location will not be contrary to the public interest and will not be detrimental or injurious to the public health, public safety or the character of the surrounding area. The surrounding area is used as quiet, rural, residential area. This is not a proposal far from development but one proposed right in the middle of an existing neighborhood with significant property values. The applicant is asking to put in a high intensive, high traffic, high people use. It's a 90 car parking lot at a minimum of probably two people in each car on the property from 11am to 11pm in a quiet residential neighborhood. That is incompatible. This committee has had a history and experience with these types of operations in a residential neighborhood. As it becomes successful, it generates more traffic and more noise. The applicants are not modifying their proposal in any way that will minimize noise or traffic through the neighborhood. The only modification relating to the restaurant is that they will serve pizza and appetizers. There will still need to be a kitchen. The significant change from the application to what is now presented is a parking lot that is gone from 62 cars to 90 cars. The hours, 11am to 11pm are not compatible with a residential neighborhood. The committee's job in considering this application is to determine if it is a Nature-based Operation. The proposed hours of the winery are not clear, the application says that the winery is to be open year round, the staff report says it's to be open mid-May to December 31st. Neither the application nor the staff report state the seating capacity of the wine tasting room. They are still proposing a 120 seat, fully licensed restaurant. It may have a larger seating capacity because the applicant tonight referred to possibly setting up tables on the plaza area, which is outside the proposed restaurant area. The proposed restaurant area is the Socialization Area. That is going to be open-air on one side leading out to this plaza area. If you have people sitting in the restaurant area and the plaza area, which is larger than the restaurant, you could more than double the seating capacity of the proposed operation. It has been said that customers of the wine tasting room will be allowed to congregate or sit and can be served food on the plaza area if there are tables. The square footage of the proposed structures is quite large for a residential neighborhood. The capacity to accommodate significant numbers of people; 200 plus people 11am to 11pm is a concern and

inappropriate. That doesn't begin to contemplate the weddings and special events. The applicant hasn't provided you that information and under your zoning code, it's the burden of the applicant to show that he meets the criteria of the conditional use provisions. Noise is an important issue. Ms Munkittrick cited information regarding vegetative buffers, stating that they visually screen but do not stop noise. Even berms aren't that effective unless they are very high and very wide. The applicant has not proposed any reasonable or effective measure to abate noise. The application talks about reservations being required, they don't say what they are going to do if a person doesn't have a reservation. We know there is a large amount of seating capacity proposed in this application, her guess is that if someone doesn't have a reservation and there is room on the plaza or restaurant or even on the reception area; that they will be able to congregate and wait until a seat is available. There is nothing in the natural environment or natural characteristics of the property that require this restaurant to be placed on this location. The wine tasting experience can be done in another location. She feels they have spot zoning, a commercial operation and to allow it as a Nature-based operation would in effect be allowing a high impact, commercial use in a residential neighborhood. The application acknowledges that the business cannot be viable without the restaurant. The staff report indicates staff was not able to find information on the effect of a winery on residential property values. What is proposed is not just a winery; it's a winery/restaurant/special event/gift shop. She did find information recognizing that residential uses are noise sensitive uses recognizing that studies have shown exposure to traffic noise can lower residential property values and have negative health effects. This proposal is not consistent with the Pierce County Comprehensive Plan; pages were cited. A huge goal of the Town Comprehensive Plan is promoting high quality, rural residential neighborhoods. That was part of the Town Board's opposition to the commercial aspect of it. Greg Eggers, Planning Commission member, Town of Clifton, their recommendation to the County was to approve the conditional use permit for a winery/tasting room and not the Nature-based Operation. They also added a clarification or opinion on what they considered incidental food which was anything that did not require a food service license. He has also been to wineries all around the country and at none of those wineries has he seen beer and mixed drinks. This has been discussed at both the planning commission and town board but no motions were made and he doesn't believe that is consistent with a Nature-based Operation. Rich Schoenthaler, neighbor to the southwest, kitty corner, he has two concerns when he looks at this. The road or traffic, he has had engineers take a visual inspection of the road, not an official study, the road would not be a mid or high capacity road. The curve is not WI DOT certified which would require a complete engineering job to reduce and eliminate that. That hill starts just below where 840th is and goes up and around. Chairperson Fetzer asked him what road we are talking about. Mr. Schoenthaler stated 1090th. Any type of modification would have to bring it up to WI DOT certification to what he is told. He had his traffic designers estimate the increase in road traffic for a 1,000 square foot type facility. He doesn't know if it's a Town or County issue but the road may have to be brought up eventually to certification standards. The Township, at one time, when they widened the road had looked at this but had decided to not go through the whole engineering because it would require massive elimination of the hill and curve. His other concern is water usage, currently wells in the area, three, just south of there, have had to drop their wells because the water table has dropped. They have natural occurring arsenic. When that is exposed to air, that becomes a form that can be put into the water. They are monitoring this in St. Croix County. As the wells drop, that is exposed to air; it becomes arsenic and can be put into the water supply. He consulted other offices that deal with wineries, about the use of water for wineries. He stated they use a lot of water and in cases of drought they can use extensive amounts if they water the vines. So he hopes the DNR or whoever will be conducting the studies will reflect high capacity wells and the usage in the area. The residences in the valley may have to drill down to the next aquifer which is a traumatic expense. Greg Johnson with wife Kristin, live on the northern border of the Zimmerman's parcel, just moved in May 17th. He wants to make sure there is better communication in the future. Chairperson Fetzer stated whatever comes of this tonight, good or bad, any conditional use permit will come back in within a year typically or we can set up any timeframe that is necessary. Pichotta stated if we approve a conditional use permit for a use that is controversial or contentious, generally the committee brings the applicant back in on fairly short timeframes to find out what's going on and also find out how it's going in the community.

The beauty of a conditional use permit is if there are unexpected or unanticipated impacts to the neighborhood, we can literally get in front of the Land Management Committee in 24 hours and conditions can be changed. If an applicant does not adhere to imposed conditions, the committee can ultimately pull the permit. A conditional use permit is a mechanism through which, if the committee doesn't get it perfect right away, they can get it right, over the course of time and in the right set of circumstances that wouldn't take too long. Joe's point is that we do have the ability to react to things as they come up. Catherine Munkittrick, asked if the committee members received her letter that did have proposed conditions if the committee was going that way. Joe Rohl stated the committee has the opportunity to use the comprehensive land use plan in a conditional use process to allow Mr. Zimmerman to utilize his property in ways that he would like to and yet protect the other economic interests in the area. LeRoy Peterson, Chairperson, Town of Clifton, everyone keeps mentioning this restaurant that they have agreed they are not going to have and a lot of the traffic is based on this restaurant that is not going to happen. Don Dusek, stated that the applicant had only agreed he would serve only pizza and appetizers and that's still a restaurant. **Public hearing closed.** Holst asked Mr. Zimmerman if he has plans for a high capacity well. Mr. Zimmerman stated no. Holst noted that arsenic is a naturally occurring phenomenon in the State of Wisconsin. It sounds scary but we've all got it. William Thiel, attorney for the applicant, the definition of a conditional use permit directly from the State Supreme Court is for a particular use of land that a community recognizes as desirable or necessary but which the community will sanction only in a controlled manner. A conditional use permit allows a property owner to put his property to a use which the ordinance expressly permits when certain conditions or standards have been met. The Zimmerman property is zoned GRF8 as are his neighbor's properties. We have heard numerous comments about this being a residential neighborhood, a residential district. It is not. It is agricultural. The residential component in this neighborhood is subordinate to the agricultural use which is predominant. If you look at your code, the purpose of the GR district is to maintain and enhance agricultural operations in the County. This County has been used foresight in developing its comprehensive plan and zoning code to recognize that agriculture is not static. Agriculture is an evolving type of use of land and Pierce County's code and comprehensive plan recognize that, considering the fact that you have incorporated a definition of a winery. Contrary to a lot of the comments here tonight, winery is an establishment located on land with a producing vineyard, this is, as Mr. Zimmerman has indicated, or a similar growing area for the production of wine that includes a room for the tasting of wine, nonalcoholic fruit juices or incidental food items. As has been indicated, as staff has submitted; the potential for producing some stone baked pizzas and appetizers fits within their definition of being incidental and we would hope that it would in yours as well. The operation of a winery is wholly compatible with the emphasized agricultural uses of land emphasized in the GRF8 district. Not only is the Zimmerman's proposed land use that of a winery but it qualifies as an agricultural business operation as well. The area in which the Zimmerman property is situated is a mixture of uses, predominant among which is agriculture. Both the Town and County plans are planning instruments prepared to deal with expected or anticipated land uses and land use changes. It can clearly be stated, that the development and devotion of agricultural lands to wineries is specifically recognized by and promoted in the zoning code. The real implementing element at this level is the zoning code which has been adopted in a consistent manner, as Mr. Pichotta indicates, with your comprehensive plan. This recognizes both the Town and County levels; the need to preserve agricultural uses of land and in the process has broadened the approach of the County as to the nature of agriculture and what face of agricultural land uses the County is looking for in the future. As a supervising committee you are being asked, with due respect, to grant a conditional use permit. You look at the standards under 240-76E(2) in deciding what if any standards to apply. Not to be disrespectful but what you have heard tonight, to a great extent, has been essentially speculation and guesses as to what will or will not occur. As was indicated, this operation will be under a microscope if you grant a conditional use permit. I submit to you that the Zimmerman's both as residents on the land in question, as agricultural producers, and as people that are going to invest a lot of money in this, are fool-hearty at best if they are going to invest time and money in this and engage in operations that anger the neighborhood so they have a situation in which you sit down a year from now and take away their conditional use permit. They would have lost a lot of

money, time and effort and based upon his knowledge of the Zimmerman's that is not going to be the case. It's a quiet rural residential area infused into an agricultural district. Pierce County now recognizes that wineries are an appropriate agricultural use. There is no evidence of insufficiency of the highways. Indeed if there are issues that come up in the future, they will have to be dealt with, but at this time there is no evidence of insufficiency of highways. We keep hearing restaurant but as Mr. Zimmerman indicated to you in his statement at the onset, he has a vineyard, growing grapes, he is producing wine. Contrary to what may have happened at some other vineyard operation in Pierce County, he is going to produce grapes that will be used to produce wine on-site, serve it and potentially sell it off-site. It is his preference and his families that ancillary food items be allowed to enhance the wine tasting experience but this is not a restaurant. Again the definition of winery is broad, the County Board could have narrowly defined winery to be a place where grapes are grown, crushed and put into bottles but it chose not to. It is not the mission of the committee to second guess what the County Board, as a whole, has determined but rather to apply that law. If these folks fail to abide by terms and conditions or if problems arise that they don't deal with, you will be looking at this again. Mr. Thiel indicated that he has been practicing law for 38 years; he has dealt with both municipalities and with private persons. He has dealt with spot zoning a lot. They are not talking about rezoning here. They are talking about applying a conditional use standard under our ordinance. The conditional use standards do allow, subject to your wisdom, for a winery as an agricultural use to be made of land in the GRF8 district. Mr. Zimmerman stated that this is in demand and it will likely be an opportunity that is extremely consistent with the comprehensive plan that he previously read. It is likely to bring people into ag and promote ag tourism. They see it as a wonderful opportunity to enhance the area. In terms of barriers to the east, his approach is that they have some extremely small trees there but have left it alone with the anticipation of the excavation of the berms they will put up there. This is a substantial difference. The people to the south, Pat and Janna Kusilek, her point about her pool being 40 feet from his first vine, which is 300 feet long, which is almost 200 feet to the next structure. He just wanted to put that into context. They will do everything they can to make sure these things are addressed. When they contemplated this endeavor, they did so because they have a passion and a love for this. They did so also knowing that if they are successful doing it, they are going to live there forever. They are going to take care of these things. Brad Roy was pretty clear with him that if we are talking about 120 guests, we talk about parking lots and the lot is being proposed as larger so they keep every single car off of 875th Ave. It doesn't mean it's a free for all in the building. If we say 120, it's 120. If the parking lot is full, they leave, it's that simple. To not follow that would be a violation of this committee if that is going to set forth for us. Our request is to be given the chance and be controlled by way of conditions, to take advantage of an opportunity to bring people in to Pierce County. He speculates the traffic will come from the north. They will abide by the decision and do whatever down the road if adjustments are necessary. Aubart asked about condition #8, seating capacity for full food service not to exceed 120. He would like to see food service be taken out of there and seating capacity not to exceed the 120 as Mr. Zimmerman just explained it. Roy asked if that goes for the tasting room as well. The way he wrote it, the 120 would be for the pavilion and the plaza area. If they were going to move some seats out of the pavilion and onto the plaza, you have 120 seats outside of the tasting room, where you want to put them is up to you. Aubart asked what the capacity of the tasting room is. Roy stated its 2000 square feet. Mr. Zimmerman stated there is no seating directly in there. That is more the wine sampling area where people will enter. Holst asked Aubart if he is thinking of limiting the overall capacity. Aubart stated yes, the overall capacity because when they talk about the parking. Holst asked if he means the food service and the wine tasting, limiting the overall capacity for everything to 120. Aubart stated he doesn't know if 120 is the number but when we talk about parking issues and those things, so that we limit. It doesn't make any difference if you have 120 people in the pavilion and the parking lot is full, that number isn't necessary. Chairperson Fetzter stated what he thinks Brad is doing is talking about the seating capacity in the eating area. Holst stated he believes Mr. Zimmerman has implied that he will berm for his eastern neighbor, is that correct? Mr. Zimmerman stated that is correct. Holst stated he thinks that needs to be listed here along with size and height of said berm, along with vegetative cover that will go on said berm, probably in all directions. It would go a long way to appease your neighbors and I think that is your intent

sir, but we have been caught before by not having detail in these permits. Sanden echoed that. The diagram shows far less vegetative buffering north of the parking lot than anywhere else. It would be nice if that was a permanent visual screen. Holst would concur with Mr. Zimmerman's legal representation that this is not a residential district. It is an ag district. Under those terms, your town had the ability to zone it as a residential district, at the time they chose not to zone it as residential, correct Joe? Mr. Rohl stated absolutely. Sanden stated that he would like some clarification from Mr. Zimmerman, this was brought up by the Town Board as well, on the idea of it being a Nature-based Operation. His understanding was it was meant to identify areas that were unique in the aesthetic sense. Can you say what makes this area aesthetically unique in Pierce County to warrant that designation of Nature-based? Mr. Zimmerman stated there are multiple elements to this answer. It may not be as unique as we will have it when it is done. In the idea they have contemplated of a more complete wine experience where people can come and enjoy wine and have something there that they can eat. When they spoke with the Department of Land Management, if we are going to have any form of food to have both distinctions and classifications; so in consultation with the Department of Land Management, we sought both. What he has since learned that by technical right, with a winery, you can have food as well, the vague term incidental that is really up to the committee. Their goal is have someone from Hudson, River Falls and where ever be able to experience a beautiful vineyard and winery. The design that has been created is intended to model itself after a Tuscan Farmhouse. They have 34 and another row of 16 trellises and grapes put in. This is year two for one section. Sanden stated he would like to drop the Nature-based element of this, it doesn't mean the food is nullified. What it would mean is that you would have to show us that the food is subordinate or incidental, you can come back with a plan of the food operation. In terms of the economic input, as far as square footage, you can come back and show us that the food service portion of your application is subordinate and incidental then it could fit into the winery definition. Mr. Zimmerman asked to clarify, an example of that would be, a condition that wine sales exceed food sales. Sanden answered yes, but that is possibly one facet. He would also like to see square footage because if you are successful in this and bring in a tremendous amount of money with wine sales, then the economic input alone would not be sufficient. You could still have a huge restaurant and it could still be considered incidental so not only the economic element but the square footage; that kind of approach. He feels the concern that has been expressed is that the winery could go away at some point and they would be left with a restaurant. Holst asked when you compare what the winery is and include the tasting room in the winery, he believes that is allowed, by State definition, when you figure the square footage of those areas it far exceeds the proposed food area. That is another way to look at this. Holst stated that he concurs with Dr. Sanden that a nature based operation is not the correct usage for this application. We ship most of our industry or commercial projects out of the County. He would like to see this stay. That's why they put the definition in the plan. There are a lot of things with this proposal that differ from Vino in the Valley, that differ from the one in Oak Grove. There are some similarities but there are a lot of differences also. Ross stated he lives on one of the main roads that goes into Vino in the Valley. He has lived there 11 or 12 years. They really didn't see a lot of increase of a negative nature. When he comes home from work every night about 10pm, rarely is there any trouble. He sees this on a regular basis. Conditional use permits are not set in stone and if there are issues, they will be brought back here. An area resident asked what do you consider a fair amount of production on the own location? Do you anticipate that all the wine produced will need to come from grapes that are produced on that site? Mr. Zimmerman stated not unlike those that buy hay, buy other supplemental goods for any other farm, they will produce as much as they possibly can. If production and demand rises, even in the distribution area, they will buy grapes. We will produce the maximum amount that the land can sustain and if there is a deficiency of any kind then they would be helping some other farmers out by buying some of their crop. The same area resident asked what the Land Management Committee's interpretation of the wine percentage produced on their own farm is. Holst stated he doesn't believe there is one. We didn't limit ourselves or draw such tight constraints when this was drawn up to say 51% has to come from your own land. He, as a farmer, owns a vast amount of land and rents very little. Other farmers own very little and rent a lot. Agriculture has to have the ability to grow as it can and needs to shrink/constrict as it can. He

doesn't feel we need to limit, not only this applicant, but applicants for a winery as a whole or other ag-tourism based operations as a whole. Chairperson Fetzer stated he runs a 1500 cow dairy operation. Last year they had to buy a lot of corn, this year they picked up a little land and lost most of their alfalfa. It fluctuates with each year. Sanden asked what the decibel limit was that was put on Vino in the Valley. Roy stated 80 decibels. Ms Kusilek asked how that is measured. Pichotta stated we have a decibel meter. Roy stated he believes it was 80 decibels at any point on the property, 80 decibels was right next to the speakers. Holst stated that is not the way he recalls it but it could be. He thought it was at the property line. Holst stated for the gentleman that took pictures of LMC member homes, he has Burlington Northern Railroad for one neighbor, he has a sand mine for another one and he has steep slopes in excess of 15% and he would welcome a restaurant if someone could shoehorn one in there. Chairperson Fetzer stated he also lives on one of the main arteries for Vino in the Valley and the other main artery this spring was closed down because a bridge was out. He really expected to see a huge difference in traffic but he can honestly say he didn't notice a difference. He does know when Vino is open because there are Minnesota cars that drive by. He also knows that his road is used for motorcycle rides, not necessarily for Vino, it's just a nice scenic route. He doesn't notice traffic coming by his place. Judy Clement-Lee, Clerk/Treasurer for Clifton Township, stated there is some confusion about a restaurant. One of the requests from the Town of Clifton was that there would be no restaurant, anything that required a license. Is the brick-oven pizza going to qualify as a restaurant? Fetzer stated yes if that was granted, it would. Pichotta stated if you are going to serve food, you need a food service license. Holst stated the way that this is proposed, he will need a liquor license from the Township. He has taken quite a gamble by planting grapes; you are taking a gamble by building a building. You are going to have a tremendous amount of expense in this and the Town of Clifton may say we don't have a license for you. Sanden asked if the committee needs to do this in a two-step motion as to what is recommended. Pichotta stated you certainly could do that, if he understands what you have suggested, that the applicant bring additional information, you could defer action until such time or you could grant some sort of approval with the understanding that there will be further clarification when more information is brought in. Sanden asked if it would be appropriate to approve the winery part and delay action on the food service until such time as they are presented information. Pichotta stated if you are going to consider incidental food under the winery it might make sense to hold off on a decision relating to the winery. If you are going to approve a conditional use permit for a winery and in the future allow for what might be considered an intensification of that use, it might make sense to do it all at once. Holst stated he believes they have the information before them to come to a conclusion whether or not it would be incidental/subordinate to the winery, just in terms of square footage and we could put a condition in that would address the financial implications. He is sure we will revisit this probably on the six month basis to begin with and then onto a yearly basis. It's quite a gamble of the applicant to move forward with the type of investment that he is talking about with a conditional use permit, as it is with all conditional use permits. They need to be good neighbors. They have to keep their word with us and also with their neighbors. Sanden stated the only problem he has with the word incidental is that does define it as not requiring a food service license. He prefers subordinate use. Pichotta stated incidental is part of the definition of winery. When we sought guidance as to what incidental meant, the zoning code refers to a certain dictionary for reference. That dictionary indicated that incidental would be considered to subordinate to the principal use. He noted that incidental in one case may mean no food that requires a license, that was applicable to the Valley Vineyard application but one must remember that the applicant applied as a Farm and Home Based Business, he also said in the application that he was only going to serve cheese and crackers. In that particular case, the committee has made the decision that incidental, in the case of Valley Vineyard, means cheese and crackers, those sorts of things. Conditional use permits are based on the proposed use in the proposed location and are not precedential. Each one is dealt with on the merits of that request at that particular location. Just because you made a determination in regard to Valley Vineyard; doesn't mean that you don't have the ability to take into consideration something different for this particular request. Aubart questioned condition #8, could we change that seating capacity of 120 for both the pavilion and plaza. Holst asked if Dr. Sanden has his suggestions about screening and a suggested route on Cty Rd M just as

the applicant has said he presumes that people will use. Sanden stated the committee has had some experience with these kinds of operations, speaking just for himself, it is critical that this doesn't get expanded that this is really what you're planning on doing, not some incremental growth over time and that these conditions be followed carefully. As was mentioned you are going to be under the microscope, you have a lot of neighbors who will be watching this very carefully and he wouldn't be very receptive if we had to come back and revisit some of this. This is a conditional use permit and it isn't the end of the story, this is the beginning, we can keep coming back on this, revising and get it right. We have a very unenviable position to have to try and strike compromise; trying to allow them to use their land in a proper way and trying to maintain your full enjoyment of your property. The conditional use permit does give us the mechanism by which to do this. We have our ways of checking up and we also rely on you, the neighbors, to report to us if there are any violations or problems that we didn't get. **Sanden moved to approve the conditional use permit for a winery for Shannon and Angel Zimmerman, 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 – 19, modifying condition #8 to eliminate full food service and add Seating capacity for the pavilion and plaza shall not exceed 120. Add condition #20 Berm shall be established on the east perimeter of the property with adequate vegetative cover. #21 Adequate vegetative cover shall be established to visually screen the parking lot from the road. #22 Applicant shall provide a plan for food service operation which demonstrates that food operations are incidental/subordinate to winery operations. #23 Sound shall be limited to no more than 80 decibels at the property line. #24 Food service shall remain incidental/subordinate to the primary use as a winery. #25 Promoted access route shall be along County Road M. #26 Arrangements shall be made to establish a visual screen along the southern property boundary.**

Mr. Zimmerman stated they have planted a small amount of trees, they can do a berm and a fence, they will do both. Chairperson Fetzer stated you can work with your neighbor. Sanden stated to Kusilek's that you can come back and say it's not adequate if so. Ms Kusilek stated they have been working together. An area resident asked if the hours of operation can be addressed, he feels that is late. **Sanden stated also revising condition #11 Hours of operation shall be 11am to 9pm. And #12 Hours of operation shall be 11am to 9pm with lights out by 10pm/Ross seconded.** Roy stated condition #15 going on what happened at Vino, they limited all speakers to the structures as well, maybe we just want to clarify that so they couldn't put a speaker right on the property line. All the speakers and the sound system will be within the structure. **Sanden amended condition #15 Sound system, including speakers, shall only be within the structures/Ross accepted that change. All in favor. Passed.**

Discuss take action on a status report and potential modification of a conditional use permit for Nonmetallic Mining for County Materials, agent 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 – Andy Pichotta: BS Construction/Steve Schoeder Properties owns a mine in the Town of Rock Elm which was expanded in 2006. County Materials is the current operator of the site. In 2006, the applicant and the adjoining property owner, Bill Sylla, agreed to allow mining within 50 feet of the Sylla's property line as long as mining did not encroach within 400 feet of the Sylla's house and peak particle velocity would not exceed .35 inches per second. On September 5, 2012 the LMC modified the condition regarding peak particle velocity for blasting. The maximum peak particle velocity was raised from .35 to .50. This was at the request of the mine operator. It was stated that the low peak particle velocity makes it more difficult to blast the rock as activity gets closer to the Sylla's property. The applicant indicated that the ability to utilize a higher peak particle velocity will allow blasters to obtain a higher frequency in the blast and also utilize electronic detonators that will, with proper timing, result in less potential for impacts to the Syllas. The blasters will drill the hole and set up two seismographs between the hole and the Sylla's house. Form the signature blast, an analysis can be done of the wave form to determine an optimum blast time to utilize with the electronic detonators. It would appear that a

determination as to whether impacts to the Sylla's are, in fact, lessened will not be known until such time as the information gathered in conjunction with the signature blast can be utilized in a production blast. The LMC asked to be presented with the results of the signature blast and indicated that if the higher peak particle velocity creates a problem that it would be reduced back to .35. The signature hole blast is scheduled to be conducted on August 5th at noon and did take place. The results will be presented at the August 7 LMC meeting. It should be noted that the Town of Rock Elm is in the process of developing a Nonmetallic Mining Licensing Ordinance and a Blasting Ordinance which may limit the peak particle velocity to .35 inches per second for all blasting that is to occur within the town. The proposed Town ordinance would supersede the Conditional Use Permit. The property is located in Section 15, Town of Rock Elm and is zoned Agriculture Residential. The existing conditions are listed in the staff report #1 - #13.

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 and determine if any modifications are necessary. Given that we just had the signature blast done and the next production blast would utilize the results from that it can't be known if modifications of the conditions is necessary until such time as that occurs. The committee will need to make that determination.

Chairperson Fetzer invited Brian LaRue forward: Mr. LaRue, stated Curt Oakes, the General Manager had recently resigned and took a position, his dream job, in North Carolina. They put the signature hole analysis that they did on Monday, shot on the 5th at 12:12pm with good results, on Instantel. It gave them the information that they needed to move forward. The whole purpose of the last meeting on September 12, 2012 was to allow them to do the signature hole blast, get the analysis, take the timing through the software through Instantel and to get the optimum timing for row to row and hole to hole to keep under that .35. They did, he has the results and presented them to the committee and Sylla's, along with the z-curve that County Materials would like the committee to consider versus the .35. Mr. LaRue went over the results and the timing that they propose. The z-curve, which they were promoting the use of, the hertz, y axis, x axis and amplitude show on a particular signature hole that they had 9 to 13. With simulation with the signature hole analysis timing, they can slide that frequency up. This is the time that they are using from the one hole shot off the corner. They had a seismograph at 374 feet. Bill's house is 581 feet. Chairperson Fetzer asked about the second page. Mr. LaRue stated the next page shows a simulation with a new timing taken off of the signature hole. Moving forward with the signature hole analysis and the new timing they propose to use that timing the next time they shoot probably in the next couple weeks. They can slide those hertz up to 30 hertz with the new timing and the projected peak particle velocity ranges from .127 to .247. Chairperson Fetzer stated so you are staying under the .35. Bill Sylla Jr stated that if the plan is to stay under the .35; that is reasonable with them. He explained how they got to the .35, which was asked at the previous meeting. He presented information on research done on the effects on humans. Bill Sylla Sr took the information which is plotted on the same curve as the z-curve, and put it on a transparency and they overlaid it for all the blasts for the quarry. You can see it starts out as perceptible and the next one is disturbing and then above that is intolerable. That is the average person. The first blast was a little on disturbing but most is perceptible, the next page shows 10 to 20% in the intolerable range. That's with people driving with a .35 target, not shooting for a .50. Because of the geology and whatever else, some of the examples go above. Most has been pretty good at staying below the .35 limit for the blasts. If you look at the higher frequencies, that is when it becomes more disturbing for the people that live in the residence. The z-curve, the State standard, protects property. It protects the blasters from liability if they happen to damage property. It's easily visible if that happens. It doesn't do much to protect the souls that live in the houses. That is why they asked for the .35 inches. His parents have lived with a .35, keep mining at that and close it out. Mr. LaRue stated that they had this discussion last September with Curt Oakes and you are comparing apples to oranges from displacement to amplitude. Mr. LaRue asked Mr. Sylla to look at their graph, discussion followed regarding peak particle velocity and the z-curve. John Eager went to the signature blast and asked before anything is finalized he would like to see the production blast and see the information from that. Chairperson Fetzer stated the

computer model of the signature blast keeps everything under the .35 and that looks good. Pichotta suggested modifying condition #13 to say, County Materials shall come back before the Land Management Committee as soon as possible after the next production blast for a status report and to review conditions. **Aubart moved to modify condition #13 as stated/Holst seconded. All in favor. Passed.** John Eager asked if they can be notified prior to the production blast so they can coordinate their planning committee. Pichotta asked County Materials if they could notify him when that is going to take place as far in advance as you can and he will notify Mr. Eager.

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

Departmental Update and Future Agenda Items

Public hearing for Filling and Grading in the Floodplain/Shoreland Area for William Holst & Nancy Beeler in the Town of Diamond Bluff

Public hearing for Filling and Grading in the Shoreland Area for William Schroeder, Shelley Endres and Wisconsin Specialty Sand by Wisconsin Industrial Sand, agent on property in the Town of Trenton

Public hearing on Expansion of Mining Accessory Uses for Wisconsin Industrial Sand, agent on property in the Town of Trenton

Discuss take action on the County Surveyor GPS Equipment

Pichotta noted that there was a letter in your folders from the Town of Oak Grove Chair, Sarah Palodichuk, relating to WISC's CUP application regarding the fact that they are working on an developing an application for their licensing ordinance and also explaining how that will work into our conditional use permitting procedures.

Motion to adjourn at 9:47pm by Holst/Ross seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, August 7, 2013 – 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 21 st , September 4 th & 18 th , all in 2013.	Chair
3	Approve minutes of the July 17, 2013 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for a conditional use permit for a Nonmetallic Mining Operation in the Agricultural Residential District pursuant to Pierce County Code 240-37 for Wisconsin Industrial Sand Company, owner and agent for John & Marjorie Kralewski Family Partnership, Jerry & Karen O'Brien and Jill Greenhalgh, owners, on property located in the South one half of the SE ¼ of Section 3 and the NW ¼ of the SE ¼ and the SW ¼ of the NE ¼ of Section 10 and the NW ¼ and part of the South one half of the SE ¼ of Section 11 and the SW ¼ of the SE ¼ and part of the SE ¼ of the NW ¼ of Section 14, all in T24N, R16W, Town of Maiden Rock, Pierce County, WI.	Roy
5	Discuss take action on a status report for a Nonmetallic Mining Operation in the Agriculture Residential and Industrial Districts, pursuant to Pierce County Code Chapter 240-37A for Wisconsin Industrial Sand Company, agent for Diamond Bluff Investments LLC, Holst Farms Inc, William McCusker, MOAP LLC, WTW Properties, Steven Burmood, Helen Holst, William F. Holst III and William Holst IV, owners on property located in Sections 1, 2, 3, 4, 10, 11 and 12, all in T25N, R19W, Town of Diamond Bluff, Pierce County, WI.	Roy
6	Public hearing to consider and take action on a request for a conditional use permit for a Winery and Nature-Based Operation, pursuant to Pierce County Codes 240-35B(6) and 240-39C, in the General Rural Flexible 8 District by Shannon and Angel Zimmerman, owners on property located in part of the SW ¼ of the NW ¼ in Section 3, T27N, R19W, Town of Clifton, Pierce County, WI.	Roy
7	Discuss take action on a status report and potential modification of a conditional use permit for Nonmetallic Mining for County Materials, agent 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
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.

(7/25/13)

PIERCE COUNTY WISCONSIN
DEPARTMENT OF LAND MANAGEMENT & RECORDS
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MINUTES - Pierce County Land Management Committee Meeting, July 17, 2013

Present: Jon Aubart, Joe Fetzer, Jeff Holst, Jim Ross and Eric Sanden

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

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

Next meeting dates: August 7th & 21st, September 4th & 18th, all in 2013.

Approve Minutes: **Ross moved to approve the June 19, 2013 LMC minutes/Sanden seconded with Chairperson Fetzer not voting because of absence at the last meeting. All in favor. Passed.**

Chairperson Fetzer stated we will be striking Agenda item #7 because Louie Filkens is unavailable this evening.

Public hearing to consider and take action on a request for a conditional use permit for a Utility Facility >1000 square feet and a single wood pole communication antenna >70 feet in the General Rural District for Dairyland Power Cooperative, owner, by Steven Andrews, agent, on property located in the SW ¼ of the SE ¼ of Section 3, T27N, R16W, Town of Gilman, Pierce County, WI. Chairperson Fetzer invited Mr. Andrews forward: Mr. Andrews explained they are requesting to put in a new substation for a communication pole. One year ago they had approval but didn't get it built. The Town of Gilman has approved it.

Staff Report – Emily Lund: Dairyland Power Coop is the wholesale electrical energy generation and transmission cooperative providing services to 25 electric distribution cooperatives, including Pierce Pepin Cooperative Services. Dairyland Power currently operates out of the adjacent Northern States Power (NSP) facility. NSP may need more space in the future, which prompted Dairyland Power to create a new parcel in 2010 that is northeast of the NSP facility. Dairyland Power proposes to develop a substation, move the communication antennae to this new lot, and tie into the common power grid. The applicants received CUP approval at the 3-21-2012 LMC meeting; however, the permit expired before any construction began. The design plans and location have changed since the first approval. The property is located in Lot 3 CSM V12, P143, in Section 3, Town of Gilman. The property is zoned General Rural and is located at W3472 850th Avenue. The current use of the property is agriculture. Surrounding uses include residential and agricultural. Requirements for Utility Facilities are listed in the staff report. The dimensions of the secured area are 102 ft by 92 ft. The security fence is located 46 feet from the west lot line, 54 feet from the north lot line and 167 feet from the east lot line. Proposed equipment includes one transformer on a concrete pad, one set of regulators, one 8 ft x 12 ft metal control building, and steel equipment supports. The equipment meets the 75 ft setback to a dwelling unit and 50 feet from any residential lot line. The previous plans (submitted in 2012) indicate the height of the proposed equipment is 34 feet and the lightning rods project 11 feet above the equipment. The 35 ft height limitation can be exceeded by electrical equipment provided the structures do not exceed in height their distance from the nearest lot line. The submitted narrative specified a 10 ft chain link fence topped with a 1 ft barbed wire and this meets Pierce County Zoning Code requirements. Sheet 2 shows topographic features with 1 ft contour intervals. The proposed facility elevation is 1180 ft. Access to this property is a shared driveway

north of 850th Ave through the lot south of this property. There will be an easement agreement recorded on the deeds allowing Dairyland Power Company ingress and egress through NSP's property. Sheet 3 shows cross-sections of the proposed substation development. Some filling is proposed to connect to the shared driveway on NSP's property and building the base for the facility. Soil erosion control best management practices must be incorporated to stabilize the site. Landscape design was not provided with the plans. The facility will be unmanned, but will operate 24 hours a day, 7 days a week. There are no facilities to accommodate the public. Wireless communication towers greater than 70 feet are conditionally permitted uses in all zoning districts. A wooden communication pole, with antennae, to monitor switching gear, will be moved from NSP's property and placed on this lot. The new plans do not indicate the location, but the 2012 plans show it being located 94 feet from the south lot line and 175 feet from the west lot line. The pole is proposed to be 80 feet tall and located east of the fenced compound. In 2010, a uniform address number (UAN) was issued and shall be placed on the property in case of an emergency. The Town of Gilman approved this request on 2-8-2012. The applicant returned to the Town again on 6-20-2013 with the new CUP plans. The Town Board found it consistent with their Comprehensive Plan and it was approved again. Pierce County Code §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."

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

1. Activities shall be conducted according to submitted plans and specifications.
2. The security fence shall be installed to a height of 10 feet above the grade elevation.
3. The land use shall be established within 12 months from approval.
4. Any electrical interference to adjoining property owners shall be corrected within a reasonable timeframe.
5. The uniform address sign be placed near the entrance to the facility.
6. Best management practices shall be implemented to prevent off site impact from ground disturbance activities.
7. An access easement shall be secured and recorded.

Chairperson Fetzer opened the hearing to the public. No public comment. **Public hearing closed.** Holst questioned if the applicant has any intention of vegetative screening. Mr. Andrews stated if required, they can do that. There is a substation on that site now that is NSP's. Holst stated it has been brought to his attention that it will be more visible to the adjoining neighbor to the west. Mr. Andrews stated if it's a problem they can plant some trees over there. The reason they changed the plans a little bit is because there are some waterways and some wetlands. They shifted the position a little bit. The original plans called for a new driveway on the east side of the existing substation. It's a little wet there. Sanden asked apart from the new location of the driveway, are there any other changes? Mr. Andrews stated the location of where the substation is. They stuck it up a little more into the northeast corner to avoid the waterways. Holst asked Mr. Andrews if the committee needed to add a condition regarding the screening. Mr. Andrews stated yes, they can do that.

Holst moved to approve the request for a conditional use permit for a Utility Facility >1000 square feet and a single wood pole communication antennae >70 feet for Dairyland Power Coop, owner, due to the fact this request 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 - #7/Sanden seconded. All in favor. Passed.

Discuss take action on status report and potential modification of conditional use permit for Rudy Jungwirth (Valley Vineyard) located in Lots 6, 7 & 8, of the Crossroads Land Division, in the SW ¼ of the NW ¼ of Section 23, T26N, R19W, Town of Oak Grove, Pierce County, WI.

Staff Report – Brad Roy: On June 5, 2013 the LMC modified the CUP, which required action within 30 days. Conditions 10 and 13 required the applicant to replace two dead screening trees and to provide staff with a description of the winery waste process. This meeting is to provide the LMC with an update on the permit. The two dead screening trees along the driveway have not yet been replaced. Mr. Jungwirth has contacted a nursery about replacing the trees. The nursery would not plant 9’ tall trees at this time of year. Mr. Jungwirth was told that the fall would be a better time to plant. Mr. Jungwirth provided staff with a description of the disposal of winery waste and the associated wastewater. The grapes are crushed and the stems and skins are removed to and stored in the garden and is spread in the vineyard each spring. The amount of water used is low and is generally limited to washing equipment. The water that is used goes to the septic system that serves the home and business. The septic system was permitted in 2010. Staff has discussed winery waste and wastewater with the DNR and the Department of Safety and Professional Services (DSPS). Winery operators have many options to disposing of waste and wastewater. Permits may be required depending on the volumes and method of disposal of the wastewater and by products (skins and stems). It may be determined that a holding tank is needed for the winery. It is also possible that no additional permits are needed. Review of the process by DNR or DSPS is needed depending on the manner of disposal. The applicant has raised concerns about the “no carry in” food limitation established in condition #7. The existing conditions are listed #1 - #13 in the staff report.

Staff Recommendation: Staff recommends the Land Management Committee determine the appropriate course of action regarding the screening trees and consider whether any other additions or modifications to the established conditions are necessary to help mitigate impacts on public health, safety, the public interest and character of the area: We are suggesting modification to condition #13 to state: Applicant shall have the existing septic system inspected by a certified plumber to ensure proper function and develop and implement a Waste Stream Management Plan which is compliant with DNR and DSPS regulations. Verification of compliance shall be submitted to the Land Management Department by no later than October 7, 2013.

1. No more than 8 persons not residing on the site shall be employed in the business.
2. The entire business area shall not exceed 5,000 square feet in an accessory structure.
3. The applicant shall delineate 12 parking spaces that will be available for customer parking with one space delineated for handicap parking and there shall be no on-street parking.
4. Any proposed advertising signs shall comply with the zoning code standards and any necessary permits secured.
5. If the liquor license is not renewed annually, sales of wine need to cease.
6. The hours of operation shall be Wednesday through Sunday, 10am to 6pm.
7. Food served shall be incidental to wine tasting and must not require a food license, no “carry in” foods shall be allowed.
8. Activities outside the scope of this CUP (including catered food service) may be authorized by the Oak Grove Town Board consistent with the Town’s Special Event Ordinance.
9. Applicant understands that expansion or intensification of this use will require modification to this conditional use permit.
10. Applicant shall discontinue the use of the audio bird repellent until such time as three nine foot tall spruce trees are planted along the Huppert southern property line and replace the two dead trees located along the driveway. Completion shall be in 30 days from this modification.
11. This permit shall expire on October 31, 2013, renewal may be granted by the LMC.
12. If a new owner wishes to continue the business with the established conditions prior to the permit expiration, a proposed business/operations plan shall be presented to the Town of Oak Grove and the LMC for review prior to business commencement. Conditions of the permit may be modified.
13. ***Applicant shall have the existing septic system inspected by a certified plumber to ensure proper function and develop and implement a Waste Stream Management Plan which is compliant***

with DNR and DSPS regulations. Verification of compliance shall be submitted to the Land Management Department by no later than October 7, 2013.

Pichotta stated he is recommending an additional condition #14 Failure to comply with one or more of the above conditions may result in the issuance of an order by Land Management staff to suspend this use, pursuant to 240-84, and /or termination of this conditional use permit by action of the Land Management Committee, pursuant to 240-76(I). Holst stated he spoke to a tree person who said the only time they can't transplant a tree is when the ground is frozen. It will cost more for this size of tree, at this time of the year, but it can be done. Sanden asked about the size of the trees for Valley Implement? Holst stated they were 9 ft to 12 ft trees and they were planted. Sanden stated they were the same and they were transplanted within the last couple weeks. Sanden asked about condition #13, the October 7th date? Where was that date obtained from? Roy stated the permit expires on October 31st. So the meeting would have to be the third Wednesday of that month so if we got it by October 7th, that would give staff time to look over everything before we have the meeting before the permit expires. Holst asked about condition #10 if that was satisfied. Roy stated #10 deals with the screening of the two screening trees and also the audio bird repellent. Holst stated three 9 ft tall spruce trees to be planted along Huppert's southern property, was that satisfied. Roy stated that has not. Holst stated we're talking about five trees as opposed to two? Roy stated the three trees along that southern property line was part of a negotiation with Mr. Huppert that he would say he didn't need those trees planted as long as the audio bird repellent wasn't played. Holst asked if it was played. Ben Huppert stated yes. Roy stated it was last year and asked if it has been this year. Mr. Huppert stated he has not heard it yet but that time of the year isn't here yet. Holst stated we should ask the applicant what his intentions are. Chairperson Fetzer asked Mr. Jungwirth what his intentions are. Mr. Jungwirth stated whatever is necessary he will do. Chairperson Fetzer stated that is what you told us last time. Mr. Jungwirth stated yes, that is correct and asked if he violated something. He stated he didn't believe so because Ben Huppert said he did not have too. Chairperson Fetzer stated if you were shooting off the bird repellent without putting trees back in, because that was the negotiation that he clearly remembers. There was some violation there. Mr. Jungwirth stated his question last year; because you insinuated that he needed to put trees blocking his vineyard, he never got to see the reason why that occurred. He would like to see that because just blocking an ag field, he will not do. Chairperson Fetzer stated we are trying to mitigate the neighbors getting along. Just like we had the previous applicant was going to put some trees in just to screen his area. It's a pretty simple deal. Mr. Jungwirth asked why you would want to block the view of a vineyard. It's not blocked from the road and it's certainly not ugly. Chairperson Fetzer stated he is not familiar with the area, he is just going on what the neighbors have requested and that is some screening so they don't have to see what's going on in their yard. He does remember that. Mr. Jungwirth stated there is nothing going on in there so why would he want to screen it. He has a pumpkin patch next to mine and he doesn't hear anyone complaining about that and it's right next to his fence. Chairperson Fetzer asked if there are people coming into his pumpkin patch? Mr. Jungwirth stated he has no clue. As far as people coming into his vineyard, yes, when they harvest, he has UW River Falls come in with their horticulture division three years ago. That is probably when the problem came up. There were about 18 people, maybe 20 that went out to see, because they were the ones that gave him the advice on how to plant. They wanted to see how it was doing. That was the only time anybody has been out in that vineyard. That was a question of his. The other two trees along the driveway, he had actually contacted a gentleman from Hastings almost three and a half weeks ago and at that time the candling was huge. He said he can't do it right now. They aren't going to make it. They are 21 ft trees. He really prefers to wait until the end of August after they have hardened off and that way he has better success. I know they are moving trees now but it depends on what size they are. Sanden stated that is why he asked the question and they were 9 ft tall. Mr. Jungwirth stated they are 20 and 21 ft tall. We put in big trees. Sanden asked about splitting the trees to a separate condition to make it cleaner. Then with condition #14, if they don't get in, we terminate the CUP. Holst asked Mr. Jungwirth if it is his intent to play the bird repellent again. Mr. Jungwirth stated no, he has ordered fencing this year. That will be in next week and they will be installing that in three weeks. It's netting that goes over the sides. He didn't want to do it a year ago because it does kill birds. They get caught in the netting and they die. He would

prefer to not have done that, that is why he turned off his bird call every day, no later than 4:30pm and it didn't get turned on until 7:30am. It wasn't like it was when people were home unless they were working nights then they were home. Chairperson Fetzer asked if we are looking at two trees; the two dead screening trees. Roy stated the two dead screening trees and the other three trees are tied into the bird repellent. Holst stated that if the bird repellent comes on then the trees have to be planted, otherwise he isn't compliant and he will lose his CUP and be shut down. So you have some incentive to do something. Mr. Jungwirth stated he has already sold the bird calls. Holst stated he can go buy other ones. Ross stated he would like some clarification. When you said there was only people out there during some harvest time, saying people haven't come and gone at any other time. Mr. Jungwirth, most of it, the scouting, if people do come out, they want to know if they can walk in the vineyard. They walk in the ones on Lots 7 & 8. It's down by the parking lot. It's closer. So they walk right from the parking lot, 110 feet over. We do a lot of that. There is a big interest in seeing how they grow. Holst stated we need to satisfy the applicants question about "carry in" food. Mr. Jungwirth stated it is difficult for him to watch his parking lot to see if people are coming in with "carry in" food. We have two trash cans down there; we have for three years and there is trash in them every week. So people are eating on the road and he doesn't want to have to police it plus in the entire state of Wisconsin people can stop along waysides and have a picnic if they want. I don't want to try and restrict them. Holst stated he didn't believe that is was the intent of the Town nor of this committee to outlaw a Randy's hamburger on your property to be consumed by a private individual. Sarah Palodichuk stated the last time this was before you, she mentioned they were having a hard time with drawing a line because someone could go sit and have a sandwich. The problem is when somebody brings four pizzas or Rudy has said in the past, there is a group from River Falls that makes their own food, brats & cheese and they grill at the vineyard. For her, that is past the line. They, as a board, weren't able to define a line. One of the residents asked if she was going to police it every day. They used no "carry on" just because they don't know how to draw the line. They would appreciate a line being drawn, if you can draw it and enforce it. Holst stated we will enforce it when we draw it. Mr. Jungwirth stated that is the only organization that comes in, is the one from UW River Falls. They come in with their meat processing group and their cheese making group and they like to make their own product. Ross stated then it would be a problem to have the condition in there. Ms Palodichuk stated it's not that no one is doing it. People bring food, every group is different. You can't really say you can't bring pizza here but you can bring subway or you can't bring subway but you can bring a sandwich from home. Holst stated he thinks the intent was catered food and institutional, unannounced to you, someone brings in food with a group and bought a bottle of wine and sits down to eat their food. Gary Huppert asked about the advertising of the Valentine's Dinner, on facebook, that was bringing people in and he was actually cooking food. They just weren't bringing their own. Mr. Jungwirth stated it wasn't him doing the cooking, it was Café 214. He didn't know at the time he wasn't allowed to set up the function. Café 214 got paid for it, they came out and cooked. We helped cook it. They had three chefs with them. We had 46 people. He talked to Brad about that and Brad said we aren't going to let you have a food license. He thought according to the state law he read on-line, he had to use caterers, only to find out later that he can't set the price if he uses a caterer. The caterer would have to collect the money, he was told by Ms Williams. He can't collect the money. He wasn't aware of that either. Whatever it takes to make it legal is all they ever want to do. Right now they have set everything up so if they do anything like that the function would be held at Café 214 because he has the space and he isn't open in the evenings and he can use the business. We weren't trying to make money doing it; we were trying to break even. We actually lost \$400 or \$500 because rabbit is expensive. Whatever we need to do to make it work is all we're trying to accomplish. Chairperson Fetzer stated that is what we are looking at is not having the catering. What was said about the couple events? Pichotta stated one of the intents was that the facility not act as a banquet facility; where you host a family reunion and have it catered in. Ms Palodichuk stated just because you are talking about intent, at the Town meeting we really did go as far as to say you can't bring a sandwich in your car. That is what was expressed to these people at that meeting because we couldn't draw a line. We have asked you to draw a line for us, but saying you can't have catered food is not dealing with the huge area between a personal sandwich and a Valentine's Dinner. This is going back to

how we were before, this big grey area and that's what we were trying to address. Sanden stated as he understands, the language in the food permit is what we were going off. If it was going to require a food permit, then it wasn't allowed. Pichotta stated that was for foods that were to be utilized for tasting as a part of wine tasting. They needed to be incidental and not require a food license. This is more picnic type situations and also the banquet facility type scenario. Roy asked if you could limit the size of the group that is allowed to do it. Set a number of people in the group, groups of 4 or less can bring food in. Anything more, larger groups, that is where you would have the problem with the food service being brought in. Mr. Jungwirth stated in the seven years they have been open, they have only had the UW River Falls in a large group. Otherwise, the 25 people in a bus never bring food. That's just more clean-up for us. UW River Falls is really the only one that is an issue. Ms Palodichuk asked if we could address that through the Special Events Ordinance. Mr. Jungwirth stated if it fits. Ms Palodichuk stated to Rudy, they talked about this and it would fit because they require you to follow something consistent with ours. They require approval consistent with it. It doesn't have to be under our ordinance but it would have to be consistent with it. Mr. Jungwirth stated he is certainly willing to talk about it because that is coming up in just a couple months. Ms Palodichuk stated that you would have to come before our board. Mr. Jungwirth stated he can do that, it's not a problem. Pichotta stated he thinks the existing language for the food works if Mr. Jungwirth is willing to work with the Town with regard to consistency with their Special Events Ordinance. If the Town authorizes it, perhaps the language we have here will in fact work. Pichotta asked Ms Palodichuk if she agrees with that. Ms Palodichuk stated she doesn't have the language in front of her but she agrees with what she has heard. Roy gave her a copy of the staff report and indicated conditions #7 & #8 contain language regarding food. Ms Palodichuk asked about how this affects his advertising on his website. She asked if that meant limited to groups of four. Pichotta stated no, as it is now, he wouldn't be able to advertise carry-on is welcome unless it was a specific date that had been preauthorized by the Town. Ms Palodichuk stated that she is fine with that. Holst asked if we need to address that in our verbiage. Pichotta stated he thinks we do. Holst stated we imply it. Aubart stated it says authorized by the Town Special Event Ordinance, condition #8. Pichotta stated the minutes will also reflect it, should there be a question. Holst asked if the applicant is clear. Mr. Jungwirth stated yes. Pichotta suggested regarding the recommended conditions; #10 be split into two and the second half of the condition be a new #11 stating, The two dead trees located along the driveway shall be replaced within a certain amount of days established by the committee, #11 become #12, #12 become #13, #13 become #14 and #14 which he previously suggested become #15. Holst stated he is not ready to move yet. He would like more clarification on #11 on the direction that the committee chooses to go. He can understand Rudy wanting to put in his 21 ft trees. Ross asked if he is talking about a date as clarification. Holst stated yes. He didn't get enough information about when you can transplant trees. He assumed they were going to be 12 ft trees. Sanden asked if we could specify 9 ft or taller and then have the compliance within 30 days. Holst stated from what he was told the 30 days would work for the simple reason that they start becoming hard needled about the middle of August or right in there. All trees get hard needled about the same time. You could stretch it to 40 days. If it doesn't apply, #15 will cover that. Sanden stated he has one other issue with regards to the wastewater. How many cases of wine did you sell last year? Mr. Jungwirth stated he sold around 12,000 bottles. Sanden asked how many he is anticipating for this year? Mr. Jungwirth stated about the same. Sales are about the same. Sanden stated you gave details on the fate of the wastewater but can you give me some indication of the quantity of wastewater we are talking about? Mr. Jungwirth stated if you took the swimming pool that Mike has in his backyard, we don't use that much water in ten years. Holst stated we're not familiar with Mike's backyard. How many gallons? Mr. Jungwirth I don't know how big a pool it is 16 ft or 18 ft. Holst asked if it is 4 ft x 16 ft. Mr. Jungwirth stated he really doesn't know but he can see it when he drives up his driveway. On a typical day of bottling we may use five gallons. That's about it. We don't use it for anything. It's just to rinse off the equipment when we're done. We've got a bottle filler and you pull the filters on that, they go in the dumpster and then you rinse it off, it's just residue. Sanden asked if the grapes themselves get washed. Mr. Jungwirth stated no, they never wash them. They would split and you would have a real issue. Sanden asked if there was any pesticide residue. Mr. Jungwirth stated we have to watch that really close. We don't put on pesticide in the last six

weeks. That is State and Federal laws. You've got to follow those. Ms Palodichuk stated she doesn't feel Rudy's question about the food got addressed. Where we're at right now is, If he knows that people want to bring food, he needs to get permission from the Town but if somebody shows up with a peanut butter and jelly sandwich and wants to eat it in their car before going in, he doesn't have to go bust them for having a sandwich. Chairperson Fetzer stated he thinks that is tough to police. Ms Palodichuk stated she thinks it's tough to police too. Holst stated "no carry in food" shall be allowed, condition #7, it's clarified. Ms. Palodichuk just wanted to make sure. Mr. Jungwirth asked if he needs to police it. Holst stated you can police it or we can. Mr. Jungwirth stated if you want to do that. Just get me the signs that say it's prohibited by Pierce County and I'll be happy to put them up. Holst stated that's not our obligation to supply you will signage. Mr. Jungwirth stated just tell me what to write on it. Chairperson Fetzer stated "no carry in food allowed". That's pretty simple. Mr. Jungwirth, OK'd by Pierce County, I can do that. Holst stated you can include your Township if you want. Lund stated after every meeting we send an approval letter with the conditions. He could post that next to his signs. Pichotta stated typically you wouldn't post a CUP and to expect folks would actually read the conditions. I think a reasonable interpretation of that carry in food, if somebody is eating something in their car, I don't think we are going to take you to task over that. The intent is that you don't have a revolving picnic ground, you are not catering banquet events; that is the intent of it. Holst stated if it needs to be black and white Rudy, then #7 states "no carry in food". Mr. Jungwirth stated he thought that maybe you have a sign, he had no idea. Holst stated it's not our obligation to provide signage. Mr. Jungwirth stated it was your requirement, Jeff. Holst stated it's not our obligation; it's the obligation of the applicant to provide signage when it's required. This isn't required. Mr. Jungwirth stated you made it sound like it was required. Holst stated "No, I did not". I said you could post a sign but that is your obligation. If you want to carry this to the next level, we can and we can put more stipulations on it. **Holst moved to modify the conditional use permit for Rudy Jungwirth, Valley Vineyard, by splitting condition #10 to get rid of the Huppert part because the bird repellent will be no problem because he has gotten rid of it, #10 Applicant shall discontinue the use of the audio bird repellent. #11 Two dead trees along the driveway shall be replaced by the end of August with 21 foot trees, consistent with what he has there today. Condition #11 becomes condition #12, #12 becomes #13 and so on with a new condition #15 Failure to comply with one or more of the above conditions may result in the issuance of an order by Land Management staff to suspend this use, pursuant to 240-84, and/or termination of this conditional use permit by action of the Land Management Committee, pursuant to 240-76(I)/Sanden stated he has a minor grammatical amendment to condition #8, it needs an end parenthesis after food service, he will second. Holst stated he will take that as a friendly amendment. All in favor. Passed.**

Discuss take action on a rule exception to minimum lot size on a 2-Lot Certified Survey Map (CSM) for Jack Lindstrom, owner, pursuant to Chapter 237-26A and Chapter 240-25C(5), on property located in the SE ¼ of the SW ¼ of Section 18, T25N, R18W, Town of Diamond Bluff, Pierce County, WI.

Staff Report – Emily Lund: We have the Lindstrom's here and they are requesting a rule exception to the one acre minimum lot size on the attached 2-Lot CSM pursuant to 237-26A. The Bonnie Lindstrom Trust currently owns the home on proposed Lot 1 (see attached CSM) with address N2933 Cty Rd OO. John & Kathleen Lindstrom own the home on proposed Lot 2 with address W9592 State Rd 35. These existing parcels were created prior to the enactment of subdivision requirements and are considered to be preexisting non-conforming lots. John & Kathleen Lindstrom's septic system is currently located on Bonnie Lindstrom Trust's property, with an approved septic system easement agreement. Bonnie Lindstrom Trust's septic system is on Lot 1 Lindstrom Heights Addition. The proposed CSM corrects the septic system locations so they are located on the same lot as the associated home. The vacant Lot 1 of Lindstrom Heights Addition is combined with proposed Lot 1. The sale or exchange of land between owners of adjoining property is typically exempt from the requirements of Chapter 237 as long as any new lot configurations meet applicable zoning and other regulations. However, the subdivision code established a minimum lot size of 1 acre. The proposed reconfiguration of these preexisting

nonconforming lots would, despite the inclusion of existing vacant Lot 1, result in reconfigured lots that continue to be less than 1 acre in size. Due to this, a rule exception to the minimum lot size requirement is necessary. The property is located in Section 18, Town of Diamond Bluff and includes Lot 1 Lindstrom Height Addition. Pierce County Code Subdivision of Land §237-26A states, “Area and dimensions of lots shall conform to the requirements of the Pierce County Zoning Ordinance, where applicable. For areas where zoning is not applicable, minimum lot size shall be one acre, exclusive of land in any rights-of-way or easements.” Given that the proposed CSM would reconfigure 3 preexisting nonconforming lots, zoning is not applicable and a minimum lot size of one acre is required unless a rule exception is granted by the LMC. PCC §237 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.

Since Lot 1 Lindstrom Heights Addition was combined with proposed Lot 1, it is considered “combining parcels” under §237-8 and a CSM was required. The Department of Administration Plat Review recommended that the Town of Diamond Bluff sign off on the CSM since the plat was altered. Diamond Bluff Town Board approved the proposed CSM on July 2, 2013.

Staff Recommendation: Staff recommends the Land Management Committee determine whether or not this situation warrants a rule exception.

Sanden asked if Emily could describe it so he could understand, he stated they started out with three nonconforming lots and they want to combine two of them. Holst stated as Town Chair, he can explain this. Thirty-five or forty years ago, Lindstrom Family developed a platted subdivision in the Town of Diamond Bluff. At that time, minimum lot size was less than they are today. Jack lived next door to his mother, Bonnie and dad, John. They had one lot that didn’t sell in the subdivision that was on the corner. The three lots in question are Jack’s (John Jr) & Kathy’s and Bonnie’s. Bonnie has deceased so the family wishes to sell off. Jack had a sewer easement to put his sewer on his mom’s property. Through the reconfiguration, they would combine them with the two lots, Jacks & Bonnie’s. That would straighten up the sewer easements and would get rid of one buildable lot. Even though that lot is undersized by today’s zoning, it is a lot of record so that made it buildable. This is a down zone and that is why it made sense to us as a Town Board. Lund stated that the map shows the existing lot lines and the CSM shows the new ones. **Holst moved to approve the rule exception to minimum lot size on a 2-Lot Certified Survey Map (CSM) for Jack Lindstrom, pursuant to Chapter 237-26A and Chapter 240-25C(5), finding this does not nullify the intent and purpose of the subdivision chapter/Ross seconded. All in favor. Passed.**

Agenda #7 has been stricken.

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

Departmental Update and Future Agenda Items

Public hearing for a winery and nature based operation for Shannon Zimmerman in the Town of Clifton.

Public hearing for a nonmetallic mine operation expansion in the Town of Maiden Rock for WISC.

Status report for WISC in the Town of Diamond Bluff.

Status report for County Materials in the Town of Rock Elm and County Materials intends to do their signature hole blast on August 5th or 6th when we have a firm date we will let you know. If more than two of you would like to be there, we will have to notice it as a meeting.

Motion to adjourn at 6:57pm by Sanden/Ross seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, July 17, 2013 – 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 7 th & 21 st , September 4 th & 18 th , all in 2013.	Chair
3	Approve minutes of the June 19, 2013 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for a conditional use permit for a Utility Facility >1000 square feet and a single wood pole communication antenna >70 feet in the General Rural District for Dairyland Power Cooperative, owner, by Steven Andrews, agent, on property located in the SW ¼ of the SE ¼ of Section 3, T27N, R16W, Town of Gilman, Pierce County, WI.	Lund
5	Discuss take action on status report and potential modification of conditional use permit for Rudy Jungwirth (Valley Vineyard) located in Lots 6, 7 & 8, of the Crossroads Land Division, in the SW ¼ of the NW ¼ of Section 23, T26N, R19W, Town of Oak Grove, Pierce County, WI.	Roy
6	Discuss take action on a rule exception to minimum lot size on a 2-Lot Certified Survey Map (CSM) for Jack Lindstrom, owner, pursuant to Chapter 237-26A and Chapter 240-25C(5), on property located in the SE ¼ of the SW ¼ of Section 18, T25N, R18W, Town of Diamond Bluff, Pierce County, WI.	Lund
7	Discuss take action on County Surveyor purchase of GPS and equipment.	Filkins
8	Discuss take action on Travel/Training Requests	Pichotta
9	Future agenda items.	Pichotta
10	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.

(7/3/13)

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, July 3, 2013 – 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 17 th , August 7 th & 21 st , September 4 th & 18 th , all in 2013.	Chair
3	Approve minutes of the June 19, 2013 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for a conditional use permit for a Nonmetallic Mining Operation in the Agricultural Residential District pursuant to Pierce County Code 240-37 for Wisconsin Industrial Sand Company, owner and agent for John & Marjorie Kralewski Family Partnership, Jerry & Karen O'Brien and Jill Greenhalgh, owners, on property located in the South one half of the SE ¼ of Section 3 and the NW ¼ of the SE ¼ and the SW ¼ of the NE ¼ of Section 10 and the NW ¼ and part of the South one half of the SE ¼ of Section 11 and the SW ¼ of the SE ¼ and part of the SE ¼ of the NW ¼ of Section 14, all in T24N, R16W, Town of Maiden Rock, Pierce County, WI.	Roy
5	Discuss take action on County Surveyor purchase of GPS and equipment.	Filkins
6	Discuss take action on Travel/Training Requests	Pichotta
7	Future agenda items.	Pichotta
8	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.

(6/21/13)

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



MINUTES - Pierce County Land Management Committee Meeting, June 19, 2013

Present: Jon Aubart, Jeff Holst, Jim Ross and Eric Sanden

Absent: Joe Fetzer

Others: Andy Pichotta, Jim Kleinhans, Emily Lund, Brad Roy and Shari Hartung

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

Next meeting dates: July 3rd & 17th, August 7th & 21st, September 4th & 18th, all in 2013.

Approve Minutes: **Ross moved to approve the June 5, 2013 LMC minutes/Aubart seconded. All in favor. Passed.**

Public hearing to consider and take action on a request for a map amendment (rezone) from Light Industrial District to Rural Residential 20 District for Randall & Bonita Trok, owners on pending Lot 4 located in the SE ¼ of the SE ¼ of Section 33, T25N, R18W, Town of Trenton, Pierce County, WI. Chairperson Holst invited Mr. Trok forward: Mr. Trok explained he is requesting the rezoning from Light Industrial to Rural Residential 20 District for a possible sale, two acres split off of the eight acres there.

Staff Report – Emily Lund: As Randy mentioned they are rezoning two acres from Light Industrial to Rural Residential 20. In 2005, 0.6 acres of this 8.015 acre property was rezoned from Rural Residential-20 to Light Industrial to achieve a consistent zoning throughout the entire parcel. The zoning district allowed these uses to be permitted on the property: 3 large storage buildings for boat storage, 40-unit mini-storage, a bathroom, an office/storage area for the owners, and an area rented out to a coffee roasting company. Pierce County Code §240-40A(1) allowed the residence to be permitted accessory to the principal use in the LI District. The owners are now planning to split the property into two parcels as shown on the attached Certified Survey Map. The home will be located on its own parcel and is proposed to be rezoned to RR-20 so it would not be a non-conforming use. Parcels on which this rezone is requested are located in pending Lot 4 of a Certified Survey Map located in the SE ¼ of the SE ¼ of Section 33, T25N, R18W, Town of Trenton, Pierce County, WI. Existing land uses on the parcel include residential and light industrial. Nearby land uses include industrial uses, agriculture and residential. Adjacent zoning districts include Industrial, Rural Residential-20 and General Rural Flexible. Pierce County's adopted Comprehensive Plan is stated in the staff report. The Trenton Town Board, upon review of the Town of Trenton Comprehensive Plan 2009-2029, recommended approval of this request at their May 14, 2013 meeting. The Town's Comprehensive Plan, on the "Future Land Use" map, identifies the area located riverward of State Highway 35 as being appropriate for "Mixed Uses" and they are listed in the staff report. Pierce County Zoning Code §240-15 Purpose and Intent of Zoning Districts for Rural Residential 20 and Light Industrial are shown in the staff report. Information regarding soils on the property shows they are pretty sandy in that area.

Staff Recommendation: Given that the Trenton Town Board has determined this proposed rezone of 2.0 acres from Light Industrial to Rural Residential-20 to be consistent with their comprehensive plan, staff recommends that the LMC approve this rezone request and forward a recommendation to the County

Board of Supervisors.

Sanden asked if the lines on the map are off a little bit. Lund stated yes.

Chairperson Holst opened the hearing to the public. No public comment. **Public hearing closed.**

Sanden moved to approve the request for a rezone from Light Industrial District to Rural Residential 20 District for Randall & Bonita Trok, owners, and forward a recommendation to the County Board of Supervisors/Ross seconded. All in favor. Passed.

Public hearing to consider and take action on a request for a map amendment (rezone) from Rural Residential 12 District to General Rural Flexible 8 District for Gerald Pechacek, owner on 80 acres in the SW ¼ and the NW ¼ of the NW ¼ of Section 10, T26N, R19W, Town of Oak Grove, Pierce County, WI. Chairperson Holst invited Mr. Pechacek forward: Mr. Pechacek explained he is requesting what was stated.

Staff Report – Emily Lund: This is a rezone request on 80 acres from Rural Residential 12 to General Rural Flexible 8, going from a residential district to an agricultural district. The owners are proposing to rezone 80 acres of their land from a residential district to an agricultural district. The owners have two - 10 acre parcels parallel to the east of each 40-acre parcels that are already GRF-8, so the rezone makes for consistent zoning throughout. The rezone will allow the owners to secure a permit to build an agricultural machine shed for storage and to relocate two grain bins to the property. The GRF-8 district is consistent with the current use and will allow those structures to be permitted on the property. The property is located in Section 10, Town of Oak Grove. Existing land uses on these parcels is agricultural. Nearby land uses include agriculture and residential. Adjacent zoning districts are Rural Residential 12 and General Rural Flexible 8. Pierce County’s adopted Comprehensive Plan is stated in the staff report. The Oak Grove Town Board, upon review of the Town of Oak Grove Comprehensive Plan 2009-2029, recommended approval of this request at their May 20, 2013 meeting. Town Chairperson, Sarah Palodichuk, justified their decision by referencing the plan by stating, “Chapter 6 (p. 25), Goal 4 – Protect and preserve agricultural resources. The land is currently being farmed but is zoned RR 12. The rezone is for agricultural purposes.” Pierce County Zoning Code §240-15 Purpose and Intent of Zoning Districts of Rural Residential 12, General Rural and General Rural Flexible are listed in the staff report and the different soil types on the agricultural land are listed also.

Staff Recommendation: Given that the Oak Grove Town Board has determined this proposed rezone of 80 acres from Rural Residential 12 to General Rural Flexible 8 to be consistent with their comprehensive plan, staff recommends that the LMC approve this rezone request and forward a recommendation to the County Board of Supervisors.

Chairperson Holst opened the hearing to the public. No public comment. **Public hearing closed.**

Aubart moved to approve the rezone from Rural Residential 12 to General Rural Flexible 8 for Gerald Pechacek and forward a recommendation to the County Board of Supervisors/Ross seconded. All in favor. Passed.

Public hearing to consider and take action on a request for a conditional use permit for Nonmetallic Mining, pursuant to Pierce County Code 240-37A, in the General Rural District for Fesenmaier Enterprises LLC, owner, by John O’Meara, agent on property located in the SE ¼ of the SE ¼ of Section 35, T27N, R16W, Town of Gilman, Pierce County, WI. Chairperson Holst invited Mr. O’Meara forward: Mr. O’Meara, Mattison Contractors Project Manager, stated they were awarded a road project for the Town of Gilman, 290th Street reconstruction. The project requires approximately 6500 cubic yards of borrow material for safety improvement. The Fesenmaier property lies directly west of the project. It makes sense for us to try and acquire the material from there just to lessen the beating of the roads from our dump trucks and a safety concern with kids out of school for the summer. The site would be opened approximately a month, stripped off and then reclaimed at the end.

Staff Report – Brad Roy: As was stated, Mattison Contractors will be completing a road project on 290th St in the Town of Gilman. The project requires 6,500 cubic yards of borrow material. Mattison is proposing to extract the material from the field directly adjacent to the project owned by Fesenmaier

Enterprises LLC. The property is currently being used as crop land. The property is located in Section 35, Town of Gilman. Topsoil will be removed and stockpiles using a dozer. Silt fence will be placed as needed around the project boundary. Applicant intends to extract 6500 cubic yards of material, utilizing an excavator for loading 3 dump trucks. A water truck will be brought on site to control dust as necessary. Mr. Fesenmaier will also use some of the material for fill at his farm. After all the material is removed the site will be graded and contoured to match the surrounding area and to meet the landowner's needs for future agricultural uses. The topsoil will be redistributed on site at an approximate depth of 8 inches. Temporary seeding will be applied unless the landowner directs otherwise. Because the area affected will be less than one acre an NR 135 Reclamation Plan will not be required. Hours of operation are proposed to be 6:30am to 6:30pm. The project will take approximately one month. Mattison anticipates scheduling the project within June to August. The Town of Gilman recommended approval of this request on May 9, 2013, without reference to 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 approve this conditional use permit with the following conditions:

1. The initial fee of \$1,000 for Nonmetallic Mineral Extraction shall be paid prior to any site disturbance.
2. Applicant agrees that any unforeseen erosion issues that arise shall be addressed to the satisfaction of the county.
3. Hours of operation shall be 6:30am to 6:30pm.
4. If the site disturbance exceeds 1 acre, an NR 135 compliant Reclamation Plan shall be submitted to the Land Management Department for approval.
5. This permit shall expire upon completion of the road project. If the mining project is not completed by October 1, 2013 the applicant shall request an extension and provide a status report to the LMC.

Sanden asked what borrow material is. Mr. O'Meara explained it is taking the fill from Fesenmaier's property and moving to the intersection to flatten it out. **Chairperson Holst opened the hearing to the public.** No public comment. **Public hearing closed. Sanden moved to approve the conditional use permit for Nonmetallic Mining for Fesenmaier Enterprises LLC, owners by John O'Meara, agent with conditions #1 - #5 due to the fact this is not found to be contrary to the public interest nor detrimental or injurious to the public health, public safety or the character of the surrounding area/Ross seconded. All in favor. Passed.**

Public hearing to consider and take action on proposed amendments to Chapter 240 Zoning of Pierce County Code; relating to language intended to regulate adult entertainment.

Staff Report – Brad Roy: This has been discussed a couple times. On March 6, 2013 staff presented draft code language regarding several commercial uses which have the potential for significant impacts but are not specifically classified and fall under the classification of "General Retail and Services". Uses classified as General Retail and Services could begin to operate in an existing structure within the Commercial District without the requirement of any permit or review. However, a Land Use Permit and Site Plan Review would be required for any new construction in the Commercial District. The LMC has determined that a new classification for Adult Entertainment uses is warranted. Appropriate zoning district and setbacks were discussed on May 1, 2013. Potential impacts and concerns regarding adult entertainment include traffic, noise, property devaluation, morality issues, increased potential for criminal activity and incompatibility with surrounding uses. The LMC determined that Adult Entertainment uses should be a Conditionally Permitted use in the Industrial District. There is approximately 1,424 acres within the County currently zoned Industrial. Definitions have been presented to and discussed with the LMC to clearly define Adult Oriented Entertainment Business uses, the proposed definitions are;

- Adult Oriented Entertainment Business – any business whose primary business activity is characterized by emphasis on matters depicting, describing or relating to nudity, sexual conduct, sexual excitement or sadomasochistic abuse, such as an adult bookstore, adult theater, adult massage parlor, adult sauna, adult entertainment center, adult cabaret, adult health/sports club, adult steam room/bathhouse facility.
- Nudity – the showing of the human male or female genitals or pubic area with less than a fully opaque covering or the depiction of covered male genitals in a discernably turgid state and/or the appearance of bare buttocks, anus or female breast.
- Sexual conduct – acts of masturbation, sexual intercourse, or physical contact with a person’s unclothed genitals, pubic area, buttocks or female breast.
- Sexual excitement – the condition of human male or female genitals when in a state of sexual stimulation or arousal.

Setbacks to mitigate potential negative offsite impacts have been discussed, the LMC determined that the following setbacks are sufficient to protect surrounding land uses.

- *1320’ from schools, churches, licensed daycares and parks
- *500’ from residential zoning districts
- *300’ from offsite residences

The proposed amendments have been reviewed by Corporation Counsel. There were no concerns about the legality of the proposed code amendments. All towns under county zoning were provided a copy of the public hearing notice regarding this proposed amendment via certified mail.

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

Chairperson Holst opened the hearing to the public. No public comment. **Public hearing closed.**

Aubart stated he is not too excited about this. He thinks that we’re trying to solve a problem that doesn’t exist. We’re creating regulation on a proposed business when we talk about the potential impacts and concerns. He looks at this and that is every bar in the County. He personally doesn’t care for it. Sanden stated when you say this affects every bar in the County, could you expand? Aubart stated when we talk about the potential impacts concerning this particular industry or business. It says it includes traffic, noise property devaluation, morality issues, increased potential for criminal activity and incompatibility with surrounding uses; that is nearly every bar. Currently, there is one of these facilities in the County. Compare that to the sheriff calls to the Woodshed or the Harbor Bar. It’s not even on the same level. These establishments are licensed and can be regulated by the Townships easily and he thinks that it’s just being put back on the County to regulate. Sanden stated there was an establishment in Hudson where they had an adult business show up on Main Street and there wasn’t anything in their code that would regulate it. They spent a lot of time battling that issue. There was another issue downtown St. Paul, where they ended up buying out the bar for around \$800,000 to clean up that neighborhood. He appreciates Jon’s comments and feels they are valid but is looking at the other side too and doesn’t want to be caught in a situation where it does happen and then we can’t do anything about it. You make a good point about the Townships taking the weight on this. **Chairperson Holst stated he would deviate from the proceedings and take public comment on this since Mr. Eager is the spearhead of this.** John Eager, Rock Elm Town Chair, stated the Town Association was contacted on this and they said there was nothing the Town could do about it because it is a zoning issue. For them to try to do anything would be for them to do zoning and they said they couldn’t do it. There was a deal probably happened about the time the Trenton Township thing happened. The Town’s Association had townships trying to adopt these ordinances and they ended up with it being a zoning thing and it became null and void. Aubart asked if the Townships issue the liquor licenses. Mr. Eager stated yes. Aubart stated that if they have a problem with any establishment, with these or another bar, they can control or put conditions on that liquor license or revoke that license or suspend it. Mr. Eager stated that the problem is if you revoke their liquor license,

that doesn't mean that you are going to actually get rid of the business. There were businesses that did that in the Twin Cities that served soda pop. Aubart stated that he would agree with the viability of that but with the population base he would suspect that they wouldn't be around very long. Chairperson Holst stated most of the entertainers, from what he has been told, you would have to be kind of full to go there anyway and appreciate the artist value of said enterprise. Mr. Eager stated he wanted to make the comment that the Township did address it and they were told flat out that it was a zoning issue. Whether it is liquor or soda pop; if they own the building and there is no criteria. Ross asked if there has been a request on properties that you are aware of to do this type of business. Mr. Eager stated not at this point. They have three bars in their township. Chairperson Holst asked how many are active. Mr. Eager stated three. So the potential is there. Ross stated he is with Dr. Sanden and can see both sides of the issue. Mr. Aubart are you concerned that the statement of morality issues is defined by a variety of different possibilities? Mr. Aubart stated legislating morality is a problem. Ross stated he would concur. Mr. Eager stated that you are not legislating morality; you are just saying where it can take place. Chairperson Holst stated with this code every township has to have a place where this kind of establishment could take place. Pichotta stated not every Town, if it were a Town that adopted their own zoning and limited it to Light Industrial, like the Town of River Falls, there has to be a place where it could actually go. Chairperson Holst asked if a Town has no Industrial District then we can strike them out. Pichotta stated we are looking at the County as a whole instead of the Towns so there just has to be places in the County that meet the criteria. Chairperson Holst stated so we have 1420 acres that meet the criteria? Pichotta stated yes we do. Chairperson Holst stated he feels this is a relatively distant opportunity; it may or may not happen, he doesn't believe that you are going to have a large on rush to Rock Elm or Diamond Bluff or any place else to do this. He also sees this as a relatively benign thing. **Sanden moved to approve the amendment to Chapter 240 regulating adult entertainment and forward a recommendation to the County Board of Supervisors/Ross seconded. All in favor with Aubart opposing. Passed.**

Discuss take action on site plan review of a new storage building in the Light Industrial District for TW Equities LLC, owner on property located in part of the NE ¼ and the SE ¼ of the SE ¼ of Section 35 and part of the NW ¼ and the SW ¼ of the SW ¼ of Section 36, all in T27N, R20W, Town of Clifton, Pierce County, WI.

Staff Report – Jim Kleinhans: George Jacques rezoned and developed some property to Light Industrial in the Town of Clifton, Section 35 and 36. This parcel is 15.1 acres so we haven't seen a lot of the details on it. TW Equities bought the property and would like to put a cold storage building on the property. Mr. Westby approached the Land Management Department for a permit and he was informed that he needed state plan approval for the building and site plan approval from the committee. They now have foundation approval from the State. They have driveway access that was approved. They propose to build 125 ft. by 160 ft metal building and proposing a small parking area on the west side of the building and a fire lane on the north side. There will be no well or sewer at this time because it's just cold storage. The remainder of the property will continue to be farmed. No plans for security lighting were proposed. Adjacent uses include agricultural and commercial. No advertising signs were proposed.

Staff Recommendation: Staff recommends the Land Management Committee consider the information provided in this report to determine if any aspect of this development, as proposed in the site plan, is potentially harmful to the health, safety, aesthetics and general welfare of the county and can be addressed through modifications to the proposed site plan. Staff also recommends the LMC consider including the following conditions in any plan approval:

1. Two regular parking spaces and a minimum of one handicapped parking space shall be delineated.
2. Advertising signs shall comply with the zoning code standards and signs shall be located outside of road right-of-way. WI DOT regulations shall also be adhered to for off-premise signage.

Applicant understands that he needs a land use permit. **Chairperson Holst invited Mr. Westby forward:** Todd Westby, TW Vending, the owner, stated that the size of the building is going to be 125 ft. by 100 ft. Sanden stated to be clear this is site plan review not a land use permit. Kleinhans stated yes and asked Mr. Westby if he had any security light plans. Mr. Westby stated this is just cold storage at this time

but next year they will be requesting an office be put on the front at which time the electricity and lighting will be done. Sanden asked about any fencing. Mr. Westby stated no. They currently rent from a farmer on the adjacent property in a steel building that is right there. They want to move all of their equipment into the proposed building. The plans are next year to put an 8,000 square foot two-story office on the front of it, 40 ft out by 20 ft high, the width of the building. Sanden asked if there would be any plantings or landscaping? Mr. Westby stated no, any earth moved will be seeded. **Sanden moved to approve the site plan review for TW Equities LLC with conditions #1 - #2/Aubart seconded. All in favor. Passed.**

Discuss take action on compliance with, and potential modification of, conditions of site plan approval for Value Implement by Stan & Beverly Boles on property located in Lot 1, Certified Survey Map (CSM) V1, P219, in the SW ¼ of the SW ¼, Section 15, T26N, R18W, Town of Trimble, Pierce County, WI.

Staff Report – Jim Kleinhans: This committee looked at site plan approval when they expanded Value Implement Dealership last year. Part of the criteria was a vegetative screening plan to the adjacent residential structures. On October 17, 2012 the Land Management Committee approved an amendment to allow 10 trees to be planted in the spring of 2013 versus the current growing season due to drought. Mr. Boles selected trees from Mr. Hines stock just north of town. Mr. Hines indicated that the ground is too wet for his equipment to go in and dig out the trees so they have not transplanted the trees at this time. Our office received a call from one of the adjoining property owners very upset saying that the trees weren't in and that is why this is back on the agenda for the committee to review. Jim checked this afternoon and the trees aren't out there yet. Another item for discussion in October was the private drive sign and he verified there is a sign at the entrance of the private drive as you go around.

Staff Recommendation: Staff recommends the Land Management Committee consider whether requiring a financial surety or establishing a timeframe triggering enforcement action is warranted or allow them a little more time to get those trees in there. Another option would be for Mr. Boles to buy the trees from someone else that has higher ground. He has these trees selected from Mr. Hines. Jim talked to Mr. Hines recently and he indicated he will do that and Mr. Boles is first on his list, as soon as he can get in there without tearing up his fields. Sanden stated I don't suppose he can give you any estimated date being it's all based upon the weather. Kleinhans stated it's been wet and Mr. Hines' property is low. He's not concerned that the trees won't make it. Mr. Boles hired someone to water the trees last year and they all look like they are doing just fine. It's a bit of an investment buying trees that big so he wanted to make sure they grew. Sanden stated he feels better that it doesn't sound like he is just neglecting the responsibility, it's just the conditions. It sounds like he has every intention of following through with it. If we gave a timeframe, could it be contingent upon the weather, not sure how to word it? Chairperson Holst stated that area Mr. Hines is on out there isn't going to get dry for months. Nesbitt's have been hauling trees out by the semi load all spring. One of the neighbors was concerned that now that the pines have needled out, they wouldn't be able to transplant. Mr. Hines stated he doesn't have a problem with it as long as Mr. Boles takes care of them. Sanden asked if he mentioned how long of a timeframe he has until it is past the season for planting. Kleinhans stated the issue is that he just can't get in there to dig them. Sanden asked if he could do it up until the ground freezes? Kleinhans stated the fall is a good time. They could have gotten trees somewhere else but he started with Mr. Hines, but we've got neighbors that are aggrieved. There is some spacing between the trees also. You can see tires, pallets and equipment between them. They could use a little more screening and part of the problem is that they put the trees in before it was approved by this committee. That's part of the problem. They were supposed to work with the neighbors. We talked about an enforcement issue for site plan review. They can spend their money on tickets or they can spend their money on trees. Technically, after Friday they are in violation of this site plan review and the extension the committee gave them. Ross asked what 30 days would do, would the neighbors be bothered by 30 days if we give them more time to do it. Chairperson Holst stated he would entertain a motion stating that if the trees aren't in by the end of the month, Land Management Department will start enforcement actions to the tune of \$250/day for every day after the end of the month that the trees are not planted. That is a compromise that wouldn't satisfy the adjoining property owners

but maybe light a fire under the Boles' to get this deal done. Kleinhans stated this is the third time the committee has dealt with it. **Ross moved that Mr. Boles has until June 30, 2013 to plant said trees, any days beyond that would trigger a \$250.00 per day fine/Aubart seconded. All in favor. Passed.**

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

Departmental Update and Future Agenda Items

Public hearing for a nonmetallic mine and mining, accessory uses in the Town of Maiden Rock for WISC. Louie Filkins will be bringing the GPS equipment information to the meeting.

Motion to adjourn at 6:47pm by Ross/Sanden seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, June 19, 2013 – 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 3 rd & 17 th , August 7 th & 21 st , September 4 th & 18 th , all in 2013.	Chair
3	Approve minutes of the June 5, 2013 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for a map amendment (rezone) from Light Industrial District to Rural Residential 20 District for Randall and Bonita Trok, owners on pending Lot 4 located in the SE ¼ of the SE ¼ of Section 33, T25N, R18W, Town of Trenton, Pierce County, WI.	Lund
5	Public hearing to consider and take action on a request for a map amendment (rezone) from Rural Residential 12 District to General Rural Flexible 8 District for Gerald Pechacek, owner on 80 acres in the SW ¼ and the NW ¼ of the NW ¼ of Section 10, T26N, R19W, Town of Oak Grove, Pierce County, WI.	Lund
6	Public hearing to consider and take action on a request for a conditional use permit for Nonmetallic Mining, pursuant to Pierce County Code 240-37A, in the General Rural District for Fesenmaier Enterprises LLC, owner, by John O'Mara, agent on property located in the SE ¼ of the SE ¼ of Section 35, T27N, R16W, Town of Gilman, Pierce County, WI.	Roy
7	Public hearing to consider and take action on proposed amendments to Chapter 240 Zoning of Pierce County Code; relating to language intended to regulate adult entertainment.	Roy
8	Discuss take action on site plan review of a new storage building in the Light Industrial District for TW Equities LLC, owner on property located in part of the NE ¼ and the SE ¼ of the SE ¼ of Section 35 and part of the NW ¼ and the SW ¼ of the SW ¼ of Section 36, all in T27N, R20W, Town of Clifton, Pierce County, WI.	Kleinhans
9	Discuss take action on compliance with, and potential modification of conditions of site plan approval for Value Implement by Stan & Beverly Boles on property located in Lot 1, Certified Survey Map (CSM) V1, P219, in the SW ¼ of the SW ¼, Section 15, T26N, R18W, Town of Trimbelle, Pierce County, WI.	Kleinhans
10	Discuss take action on Travel/Training Requests	Pichotta
11	Future agenda items.	Pichotta
12	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.

(6/7/13)

PIERCE COUNTY WISCONSIN

DEPARTMENT OF LAND MANAGEMENT & RECORDS

Pierce County Courthouse
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MINUTES - Pierce County Land Management Committee Meeting, June 5, 2013

Present: Jon Aubart, Joe Fetzer, Jeff Holst, Jim Ross and Eric Sanden

Others: Andy Pichotta, Jim Kleinhans, Brad Roy and Shari Hartung

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

Next meeting dates: June 19th, July 3rd & 17th, all in 2013.

Approve Minutes: **Sanden moved to approve the May 15, 2013 LMC minutes/Ross seconded. All in favor with Holst and Fetzer not voting due to their absence from the last meeting. Passed.**

Public hearing to consider and take action on a request for a map amendment (rezone) from Rural Residential 20 District to Industrial District for Wisconsin Industrial Sand Company, agent for Shelley Endres and William & Patricia Schroeder, owners on property located in Lot 1 CSM V1, P251, containing approximately 10 acres, being part of the W ½ of the SW ¼; and part of the NW ¼ of the SW ¼, approximately 8.26 acres; and part of Lot 1 CSM V4, P70, being part of the SE ¼ of the SW ¼, west of the utility easement, approximately 3.5 acres, all in Section 1 and part of Gov't Lot 1 in Section 12, all in T24N, R18W, Town of Trenton, Pierce County, WI. Chairperson Fetzer invited Wisconsin Industrial Sand forward: Mr. Himes explained they are requesting the rezoning of the parcels to allow them to add to their rail system to allow for the assembly of unit trains. Unit trains are made up of 100 cars, 110 cars; common product going from one starting point to a final destination out in the market place rather than going through a rail yard. In order to make this work, they would be purchasing about 40 acres from Shelley Endres and Bill & Patricia Schroeder. They would add about five tracks to their existing rail, with total installation of about 19,000 feet of track in a ladder track configuration. The need for that much track is because the unit train is a mile long. So we need a lot of track to maneuver. We will be presenting applications for a conditional use permit modifications and a filling and grading conditional use permit later. The benefits to WISC on this project are for more efficient loading and building of trains and more efficient transportation costs. The cars won't have to go to a rail yard and be assembled. They will go straight to the market, so it will be a savings in transportation costs for them and an energy reduction. To the community, the advantage is additional jobs. There will be jobs created during the construction; the Hager Facility will add about four employees to operate addition equipment to move the cars and also BN will probably add three crews to run these unit trains between the market and our location. The project really won't change the impacts of the plant which they currently work very hard to minimize. In terms of dust, the plant facility and the loading facility won't change; all of the rail car loading are currently dust collected. The plant process is going to stay the same. There will be some added car movement in the yard but it is very consistent with the noise around the facility and on the tracks. They may also have the benefit of reduced brake noise. One of the changes that will occur is they will be using track mobiles to move the cars as opposed to our tugger system which requires that a brake be set on a car when they move it and that can be heard squealing. That noise will be reduced. They will use the minimal lighting necessary for safety, keeping the lighting aimed at the areas that need to be illuminated for safe operation. There won't be any change to the impact

that they have right now on town roads. 770th Ave that comes into the plant will see the same level of traffic and they rebuilt the road at their expense a couple years ago to make it suitable for their use. They have and will continue to be contributing members of the community through programs, donations, educational grants to local schools, volunteer hours, etc. The Hager City facility is zero waste, nothing goes to landfills. They have aggressively looked at water reduction programs to reduce the amount of fresh water that they use in their process. They have been recognized by the Wildlife Habitat Council for the activity with the bats in the mine. They have achieved Green Master Status through the Wisconsin Sustainable Business Council, Green Tier Status for the WDNR and recognized as Business of the Year by the Pierce County EDC. They take pride in meeting and exceeding compliances and requirements from this committee. They will continue to work to make sure that is the case in the future. They ask that the rezone be approved. They believe it is consistent with both the County and Town Comprehensive Plans. It's located within the rail corridor, the Wisconsin Hwy 35 corridor, located near other industrial operations, creates employment opportunities and is in an area designated for industrial development. Sanden asked if Mr. Himes would define ladder track. Mr. Himes stated that is several tracks parallel to each other. Sanden asked if it would be like sidings. What do you anticipate how deep that would be, how many tracks. Mr. Himes stated yes, its sidings and it will be five sets of tracks. Sanden asked him to expand on the noise impact, either positive or negative by having the sidings rather than changing cars on the main line. Mr. Himes stated the noise will be consistent with what they do now, moving cars as they are loading them. The cars will be brought in by the BN and staged in this area they are expanding into and they would use track mobiles, small locomotives that can go on and off the track. They would go in and grab a group of cars and pull them into the loading facility, load them and position them into a track with loaded cars on it. Sanden asked if he could compare that to the operation as it stands right now. Mr. Himes stated it would be very similar, a little more coupling noise, a little more noise down at that end of the track that they are proposing to expand into. But they are moving cars fairly continuously in the loading facility now. Chairperson Fetzer asked if there would be more coupling noise. Mr. Himes stated it would be a little more back and forth when they are building the unit train. Chairperson Fetzer asked when you are stacking them up, will one set of cars muffle the ones in between or are you always working on the outside. Mr. Himes explained they would be working on all the tracks. There will be two phases to the loading operation and car movement. The BN will deliver a unit train, 100 cars empty and that would be the body of cars that they would be loading to build a unit train. But also on a daily basis, like now, the BN will deliver cars into the plant and those will be shuttled onto tracks where the empty cars will be stored. Also the BN will be delivering cars for our Maiden Rock Facility that are loaded and those will be shuttled into where they are building the unit train. The unit train will be a combination of our cars and the Maiden Rock cars so they would be putting that together and on some frequency, maybe once a week, the BN would grab that set and take it to market and deliver another set of empties. They would still continue to have the daily business. It would be half the cars because now half the loading is going into the unit trains. Sanden stated in the past we have had complaints about the clanking noise as these cars are being loaded one by one and he was wondering if this allows multiple cars to be loaded at once so there isn't that much noise. But it sounds like this is just connecting the empty cars together and they are still loaded one by one. Mr. Himes stated they will pull a string with the track mobiles rather than the tugger. The track mobiles would push or pull maybe half a dozen cars through the loading facility at a time. Then they would be moved to the appropriate track and the next string of empties would be brought in. The difference will be with the tugger, you have to set a brake on the car and that generates a significant amount of the noise associated with rail loading is that high pitch squealing. The track mobile is what holds the cars steady and that noise will be greatly reduced.

Chairperson Fetzer opened the hearing to the public. Ruth Ray, lives just in front of the plant, you are going to be loading an additional 100 cars and working more hours, more sand and that is going to create more dust for our homes. Mr. Himes stated this project doesn't increase the capacity of the plant it changes how they deliver the cars, not how much material they are shipping to market. It's just going by unit train rather than going through LaCrosse. Sarah Schuck, lives right across the railroad tracks from the operation, currently they don't have a lot of train cars in front of their house but her understanding is that

they are going to have an abundance of train cars across from their living quarters which is about 50 to 70 feet from the railroad tracks. Her concerns are after living there for 36 years and building equity in their home, what will this do to the values of the homes in that area. What will their taxes look like with more industrial things going on? Are they going to get a break in their taxes? Mr. Himes stated you will have cars across from you. We're putting the projects in an Industrial area. He can't speak as far as taxes and on a general study that they have had done, they've haven't seen a significant change in property value. Joan Walker, lives on 140th Avenue, their property value has been reduced since all of the airport business has been going on. They would like to sell their house but can't get out of their house what they will have to pay for another house. Ivy Conrad, lives on 130th Avenue, her concern is when they start taking out part of the bluff, how is that going to affect the structure of their homes? She is also concerned about the increase in dust. She and her son have asthma and it affects their living. Ms Walker agrees with Ivy that their cars have a lot more dust on them and her asthma has been worse. She would like to see EPA come and do a study by their home. Sarah Palodichuk, Oak Grove Chairperson, people have asked her if this will increase train traffic. There is a sense that if a company is requesting something it will make them more efficient and put more cars on the tracks. Hearing they are going to ask for CUP modification, that would be her question also. Joe Bacon, Spring Lake Township, asked if there is air quality monitoring going on at the site? In the future is the number of cars going to increase? If the precedence is set on this expansion what is going to happen to all rail sites in Pierce County in the future? If there is air quality monitoring being done, to what standard and also noise standard. Bill Schroeder stated that he still will own about a 300 foot buffer between Heidi's house and beyond the power lines to the west of that. He stated he doesn't know where the dust is coming from because his shop is right there and he doesn't see it. Pre 1986 you couldn't have had your windows open because that was an open field and when the wind blew from the west there was dirt banks along the power lines. That's why there is a ridge there because it's a dirt bank. Originally this property was all industrial, then he zoned it Rural Residential because he was going to have a house back there at one time. He bought it for the industrial uses. Also the lady down over the hill, Mrs. Ray, most of the car staging will be done down the track from where the curve is. When you are looking out your window, you are going to see one row of cars because they are parallel with the track. As far as the noise, it's a railroad track. It shakes his house and in the winter his windows rattle. Lisa Flynn, lives right on the hill next to the sand mine. As far as the dust goes, she doesn't notice the difference pre sand mine to post sand mine. As far as the noise, they really don't hear the cars and some of that noise will be muffled. Richard Huppert, lives on 747th Street, how many cars are they presently loading a day and if they are using a track mobile, how many cars can a track mobile run? If they start bringing in unit trains they are going to have to have a locomotive or possibly two hooked together. **Chairperson Fetzer closed the public hearing.** Mr. Himes stated in terms of the bluff and stability of the bluff, any work they do will be engineered so it won't affect adjacent properties. They are not going to undercut the bluff or disturb anyone's home with this project. In the issue of dust, they are regulated by the EPA, MSHA, by the conditional use permit and they monitor the dust in their facility as an occupational hazard. They have to control that environment inside the plant so they don't have dust levels that are unacceptable or beyond acceptable limits and expose. Away from the plant the dust is going to be dramatically less. There are a lot of regulations at both the state and federal level and the local level in terms of dust. Chairperson Fetzer asked if the EPA ever comes in and to check. Rich Budinger stated it's through the WDNR. The EPA has delegated its authority to the WDNR to manage that within the state of Wisconsin. So the WDNR holds the regulations, they have to get the air permits through WDNR and they require stack testing, which is a probe test that ensures that they are in compliance. Anytime they want to modify the plan, add a piece of equipment or change something, they have to modify the air permit which resets the whole process again. The regulations for the air permit that are included also visible dust, fugitive dust, those sorts of things also. Mr. Himes stated MSHA also comes in annually and checks the dust levels. We monitor noise and so does MSHA in the plant to make sure we aren't exceeding acceptable limits. We're loading 24 cars a day now. When we're moving cars with the track mobiles, we would be moving a dozen cars at a time. The locomotives will come in only when they are going to pull or deliver the cars. We won't be running locomotives in our facility. The future will be

based on the market as any business would look for ways to grow their business and with any intensification we would have to come back before this committee. Holst stated that a lot of the questions asked are all valid and weigh heavily on a person but the majority of the questions asked will be answered when these people come in for a conditional use permit. They will be addressed at that time. Today's hearing is on a rezone. We, the LMC as a group, do this with some regularity. So we are more familiar with this process. You will have another chance to skin this cat after this.

Staff Report – Andy Pichotta: This request for a rezone doesn't enable any kind of an expansion. A rezone simply enables them to apply for an expansion. Expansion would require two different conditional use permits; one for the expansion itself and one for filling and grading associated with it. As a conditional use permit - it requires a town recommendation so both of those issue will need to go through the town again and they would generate a recommendation regarding conditions they believe necessary to be associated with any approval. So folks that have concern, are encouraged to attend the meetings when these are on the Towns agenda should this rezone move forward. This is a rezone request for 21.76 acres from Rural Residential 20 to Industrial District. The parcel is located in Sections 1 and 12 in the Town of Trenton. Existing land uses on the parcels include productive forest lands, residential and agriculture. Nearby land uses include industrial uses, agriculture, residential and forest land. Adjacent zoning districts include Industrial, Rural Residential 20, Commercial and General Rural Flexible. 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. Trenton Town Board upon review of their town comprehensive plan recommended approval of this request at their May 14, 2013 meeting stating that "This request is consistent with the land use map in the town comprehensive plan." The Town's Comprehensive Plan on the "Future Land Use" map, identifies the area located riverward of State Highway 35 as being appropriate for "Mixed Uses". Their plan (page 109) further states:

Mixed Uses

Purpose: Development continues to be a key focus for Trenton's economy. By providing basic employment, industry serves as the foundation for further expansion in the retail and service sectors. Located near STH 63 and STH 35, there is a need for additional planned acreage to serve the industrial potential of Trenton. There are a number of business uses in the Town that are reliant on a highway arterial or collector road location. The Town wishes to reduce the potential for conflicting traffic movement, congestion and hazardous conditions along these highways. This plan attempts to balance the benefits to the Town's tax base that this type of development will bring with the impacts associated with highway business development. Design standards should be established for all development along the highway. Such standards may include both site design criteria such as landscaping and building design criteria such as construction materials. The design standards are intended to ensure high-quality development that is aesthetically pleasing and that reinforces the desired character of Trenton.

Mixed Use Area Standards are also discussed. Criteria the Town is to consider include:

- Adequacy of access
- Assessment of need for public utilities
- Site plan review by the town
- Traffic volume assessment
- Need for landscape or visual buffer in certain circumstances
- Need for solid waste/hazardous material plan if warranted
- Lighting standards
- Days and hours of operation
- Access to main arterials to reduce commercial traffic on local streets
- Segregated/buffered from residential uses

It should be noted that the establishment, expansion or intensification of an industrial use in an Industrial District requires the issuance of a conditional use permit by the Land Management Committee. As such, a Town Recommendation is required at time of application and will provide the Town the opportunity to

apply the above criteria to any proposed industrial uses. Purpose and Intent of Zoning Districts are listed; Rural Residential 20 and Industrial. Rural Residential 20 is intended to provide for densest residential development; 20 houses per 40 with an average lot size of 2 acres. Industrial is established to provide for industrial uses that are more intensive than those allowed in the Light Industrial District. The purpose of the district is to accommodate a heavy volume of traffic. The need for rail access to parcels and the presence of noise and other factors which could pose a nuisance in other districts. The intensity and use of land as permitted in this district is intended to facilitate the total range of industrial uses. The Value of the Land information is also listed.

Staff Recommendation: Given that the Trenton Town Board has determined this proposed rezone of 21.76 acres from Rural Residential 20 to Industrial to be consistent with their comprehensive plan, staff recommends that the LMC approve this rezone request and forward a recommendation to the County Board of Supervisors.

Aubart moved to approve the request for a rezone from Rural Residential 20 to Industrial for Wisconsin Industrial Sand Company, agent for Shelley Endres and William & Patricia Schroeder, owners, and forward a recommendation to the County Board of Supervisors/Sanden seconded. All in favor. Passed.

Discuss take action on status report and potential modification of conditional use permit for Rudy Jungwirth (Valley Vineyard) located in Lots 6, 7 & 8, of the Crossroads Land Division, in the SW ¼ of the NW ¼ of Section 23, T26N, R19W, Town of Oak Grove, Pierce County, WI. Roy noted that Mr. Jungwirth was not able to be present tonight. He has seen the staff report and understands the situation here tonight. Pichotta stated, given the concerns, we felt it appropriate to leave it on the agenda simply to ensure that the conditions in place are adequate to address the concerns that have been raised by the community up to this point. We could, if you believe it is warranted, have him come in to give a status report in the near future.

Staff Report – Brad Roy: The applicants operate Valley Vineyard LTD, which first received a conditional use permit for a Farm and Home Based Business in 2008. Grapes are grown and the wine is produced onsite. Guests can sample the wine and purchase bottles of wine in a tasting room. It was indicated in the application that food would be limited to incidentals like cheese and crackers. The hours of operation have been 10am to 6pm Wednesday to Sunday. Staff has received information about operations extending beyond 6pm as well as full meal service being provided to guests. A three ring binder documenting many of the neighbors' concerns was provided to staff as well as LMC members. There is also an unresolved issue regarding screening trees and the use of audio bird repellants. Neighboring land owners have also expressed concerns regarding the sanitary system for the business. Hours of operation and limitations on food service were not formally established as conditions. However the expectation has been that operations would be conducted as presented in the application. Lack of formal conditions has impacted staffs ability to enforce that expectation. This agenda item is intended to clarify and establish conditions for future operations and enable the issuance of citations if compliance issues arise. The owner/applicant has indicated that he has made an offer to purchase a property located in a Commercial District in another Town and that he intends to move the business to that site before the fall. The Town of Oak Grove has discussed this issue and took action on May 20, 2013. The Town recommends the hours of operation be 10am to 6pm Wednesday thru Sunday, the food served will be incidental to wine tasting and should not require a food license, no "carry in" foods allowed and any catered food that will be served must be approved by the Town Board and consistent with Oak Grove's Special Event Ordinance. The commercial activities take place in the accessory structure adjacent to the residence. Staff has received information that indicates that Mr. Jungwirth has scheduled business events that extended past the hours of operation and has provided food service. In 2011, vegetative screening between the applicants and Mr. Huppert's property was discussed before the LMC. The Land Management Committee directed the applicant to plant trees along the driveway between the properties as well as trees along Mr. Huppert's South property line. At a later LMC meeting, Mr. Jungwirth and Mr. Huppert agreed that the trees along Mr. Huppert's south property line would not be necessary as long as

Mr. Jungwirth no longer utilized an audio bird repellent. Last year, Mr. Jungwirth resumed use of the audio bird repellent. The trees to be located along Mr. Huppert's south property line have not been planted. Staff was also informed two trees along the drive way have died and will need to be replaced. A sanitary permit was issued in 2010 to connect the business to the home sanitary system. The applicant stated that the waste water from the wine production is disposed of offsite. Neighbors have raised concerns about the wine production waste and the existing sanitary system. Mr. Jungwirth also hosted a wedding last summer at the site which had music and went late into the night. He has indicated that the event was for a friend and not part of the business. A Conditional Use Permit typically runs with the land and not with the property owner. If the property is sold a future property owner could begin to operate a vineyard/winery on the site under the existing permit. The Town of Oak Grove has requested that any future owner be required to present a business/operations plan to the Town and the LMC prior to the establishment of any business. If a future property owner proposes to operate a different type of business, a new permit would be required to establish that use. When the existing permit expires, any new business operation on the site would have to apply for the use and follow all necessary permitting processes. The existing conditions are listed in the staff report #1 - #10.

Staff Recommendation: Staff recommends the Land Management Committee consider whether any other additions or modifications to the established conditions are necessary to help mitigate impacts on public health, safety, the public interest and character of the area (proposed new conditions are in *bold italics*):

1. No more than 8 persons not residing on the site shall be employed in the business.
2. The entire business area shall not exceed 5,000 square feet in an accessory structure.
3. The applicant shall delineate 12 parking spaces that will be available for customer parking and there shall be no on-street parking.
4. Any proposed advertising signs shall comply with the zoning code standards and any necessary permits secured.
5. If the liquor license is not renewed annually, sale of wine needs to cease.
6. *The hours of operations shall be Wednesday through Sunday, 10am to 6pm.*
7. *Food served shall be incidental to wine tasting and must not require a food license, no "carry in" foods shall be allowed.* We talked about this with public health staff and basically, a license is required from them for anything other than sampling so this condition would eliminate food service on the site.
8. *Activities outside the scope of this CUP (including catered food service) may be authorized by the Oak Grove Town Board consistent with the Town's Special Event Ordinance.*
9. Applicant understands that expansion or intensification of this use will require modification to this conditional use permit.
10. *Applicant shall discontinue the use of the audio bird repellent until such time as three nine foot tall spruce trees are planted along the Huppert southern property line.*
11. *This permit shall expire on October 31, 2013, renewal may be granted by the LMC.*
12. *If a new owner wishes to continue the business with the established conditions prior to permit expiration, a proposed business/operation plan shall be presented to the Town of Oak Grove and the LMC for review prior to business commencement. Conditions of the permit may be modified.*
13. *Applicant shall provide documentation within 30 days demonstrating how and where winery waste and wash water is being disposed of. If the applicant fails to demonstrate appropriate disposal methods within this timeframe the issue will be brought before the LMC to consider permit modification to include a condition requiring the timely installation of an appropriately sized holding tank.*

Ross asked if there were no set hours of operation on this CUP previously. Pichotta stated typically what we have done is say that the applicant shall conduct activities as presented in the application. This was done early on the front end when we started doing this and that particular condition didn't make it into this. Then there was some confusion regarding what the hours actually were. Our understanding was that

they were to be consistent with the Town of Oak Grove's Special Events Ordinance which was 10am to 6pm and then Wednesday through Sunday. So we are playing catch up. Ross asked about the twelve parking places and stated it seems we usually mandate one for handicap parking. Pichotta stated that is true. Ross recommended adding that. Sanden asked if the applicant has indicated he may be vacating this use on this site and moving it to a commercial area which wouldn't be subject to a CUP, and it doesn't expire until October, what if he doesn't abide by these conditions. Can we issue a cease and desist if he isn't abiding by the new conditions? Pichotta stated yes, actually we could convene the committee in 24 hours if we had too. Aubart asked Brad about condition #7, any food on the property they would need a license, he asked how that differs from condition #8, the catered food service, they would still need the license correct? Mr. Roy stated they would not. To be a server of food, you need a license - unless someone is providing a cheese curd on a napkin between tasting - they don't need a license for that. If they are going to sell anything, process or prepare any food; that would need a license. There was no fine line, they look at every situation. When he read this condition to the public health officer she said yes, that pretty much eliminates all food service done by them. If they were to cater, Mr. Jungwirth wouldn't need a license to have that. Ross stated anyone that caters would have had to go through the Wisconsin mandated classes. Holst stated condition #8 is important in that Mr. Jungwirth should receive all the rights and freedoms as any other citizen of the Township. Anybody can have up to four Special Events a year with the blessing of their Town Board. It's important that be included, so we're not discriminating against him and then it switches it back to the Town. If they don't feel it's a good fit; they can say come back with a different idea. Sanden stated we are in a very challenging position trying to accommodate different wishes of land owners. They have people that want to make a living so they need to provide for that. They have people that want the full enjoyment of their property; peace and quiet, they have to accommodate that. So it is a very tough job that they volunteer to do so when they put the conditions on Mr. Jungwirth that was required and would be a good faith effort on his part to do so. When he sees someone not doing it, and treating these conditions as if they are suggestions, it is very disheartening and makes their job that much more difficult. They know that if they don't follow them; that is it. He hopes that Mr. Jungwirth reads these minutes and understands that these conditions that are set forth are there to provide for the neighbors and we take them very seriously even if the applicant doesn't. Aubart asked if we need to add that into condition #10. Chairperson Fetzer stated we need to put a timeframe on the trees. Aubart suggested 30 days. Ross asked whether there would be an issue with planting now. Holst stated that this guy he has pretty much done whatever he felt like. Tell him to get them in, in 30 days or he can find himself without. Chairperson Fetzer stated you are looking at three trees. Holst stated no, we're looking at three trees plus the two that died. Holst asked Chairperson Fetzer if he would want to ask the neighbors for input. Chairperson Fetzer asked if anyone has any comments. Sarah Palodichuk asked about the condition #7. She had talked to Mr. Pichotta and is trying to clarify this. They had made some recommendations at their Town meeting. Her concern is food incidental to wine tasting and to be able to define what that is. She wasn't aware he needed a license; that it was a licensed thing and they were saying that he shouldn't acquire an additional food license but her concern is that if he is talking about serving salmon that was prepared by someone else; where does that fit in? What the Town was trying to do is trying to create a line where this is OK for wine tasting but if staff is saying that any catered food can be used for wine tasting then that falls under the Special Event. That's what the Town was trying to address. The concern that his neighbors were trying to express is that this is OK, this is OK and that isn't. Joy Ptacek, lives out by Rudy, she feels Sarah hit it on the head with getting a better definition. As far as she knows with catered food, the caterer has to be present, they are using their license. Catering doesn't mean they drop off the food, leave and then Rudy serves it. She doesn't know if catering has to be listed as an approved use on his permit. With catering, whether he moves or not and someone else is in there, is this going to become a catering hall. Can he host weddings every weekend during the day up until 6:00pm? That will change the dynamics of the neighborhood. Does the Special Events Ordinance allow him to do that or if that is something that has to be stated on the conditional use permit? Holst stated catering, as he understands it, goes through your Town Special Event Ordinances. He can have four events per year if your Town so chooses to grant him that permit. Frances Jeche, lives in the development

on Lot 23 out at Crossroads, she has been to several of these meetings. When he started this, his intent, as he verbalized it, because they even helped him plant his grapes, he was moving into retirement years from his years as a successful insurance man, and this was going to be his hobby in retirement and now it has just turned into this mega business that he has people growing grapes for him here, there and everywhere and he is making wine in Menards buckets under his deck. Bringing in a pizza oven trying to make it into a restaurant and asked for a permit to have beer; when everyone spoke up against that he stated at the Planning Commission meeting that he would just continue to give it away then, basically, he was flouting the attitude that he would not follow any restrictions on the unbridled growth that he was seeking to engage in. As people move into the country on a dead end street they don't want to have people coming out in buses tasting wine other people driving through our neighborhood possibly inebriated or possibly not. It's very insulting to us to think that we were so deceived and that he has been so cavalier about treating the CUP as a suggestion, and now feeling victimized because we aren't going to stand for this. This is not what we signed up for and not what we pay taxes for. If you want a winery that is going to be a growing concern, put it on the main drag like the one in Pepin where you are a commercial entity. This is not a suitable scale of business for a residential development and that has really galvanized our whole development. We are not happy about the deception and the on-going postings on facebook about the pizza oven; we came out and enjoyed the free pizza (wink, wink). This is basically an ersatz restaurant. This is what we want stopped. Maybe he made an offer, maybe he is moving, it doesn't matter; while he is here he shouldn't be conducting his business this way. And if he leaves, someone else shouldn't come in and think it worked for him, it will work for me. We want our neighborhood back. Sanden explained these Farm Based Businesses were meant to be small scale and be incubators and when they did grow to the size that would be something outside of the intent, they would then move it to a commercial area. Which sounds like it's what he intends to do but that doesn't mean in the meantime he can violate these conditions. We put ourselves out on the line when we make these conditions and basically it's a good faith effort to make sure he behaves. Ross stated it's important that we understand and hear from you folks so we get more of a full version. Ms. Jeche stated we didn't object in the beginning because it was presented to us as a hobby. Sanden stated as far as the food issue, if you look at conditions #7 & #8, staff did an artful job of crafting those so it meets what you are expecting. Anything beyond the incidental food and if he does cater something, it has to be approved by the Town Board and he can only have four a year if the Town Board wants him to. Ben Huppert, the immediate neighbor, stated that he has been put through the ringer for years. He was almost ready to give up but thank god his neighbors came to him and asked how he can tolerate it. He feels Rudy Jungwirth has made a mockery of them and this committee. At what point is there enforcement; he has been fighting this tree issue and tried to barter with him with the bird system. He called Brad Roy about the fact that it wasn't put in the conditional use permit; it was just in the minutes. He was hoping Brad was right, unfortunately here we are again today. Sanden stated the vast majority of people that do come through to get a CUP do honor their CUP. Holst stated that there have been a series of unfortunate events associated with this use, we didn't catch it in the minutes; we didn't catch it in the CUP. It all fell on this guy's lap and he did take advantage of it. He believes that the CUP is now well spelled out now and the minutes will be read thoroughly and amended if they need to be. He believes we will be in a better position to deal with enforcement than we were before. Pichotta stated that staff has the ability to issue citations if someone violates the conditions of the CUP - but noted that we only have that ability if staff actually witnesses the violation. However, if we are informed of violations and don't witness them, we will bring those back before the committee and have the committee address them. Krystal Johnson, also lives in the Crossroads Development, just to go off that rule, if there is probable cause to lead the committee to believe there was a violation, i.e. photographs, documentation, website posting, etc. would that be sufficient grounds for a citation. Pichotta stated not for a citation but sufficient to bring the applicant back in front of the committee. Ms Johnson asked if that would result in the possible modification of the CUP if there are violations. Pichotta stated yes or it could potentially be pulled. Ms Johnson stated she was reading here if Rudy does move and a new owner moves in, it sounds like he could take over the current CUP and at that time it could be modified. What happens if this expires and he moves on November 5th and a new person moves in with the intent to have a business, do they

have to come before the committee? Pichotta stated yes and also the Town. Mike LaCasse, he has been coming to meetings both here and at the Town level since 2009, he applauds the committee's efforts today, he just wants them to understand that they are dealing with a very slippery person. The thing with the wedding, he got around the alcohol thing by selling the wine to the individual the week before and then they brought it back with them for the wedding. He said it was for a friend and also said that was to gauge how the neighborhood would support an event like that. The staff reports from 2009 state one to two tour buses a week by appointment only. He can go through these things in order as to his business expanding. Like Ben has said, he has just steamrolled and walked all over everybody and laughed as he did it. He too is glad that the neighborhood has bonded together. Like Brad said he is aware of what is at risk here and what is in play and where is he? Again he is just thumbing his nose at everybody. Chairperson Fetzer stated he thought of both Ben and Mike when he saw this issue on the agenda because they have been coming to every meeting. It frustrates him also and he doesn't have to deal with it on a daily/weekly basis as you do. He felt Dr. Sanden stated it very well and know it frustrates us also. Michael MacGregor, Oak Grove, just wanted to summarize his own feels on this, it's like real estate; location, location, location. This is a residential community on a dead end street and this was originally supposed to be a hobby, now it is a business. Whether it is Rudy or someone else living there, it should stay mostly in the hobby level. If he wants to operate a business he should move into a business area. Chairperson Fetzer stated the committee appreciates all the input. Ross stated he wants to stress that they have the ability to pull the CUP and these conditions will either be taken seriously or we will take action. **Holst moved to approve modification of the conditional use permit for Rudy Jungwirth with conditions #1 - #13/Ross seconded. Sanden asked for a friendly amendment to #3 to add the need for a handicap accessible parking space and #10 to specify replace the two trees along the driveway and have them done within 30 days. Holst agrees and Ross seconded the modifications to the conditional use permit for Rudy Jungwirth. All in favor. Passed.**

Discuss take action on status report and potential modification of conditional use permit/site plan approval to address compliance issues for Muskie Proppant LLC Sand Processing Plant located in part of the SE ¼ of the SW ¼ of Section 7, including Lot 1 CSM V4, P165, all in T25N, R15W, Town of Union, Pierce County, WI. Chairperson Fetzer invited Greg Bechel forward: Greg Bechel, Jeff Bechel, Cy Ingram, Kevin Accola and Kenny King were all present. Kleinhans stated there are some items in the committee's folders including an updated site plan that shows existing buildings and the way the facility is situated and some photographs of items around the facility that shows the sand transfer point, how they load the trucks, the water truck that tries to protect the driveways and keep dust down of Highway 10 and some water wands on the conveyor. Kevin Accola submitted these to him so you can see what they are talking about.

Staff Report – Jim Kleinhans: He put this on the agenda because the office has received complaints regarding the facility that started in operation late last year. Greg Bechel originally started this process, the rezoning, getting the permits and the property was transferred to Muskie Proppant LLC late last year about the time the facility became operational. During the winter months we found some fugitive dust problems. We talked to Kevin about those items and Klienmans indicated that he keeps an eye on the facility since it's on his commute every day, twice a day. He noticed some things were out of compliance. He would like to go through some of those issues. In the staff report he has listed the existing conditions that were approved as part of the conditional use permit, plus we had a site plan review and those conditions are listed on the second page of the staff report. Compliance issues related to the CUP are as follows:

- The height of the raw sand stockpiles has exceeded 35 feet. Staff determined that by looking at the light station around the facility. The peaks of the piles were subject to high winds. He was monitoring offsite impacts of the sand on the snow cover. After every storm he would go by and see fresh cover of sand on the fresh snow cover so he thought there was an issue. He talked to Kevin about that. At one point they met on site and they had a dozer push down the sand piles and level them out. At that time they talked about the water cannons around the

sand pile, and it was indicated that the manager would implement the water spray when the sustaining winds exceeded 15 mph.

- Staff has not observed the drop sock equipment implemented at the finished product loading facility. He was out there this week and Kevin took photographs of the drop sock installation, which you don't see as you are driving by.

Under conditions of site plan approval:

1. The location of solid waste storage facilities shall be delineated. They were not delineated until he was onsite with Kevin, Greg and Jeff. Again the waste product is stored on the east side of the facility where there had been a proposed building at one point.
2. There were two stormwater and high capacity well permits secured from the WI DNR.
3. Conditional approval for the new building was secured from the Department of Safety and Professional Services.

Kleinhans identified the following compliance issues:

- Processed waste sand material is stored on the east side of the building within the truck driveway access. (*Condition 1*) This has been a point of issue because the sand cannot be returned to the sand source in Pepin because of a moratorium and because it was not considered during the reclamation review of Greg's permit. So as the sand pile grew and waste material grew, Kevin and Jim discussed some options along with Greg about disbursement of that sand product. At one point it went to a pit down in Trenton to be used for reclamation but the way the waste material is considered with the WI DNR and Pierce County Solid Waste Code is that it's considered to be a waste product from mining and industrial processing. So we haven't advised these guys to just disburse it freely because it is a regulated product. Chapters of the WI DNR Code restrict it to not being used in wetland, shoreland or floodplains and there is a chemical process going on inside the plant. So we talked to our Corporation Counsel about this material and again we try to be consistent where that material is always disposed of as a reclamation product within an approved nonmetallic mining facility or we obtain a license to dispose of that material under our Solid Waste Code.
- The parking area for staff and visitors has not been developed consistent with the approved plans. No handicapped parking area is delineated. The existing parking area is an unsurfaced area in the southwest corner of the building. Processed sand piles are found where the parking area is designated on the site plan. (*Condition 5*) Again in your folder you will see a revised site plan.
- Sand stockpiles exceed 35 feet. (*Condition 6*) That has since been taken care of.
- The access driveway was not constructed consistent with Chapter 240-57(I). (*Condition 8*) Jim showed a profile of the driveway from the road edge up into the facility. That section in the zoning code calls for the driveway to drop down 6 inches from the road edge before it starts sloping up into a development. So we don't have that condition and that part of the driveway has to be reconstructed.

In addition, staff has received numerous complaints about truck drivers using jake brakes. While doing the profile observed the jake brakes being engaged while the trucks were leaving the facility and approaching Highway 10. Typically you want to use those jake brakes in an area where you have to reduce the speed. Greg can address that more since it's his trucks using the facility. The source material is obtained from a mine located in Pepin County. Pepin County adopted a moratorium on nonmetallic mining that is expected to expire on June 30, 2013. At that point, Greg will have to revise his reclamation plan so at some point this year the waste material will probably go back into that mine but they have been looking for a place to dispose of the material. Kevin requested a place to temporarily store or stockpile material at some location in Pierce County but Jim could not find a mechanism to allow them to do that. He talked to our Corporation Counsel about it and maybe that's a discussion we will have tonight with the committee. The discussion he had with these individuals this week about the breakdown of the chemical compounds that are added to the sand as a flocculant indicated that they believe that the material

dissipates by the time it leaves the facility. But he hasn't seen data to show that it is a reality so we haven't loosened up our consideration for where this material will go. WI Adm Code NR538 where they do restrict the material from floodplain, shoreland, wetlands and emission of hazardous contaminants. We do consider processed waste material from industrial and mining operations as a solid waste. The conditional use permit is due for renewal September 7, 2013. Another reason this is on the agenda is because we didn't want to go into the renewal with a handful of issues related to the conditional use permit.

Staff Recommendation: Staff recommends the Land Management Committee consider whether any other additions or modifications to the established conditions are necessary to help mitigate impacts on public health, safety, the public interest and character of the area (proposed new conditions are in **bold italics**):

1. A site development plan shall be approved by the LMC to verify compliance with zoning regulations.
2. The high capacity well, grading/stormwater permit and air discharge permits shall be secured by Department of Natural Resources prior to construction.
3. Approval of a commercial driveway access shall be obtained from Department of Transportation and installed prior to the use being established.
4. Buildings shall be approved by the Department of Safety and Professional Services prior to construction.
5. Any proposed onsite sanitary facilities shall comply with state and county sanitary regulations.
6. The use shall be established within 12 months of approval.
7. The conditional use permit shall be renewed in 2 years and may be completed administratively if no complaints are reported.
8. Activities shall be conducted consistent with the submitted application.
9. Applicant understands that expansion or intensification for this use will require modification to the conditional use permit.
10. Raw product and loadout stockpiles shall be limited to 35 feet in height above grade.
11. Drop sock or equivalent equipment to reduce potential of blowing dust will be included on conveyor system.
12. *No jake brakes shall be used when approaching the facility.*
13. *A Fugitive Dust Plan detailing measures to be taken to reduce dust from roadways, truck traffic, stockpiles, sand transfer points, as well as actions to be taken in instances of exceptional events such as high winds shall be developed and presented to the LMC at the renewal hearing.*
14. *The access driveway shall be corrected to comply with Chapter 240-57(I) prior to September 7, 2013.*

Greg Bechel stated they have talked to the drivers recently about the brakes after talking to Jim. We didn't know we had any complaints and in the future we would like to be notified right away. We aren't going to jake brake in the plant. It's kind of like cruise control and you can leave it on. It's easy to forget and if you come back down the road and hit a certain speed, it will just come back on. We're going to address that. As we approach the plant there are some residences in a cluster. When we get past that there are no residences. We're just going to wait until we get past the intersection and away from the residences. He feels without the engine brakes, they will be slowing down much further back just so they won't burn up the brakes. If they get traffic behind them, regular semi's, they will be using their brakes and it will be near the residences anyway. They have no control over that. His solution is to wait until they get closer to the plant to use the jake brake. Chairperson Fetzer asked about the fugitive dust plan. Kevin Accola stated the fugitive dust is one of their primary environmental concerns; they deal with it every day and take very seriously. He explained how they are regulated. They have an air permit and fugitive dust control plan issued by the WDNR. So they regulate and require certain things. They require that they can't exceed fugitive dust at opacity of 20%. They have three visible emissions testers that are certified who can look at dust coming off a pile or dust off of a conveyor and know that it is 5%, 10%, 15% or 20%. They measure visually what the opacity is. WDNR doesn't hold them to 0 visible emissions. There will be

visible emissions at times and when they see that they take action on a daily basis. Chairperson Fetzer explained his observation coming by the facility. He has heard it from other people as well. He was coming by one day when they were loading a semi with good product. He could not see the front of the semi because of the dust flowing through there. He knows the issues because the committee deals with this and has for years. He lives in the area. He is sure that the sock has gone in since then. Greg Bechel stated they had some maintenance issues on one of them. They are getting all the bugs out of the system. Holst asked how long the loadout facility is. Jeff Bechel stated its 150 feet. Holst asked if it would be possible to put a door on both ends to mitigate some of the loss. He hauls grain all over and a lot of time when you shut a door, you don't have all that wind blasting through there. Cy Ingram stated they definitely control the dust as best they can. Holst stated they could control it a little better if they had a door. Mr. Accola stated part of the problem with that would be when the semis have to be extended out. Holst said if you have 150 feet. Mr. Ingram stated that's the length of the scale below all four silos. Greg Bechel stated that sometimes to reach the back hopper, the truck has to be off the scales in the back. Mr. Accola explained about the socks, they extend down, sand comes out and there is a vacuum that draws dust back into the system, circulates it back to try to get it back into that truck. The last two photos shows the truck entering and shows the spout as it is coming down into the truck. Currently they have two water cannons, a halo mister on the stacker/conveyor, they have a water truck that they can drive around the site and they can also extend water hoses out of the building if they need to water piles or anything close to the building. They have a skid steer and a wet sweeper to clean up sand. They had noticed dust coming off one of the conveyors, so they extended some skirting down the side of the conveyor. They do daily record keeping for their visible emissions activities and document that on the form. There are going to be times when they are inside working, they can't be outside all day long. If they see dust outside and he is not filling out the form at the time, they will address it. They have immediate corrective actions if that certified person sees something that isn't right. They also monitor the weather forecast and watching on the National Weather Service to see what the winds are doing and it hasn't proven real helpful so they purchased an onsite weather station. That just came in and it will be installed this week or next week. That system will log all the weather data from that day so they will be able to monitor wind speeds and based on what the testers are seeing, they will be able to tie in what the wind speeds are that are causing the fugitive dust. They will be installing four additional water cannons to have better coverage. There are times when the wind doesn't allow the cannons to work. They are also going to install a sprinkler system along the paved driveway to wet that down on a more consistent basis rather than try to keep it watered down with the truck. They are not only concerned about dust flying around but about losing their product. Sanden asked if they could address the stockpile height. Mr. Accola stated they were aware that the stockpile was approaching 35 feet in March when they were building it up in anticipation of road bans. It was never measured; they didn't feel it was over 35 feet. They do acknowledge that it was starting to get peaked up and they did see some fugitive dust so they did knock it down, flatten it out. That did it. Greg Bechel stated they are having a learning curve here and they have corrected a lot of things along the way. Mr. Accola stated a lot of this was going on during start up. Jeff Bechel stated part of the process was educating new employees that didn't even know there were conditions. Aubart stated he can appreciate the growing pains and some of the issues but you can't afford the mistakes. Aubart indicated that one of the complaints came from him and he talked to Mr. Pichotta about it, probably February or March. This is a touchy subject with all the communities. You cannot afford to make these kinds of mistakes, the stockpiles, getting rid of the extra material, etc. You have to have a plan and it's not going to work if it continues down this road. It's going to be a problem. Greg Bechel stated that the stockpile, no one actually measured it. Aubart stated that if your stockpile looks high and there is sand out in the road and snow covered in sand and it's brown. That is a problem. Everybody that drives by is going to see that and if you don't like the industry to start with, you are just fueling that fire so we need compliance with the conditions. Greg Bechel stated they are taking this very seriously and that's why they are here. Sanden asked about the waste product; do you use polyacrylamides in your operation? Greg Bechel stated yes. Everyone calls it waste material but they don't see it as waste material. It's a very usable product here; dairy operations want it for fill for bunkers but because it has a label on it, it can't be used. We need to

find a use for it. We need to change the way it's looked at, it's not a waste. We need to find a solution here. We talked to Jim and he explained it to us how we can do it. We can take our very best product we have and if we don't sell it that day, that can be called waste and we can sell it as a load of bedding sand. Mr. Accola stated they use polyacrylamides in their process to make the sand conglomerate and flock out of the water so they can reuse the water. So that generates a sand material that is conveyed out of the building. They have sampled the material. The original samples that they provided to Jim were based on 50 parts per billion and it was non-detectable of acrylamides not polyacrylamides. Acrylamide is what has drawn concern. It is used to manufacture polyacrylamides. So in that polyacrylamide flocculant there is residual amount. The residual amount in what they use is 0.15%. Now the polyacrylamide gets dosed into their water at one to four parts per million. It's pretty low concentrations. They have been told by their buyers that it's the same concentration that a water treatment plant would dose if they were treating surface water for drinking. So they have sampled the sand that comes off the conveyor after it has been de-watered. The original samples were non-detectable. The laboratory was just recently able to lower their detection limits so now they are down to two parts per billion. They sample again and again they are not detecting it. He provided Jim with an exemption concurrence that they got from the WDNR. It identifies how the WDNR views the material and provides an exemption from the solid waste codes. Mr. Ingram stated they very much prefer this material to go back to the mine of source and be used for reclamation. Polyacrylamides are used for road control on the sides of roads for the DOT, they are used in drinking water for drop out sand, this material works excellent for reclaiming a mine site, layering it below the topsoil, it retains moisture. It's a beautiful material, a great fill, it's got good compressive strength when it's compacted and chemically there is nothing detectable in it. They are definitely working with the County of Pepin to obtain approval to take it back to the mine. Ross asked where that process is at now. Mr. Ingram stated their moratorium is in place until the end of June and then Greg would need to amend his reclamation plan because they have a condition to not allow that material to come back to the mine on his permit. Which is not what the State would prefer, they would prefer it come back to the site. Greg Bechel would like the committee to consider letting them have a temporary stockpile at some location and once everything is in place in Pepin County, they would be able to take it back to that site. These guys will need it for reclamation. Sanden stated you have the designated raw sand stockpile to the north, what were you thinking as far as a temporary stockpile. Greg Bechel stated it would have to be something offsite or used for construction projects. Mr. Accola acknowledged that in the WDNR letter, they point out that it has to meet locational criteria, no wetlands, those kinds of things. Chairperson Fetzer asked about the access driveway. Mr. Accola acknowledged that it is not correct. It was designed correctly but not built correctly. The contractor has been notified and it will be corrected. Ross asked if there is a timeline. Mr. Ingram stated he had hoped to have it done before this meeting; it's a local contractor coordinating with Monarch Paving to get the paving scheduled. They are holding money and it's a warranty issue. They want it fixed. Sanden asked about the handicap spot. Greg Bechel stated part of their final site development will include establishing the parking area. They have a gravel area right now but they need those contractors to get in there and finish it up. Sanden asked about condition #7, renewal in two years, do we need to reword #7 so it doesn't imply that it is two years from this date that it is renewed. Pichotta stated this isn't renewal. It is a modification of existing conditions. Chairperson Fetzer stated the committee appreciates you coming in but understand this business is under a huge microscope. **Sanden moved to approve the amended conditions for Muskie Proppant LLC, adding conditions #12 through #14. Ross asked if they wanted to add anything regarding the Jake Brake issue. Sanden added to #12, no Jake Brakes shall be used when approaching the facility and sensitive approach areas along the haul route.** Pichotta suggested two additional conditions #15 Byproducts shall be utilized in reclamation of an existing licensed nonmetallic mine or disposed of or stockpiled consistent with Pierce County Solid Waste Code. #16 Updated site plan shall be presented to the Land Management Committee for review. **Sanden agreed to the additional two conditions as stated.** Greg Bechel asked what that meant regarding the solid waste code. Pichotta stated you can do a temporary stockpile somewhere consistent with the solid waste code or you could do a clean fill site. You could have had it done six months ago if you had started on it when it was first an issue. Holst stated with that condition, it

still gives you some flexibility yet it still allows us to live within our codes otherwise if you just put a pile of sand at point x, then point x moves to point y and we've got guys digging all over; we don't want that. You will be coming back in September and we want things straight and we want them good. **Ross seconded. All in favor. Passed.**

Discuss take action on a proposed policy to establish a timeframe within which a town must take formal action to generate a town recommendation for a proposed conditional use permit or rezone, once requested. Staff Report – Andy Pichotta: As you are aware, a Town Recommendation is required as part of an application for either a conditionally permitted use or for a rezone. There have been several occasions in the past where a town has either been unwilling or unable to generate a recommendation regarding an applicant's request in a timely manner. Non-action on the part of a town essentially creates a roadblock for an applicant pursuing a rezone or conditional use permit. This potential has created the need for a mechanism to allow Land Management Department staff to accept an application in those infrequent cases where a town is unable or unwilling to generate a recommendation. In cases where a Town is unwilling or unable to generate a Town Recommendation regarding a proposed rezone or conditionally permitted use within 90 days of a request to be placed on a town agenda, the Land Management Department may accept an application that does not contain a completed Town Recommendation Form. A town may submit a written request to the Land Management Committee (LMC) requesting that an extended timeframe beyond 90 days be authorized. Said request must explain why an extension is warranted and establish a timeframe within which formal action would be taken. Such extension must be requested within 60 days of an applicant's initial request to be placed on a town agenda. If an application for a rezone or conditionally permitted use is accepted without a Town Recommendation the LMC will utilize guidance given by that town's comprehensive plan, if applicable, when considering the request. This is not necessarily in response to anything going on right now, we have had an issue in the past where someone requested a CUP recommendation for a campground and was strung out for seven or eight months before they ultimately received got a recommendation. We have a situation now that is stuck at the Town level and sooner or later something has to give and we need to be able to accept it or have some mechanism to resolve the issue. Sanden asked if the LMC would be the one who would authorize the requested extension. Mr. Pichotta stated yes, we would actually bring it to the committee. Sanden asked about the timeframe, how does this compare to other, similar situations in the State. Mr. Pichotta suggested that most Counties in the State don't require a Town Recommendation for a conditional use permit. The suggestion that the extension be required within the first 60 days is to ensure we don't get somebody who gets to 85 days and says time to get an extension. If it looks like they have some concerns they want to sort through, it gives them an opportunity as long as they have a valid reason to do so. We just don't want a request to be dead end because a planning commission simply sits on it. Kleinhans stated or an example of a moratorium, this group is trying to get a permit from Maiden Rock for February and May they approached them and we just saw it this week. And maybe that is the reason because of the moratorium that they asked for that exception this week. Holst stated that a moratorium would be an exception and Town's will have the right with this policy to come forward within a 60 day time period to ask for more time if they feel that they need it. Some places seem to need more time. He feels this is put together real well; it protects the applicant and the Town. Sarah Palodichuk, how are you going to determine the validity of a Town justification? Are you going to specify that moratorium's are appropriate or will it be a case by case? Pichotta stated case by case basis and a moratorium would clearly be a valid reason. We can't possibly write up the parameters that would cover everything, once you do that, you are immediately presented with something that falls outside of that. Sanden asked if there are multiple extensions needed and this is saying that it has to be determined within 60 days of the initial application. What if there is a 90 day extension and another 90 day extension. Pichotta stated that if a Town were to say that as part of their request for an extension, if they were to say it may be that another extension will be necessary to be granted. I think they could note that in the initial request that the potential for further extensions. The desire isn't to inhibit the Town's ability to make a recommendation; it's simply to not have Town's sit on things. Ms Palodichuk stated they have a request that is pending; the prior board put a

moratorium in place. Our Town Board has a recently passed ordinance that does not have an application developed with it. We are new to the situation. We don't even know if the process is for the application to go first and be seen by the Town and go through the Town process before going to the County. This is something that wasn't foreseen a year ago. If the Town did, there would be an application right now. How should it have been handled initially? Holst stated he believes this committee would be understanding to both the applicant and the Town. He doesn't think the committee is heavy handed and likes to think that they are open-minded but he would also like to think that at some point in time, Towns have to accept their responsibility. If they choose to go into great detail as some Towns do or if choose to have a relatively simple approach as other Towns do, we have to be able to accept both avenues here. Ms. Palodichuk stated there needs to be some expediency. Pichotta suggested at the end of the first paragraph, Such extension must be requested within 60 days of an applicant's initial request to be placed on a town agenda. Adding the phrase - Additional extensions may be granted. Sanden added to that sentence, Such extension must be requested within 60 days of an applicant's initial request or extension to be placed on a town agenda. Pichotta stated what if they ask for a six month extension, if we make them ask for an additional extension beyond the six months, in the first 60 days, they wouldn't know that. Holst stated also to be fair to applicants, there needs to be some sort of timeframe. He understands that Oak Grove has a unique situation with the changing of the Board. **Holst moved to approve the policy to establish a timeframe within which a town must take formal action to generate a town recommendation for a proposed conditional use permit or rezone, once requested/Sanden seconded. All in favor. Passed.**

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

Departmental Update and Future Agenda Items

Public hearing for a rezone from Light Industrial to Rural Residential 20 in the Town of Trenton

Public hearing for a rezone from Rural Residential 12 to General Rural Flexible 8 in the Town of Oak Grove

Public hearing for a conditional use permit for nonmetallic mining in the Town of Gilman

Public hearing for amendments to Pierce County Code regarding adult entertainment language

Discuss take action on Site Plan review for a storage building in the Town of Clifton

Pichotta noted that we have a tree issue with Value Implement, there was a requirement that some trees be planted and it still has not been done. LMC consensus to place on next agenda if not resolved.

Motion to adjourn at 8:16pm by Holst/Ross seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, June 5, 2013 – 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: June 19 th , July 3 rd & 17 th , all in 2013.	Chair
3	Approve minutes of the May 15, 2013 Land Management Committee meeting.	Chair
4	Public hearing to consider a request for a map amendment (rezone) from Rural Residential 20 District to Industrial District for Wisconsin Industrial Sand Company, agent for Shelley Endres and William & Patricia Schroeder, owners on property located in Lot 1 CSM V1, P251, containing approximately 10 acres, being part of the W ½ of the SW ¼; and part of the NW ¼ of the SW ¼, approximately 8.26 acres; and part of Lot 1 CSM V4, P70, being part of the SE ¼ of the SW ¼, west of the utility easement, approximately 3.5 acres, all in Section 1 and part of Gov't Lot 1 in Section 12, all in T24N, R18W, Town of Trenton, Pierce County, WI.	Lund
5	Discuss take action on status report and potential modification of conditional use permit for Rudy Jungwirth (Valley Vineyard) located in Lots 6, 7 & 8, of the Crossroads Land Division, in the SW ¼ of the NW ¼ of Section 23, T26N, R19W, Town of Oak Grove, Pierce County, WI.	Roy
6	Discuss take action on status report and potential modification of conditional use permit/site plan approval to address compliance issues for Muskie Proppant LLC Sand Processing Plant located in part of the SE ¼ of the SW ¼ of Section 7, including Lot 1 CSM V4, P165, all in T25N, R15W, Town of Union, Pierce County, WI.	Kleinhans
7	Discuss take action on a proposed policy to establish a timeframe within which a town must take formal action to generate a town recommendation for a proposed conditional use permit or rezone, once requested.	Pichotta
8	Discuss take action on Travel/Training Requests	Pichotta
9	Future agenda items.	Pichotta
10	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.

(5/24/13)

PIERCE COUNTY WISCONSIN

DEPARTMENT OF LAND MANAGEMENT & RECORDS

Pierce County Courthouse
414 W. Main Street P.O. BOX 647
Ellsworth, Wisconsin 54011
ZONING OFFICE 715-273-6747
PLANNING OFFICE 715-273-6746
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MINUTES - Pierce County Land Management Committee Meeting, May 15, 2013

Present: Jon Aubart, Jim Ross and Eric Sanden

Others: Andy Pichotta and Shari Hartung

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

Next meeting dates: June 5 & 19th, July 3rd & 17th, all in 2013.

Approve Minutes: **Sanden moved to approve the May 1, 2013 LMC minutes/Aubart 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 (Electrical Contractor), pursuant to Pierce County Code 240-36D, in the General Rural Flexible 8 District for Rickey and Sara Diesing, owners, by Pat and Diane Wood, agents, on property located in the NE ¼ of the NW ¼ of Section 29, T26N, R19W, Town of Oak Grove, Pierce County, WI. Chairperson Ross invited Mr. and Mrs. Wood forward: Mr. Wood explained they would like to move their business from its current location to this property and have a small shop and office in one building and storage in another. They almost exclusively do road construction, street lighting and traffic signals, usually from April to November, weather dependent. There is very little work at the physical location, mostly used for storage and office work. They have two full-time employees. Sometimes the employees come to the shop in the morning and other times they drive right to the job site. Sanden asked about cutting things to size, fabrication or welding on site. Mr. Wood stated they only do fabrication in the shop if they get rained out. They will build up some 6 x 6 detector lubes or rebar cages. They can assemble light fixtures in the shop but that is rare because once they start putting them together they need to be stood up. Sanden asked if the fabrication is welding, cutting or mill work. Mr. Wood stated not as part of the fabrication for the electrical projects. He does some repair to equipment and they may do a little welding. Sanden asked if the repairs are done in the building. Mr. Wood plans to have access doors to pull trucks inside. He generally does the maintenance to the trucks in the winter.

Staff Report – Andy Pichotta: This request is for a conditional use permit for a Farm and Home Based Business. The 9.9 acre parcel is located in Whitetail Ridge land division in Section 29 in the Town of Oak Grove. The property is zoned General Rural Flexible with an address of N4899 1150th St. The Diesings intend to sell the property to the Woods contingent on obtaining this CUP for the proposed business. The agents are owners of LPD Electric. The company was established in 1978 in Lake Elmo, MN and was operated by a previous owner until 1999. The Wood's purchased the business in 1999, operated there until 2004, moved the business to a small commercial lot in St. Croix Beach, MN and it has operated there ever since. Now they propose to move their business to this property and live there as well. LPD Electric's principal business is street lighting and traffic signal construction for cities, counties, MN DOT and WisDOT. Their work location is in the twin city metro area and northwestern Wisconsin. They do not work on any residential, commercial or industrial wiring. Their focus is road construction projects only. The current land use of this property is residential and agricultural. Accessory structures are mainly for

storage. Adjacent land use is residential, agricultural and there is an auto/truck repair business located about a half-mile north of this property. Agents propose to operate LPD Electric out of the accessory buildings and live in the home. No additional buildings will be built at this time. There are no plans for future business expansion. The applicants are seeking this CUP to allow them to utilize a 40 ft x 40 ft portion of an existing 40 ft x 100 ft building (Structure "B" on the attached map) to house LPD Electric. This structure will have a heated shop, an office, a storage area and a 60 ft x 40 ft personal use area. The applicants also propose to utilize a 40 ft x 80 ft portion of an existing 60 ft x 80 ft building (Building "D") for business vehicle storage. A 20 ft x 80 ft area of this structure (Building "D") will be for personal use. The business will occupy an area no greater than 5,000 square feet. All materials and vehicles will be stored inside. Department staff will conduct a site inspection to verify that the business occupied area criteria is met and maintained. Building "B" will require some modifications: trusses will need to be modified to allow for a 14 foot door on the east end, interior walls will need to be insulated and heat added. A commercial building designer will prepare the designs and applicants plan to obtain proper permits. Building "B" is proposed to have a shop for maintenance and light repair of trucks, equipment, filters, hoses, tires, etc. Used oil and coolant are to be stored on-site in suitable containers and a qualified disposal company will remove them. In the past they contracted with Safety Clean and Kath Oil. The applicants currently have 2 full-time and 1 part-time employees. This is seasonal work so the field crew is laid off and the office employee only works 1-2 days a week December to April. From May to November, they are working Monday through Friday and sometimes Saturday, where the office hours at the shop are 9AM to 5PM. Most work is conducted off-site and the employees are usually gone from 6AM to 5:30PM and then return to the shop. From May to November, they propose to have a chemical toilet (satellite) located outside under an overhang with sidewalls and south of Building B. There is a bathroom at the house nearby. The residence is sized for a 3 bedroom mound that will be available from December to April. Pierce County Code §240-60N(1)(d) allows on-premise signs issued with a CUP, and the sign face area shall not exceed 32 square feet. They propose one on-site advertising sign that is 2.5 ft by 2.5 ft being 6.25 square feet. The building will be used to store equipment in the winter. The equipment will usually remain off-site and will move from one construction site to the next during the work season. Sometimes equipment will be moved back to shop in-between jobs. Equipment utilized for this business includes: 2001 International 4900 Bucket Truck, 2008 Hino Box Truck, 1995 GMC TOPKICK digger Derrick Truck, 1999 Sterling Box Truck, 1997 Ford F700 with contractors bump, 2 Vermeer 5750 cable plow with backhoe, Kubota L35 mini-tractor loader backhoe, Vermeer 24x40 directional drill, 2 hydro-vac excavators on trailers, Ingersol Rand tow behind air compressor, Ingersol Rand skid mount air compressor, 2 pole trailers, 2 single-reel, reel trailers, 2 tag-along equipment trailers and a custom designed cage trailer. Material delivery occurring from December to April will be ~2-3 times a month and is mostly by UPS. During the construction season material delivery will be ~2 times a week and will be from local delivery trucks, UPS, Speedy, electrical wholesalers, etc. They expect 5-8 semi-truck deliveries during the summer, which is mostly light poles and will be delivered during normal business hours. Agents plan to hire a local company for recycling and trash pick-up for weekly dumpster service. The Town of Oak Grove Board of Supervisors recommended approval of this request on 4/15/2013. The Town did not reference its comprehensive plan; therefore it is assumed that their plan is silent regarding this request. Pierce County Code (PCC) §240-54A requires 2 off-street parking spaces for contractor establishments and the property has more than 2 parking spots available. PCC §240-54I requires handicapped parking spaces should include 2 percent of the total spaces created, with the minimum of one space. 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."

Staff Recommendation: Staff recommends the Land Management Committee determine whether or not 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, including hours of operation.
2. The business shall be conducted by the owner of the dwelling unit.
3. No more than 8 persons not residing on-site shall be employed at the site at any given time.
4. The entire business area shall not exceed 5,000 square feet.
5. There shall be at least 2 parking spaces, with a minimum of one space for handicapped parking.
6. The advertising sign shall not exceed 32 square feet, 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, Oak Grove Building Inspector, to determine whether or not commercial plan review and approval is required from Department of Safety & Professional Services.
8. A land use permit shall be obtained for all future structures prior to construction. Applicant shall also comply with all relevant local and state ordinances and regulations and secure all necessary permits and licenses (e.g. Department of Safety & Professional Services (DSPS), etc.).
9. The use shall be established within 12 months of CUP approval. This conditional use permit shall be renewed every 2 years. Permit may be renewed administratively if no compliance issues arise.
10. 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.

Chairperson Ross opened the hearing to the public. Mr. Wood explained since he submitted the application, he has thought about a little better use of the buildings. He is well aware of the 5,000 square foot limit of building space but he is asking for a little flexibility on where in the building he uses the space. Pichotta stated that wouldn't be an issue from our perspective as long as you stay below the 5,000 square foot threshold. Sarah Palodichuk, Oak Grove Chairperson, stated they feel this is a good use of this property. Their concerns would be to keep things out of sight and an increase in the number of employees causing an increase in traffic, that's intensification, lighting that would bother the neighbors and being courteous to drivers at the driveway intersection. **Chairperson Ross closed the public hearing.** Sanden asked if the vehicles would be stored inside. Mr. Wood stated yes, inside. Sanden asked about the oil and coolant, if a condition needed to be added to address that item. Pichotta stated that would be included in condition #1 but if you felt so inclined you could add another condition. Sanden also asked if the limit of 5,000 square feet covers the vehicles parked outside. Pichotta stated the expectation is that all activities will be conducted in buildings so any vehicles parked outside would be employee vehicles.

Sanden moved to approve the request for a Farm and Home Based Business (Electrical Contractor) for Pat and Diane Wood, agents for Rickey and Sara Diesing, owners, with conditions #1 - #10, due to the fact this is not found to be contrary to public interest, nor detrimental or injurious to public health, public safety or the character of the surrounding area/Aubart seconded. All in favor. Passed.

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

Departmental Update and Future Agenda Items

CUP and site plan review again for Muskie Proppant for the Industrial site on Hwy 10 that was originally permitted for Greg Bechel. There are some issues that didn't comply with site plan requirements; the driveway and some fugitive dust issues.

Potential rezone for WISC in the Town of Trenton, they are purchasing some adjacent land to their processing plant from Shelley Endres and William Schroeder to rezone to Industrial to use for additional load out capabilities.

There is a 3-ring binder about Valley Vineyard with information that the neighbors have put together regarding what they view as violations. We have had some issues with Valley Vineyard out in Oak Grove.

They are scheduled to be in front of the Town Board on May 20th. If that gets kicked back to us the Town is going to make some recommendations regarding days and hours of operation to try and deal with some impacts to the neighborhood that weren't anticipated. It's been more successful and the impacts have been quite great, in some cases on one weekend a thousand people came through.

Motion to adjourn at 6:23pm by Sanden/Aubart seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, May 15, 2013 – 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: June 5 th & 19 th , July 3 rd & 17 th , all in 2013.	Chair
3	Approve minutes of the May 1, 2013 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for a conditional use permit for a Farm and Home Based Business (Electrical Contractor), pursuant to Pierce County Code 240-36D, in the General Rural Flexible 8 District for Rickey and Sara Diesing, owners, by Pat and Diane Wood, agents, on property located in the NE ¼ of the NW ¼ of Section 29, T26N, R19W, Town of Oak Grove, 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.

(5/3/13)

PIERCE COUNTY WISCONSIN
DEPARTMENT OF LAND MANAGEMENT & RECORDS
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MINUTES - Pierce County Land Management Committee Meeting, May 1, 2013

Present: Jon Aubart, Joe Fetzer, Jeff Holst, Jim Ross and Eric Sanden

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

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

Next meeting dates: May 15th, June 5th & 19th, July 3rd & 17th, all in 2013.

Approve Minutes: **Ross moved to approve the April 3, 2013 LMC minutes/Sanden seconded. All in favor with Aubart not voting due to his absence from the last meeting. Passed.**

Chairperson Fetzer stated agenda item #4 is struck from the agenda.

Public hearing to consider a request for a map amendment (rezone) from Rural Residential 20 District to General Rural Flexible District for Jeffery Kessler, owner, by Chris Willgrubs, agent, on property located in part of the NW ¼ of the NE ¼ and part of the North Half of the NW ¼ of Section 11 and part of the SE ¼ of the SE ¼ of Section 3, all in T24N, R18W, Town of Trenton, Pierce County, WI. Chairperson Fetzer invited Mr. Willgrubs forward: Mr. Willgrubs explained he is asking to rezone approximately 50 acres from Rural Residential 20 District to General Rural Flexible District. It seems to fit with the Town's Comprehensive Plan. Sanden asked what his intent for the land is. Mr. Willgrubs stated his intention is to apply for a conditional use permit for a campground.

Staff Report – Emily Lund: The request before us is a map amendment or rezone from Rural Residential 20 to General Rural Flexible. The property is located in Section 11 and Section 3 in the Town of Trenton. This rezone acreage is located on two separate parcels which total approximately 51.6 acres. The northwest parcel is identified as Outlot 2, V12 P58 being 11.6 acres, has frontage on Town Road 810th Street and the Mississippi River and is currently zoned RR-20. The southeast parcel is accessed through an easement through Walter & Marion Higbee property, has frontage on the Mississippi River and is currently zoned RR-20. The parcel of land was originally 21.3 acres (in the 1930's), but has gained land mass due to sediment accumulation through accretion and alluvion from the Mississippi River. Sediment accumulation has made Mr. Kessler's land mass larger and it is now around 40-acres in size. This was verified by both the WI Dept of Administration-Plat Review and US Army Corps of Engineers. Applicant and agent propose to apply for a Conditional Use Permit to establish an outdoor recreational use for a Campgrounds/RV Park on these properties in the future. Existing land uses on the parcels include productive forest land, wetlands, recreation and undeveloped. Nearby land uses include commercial uses, agriculture, residential and forest land. Adjacent zoning districts include Commercial, Rural Residential-20 and General Rural Flexible. The Trenton Town Board, upon review of the Town of Trenton Comprehensive Plan 2009-2029, recommended approval of this request at their January 8, 2013 meeting. The Town's Comprehensive Plan, on the "Future Land Use" map, identifies the area located riverward of State Highway 35 as being appropriate for "Mixed Uses". The "Mixed Uses" description is in the staff report. It should be noted that the establishment, expansion or intensification of an outdoor recreational use for Campgrounds/RV Park in the General Rural Flexible District requires the issuance of a

Conditional Use Permit by the Land Management Committee. As such, a Town Recommendation is required at time of application and will provide the Town the opportunity to apply the above criteria to any proposed conditional uses.

Pierce County Zoning Code 240-15 Purpose and Intent of Zoning Districts for General Rural, General Rural Flexible and Rural Residential 20 Districts are described in the staff report. The soils are also listed.

Staff Recommendation: Given that the Trenton Town Board has determined this proposed rezone of 51.6 acres from Rural Residential 20 to General Rural Flexible to be consistent with their comprehensive plan, staff recommends that the LMC approve this rezone request and forward a recommendation to the County Board of Supervisors.

Chairperson Fetzer opened the hearing to the public. No public comment. **Chairperson Fetzer closed the public hearing.** Holst stated he is familiar with this property and it is in the best interest to everyone to rezone. He doesn't know how it was ever Rural Residential 20 because it's mostly flood plain. **Holst moved to approve the request for a map amendment (rezone) from Rural Residential 20 District to General Rural Flexible District for Jeffery Kessler, owner, by Chris Willgrubs, agent, and forward a recommendation to the County Board of Supervisors/Sanden seconded. All in favor. Passed.**

Discuss take action on a proposed amendment to Chapter 240 to regulate adult entertainment.

Staff Report – Brad Roy: On March 6, 2013, staff presented draft code language regarding several commercial uses which have the potential for significant impacts but are not specifically classified and fall under the classification of “General Retail and Services”. Uses classified as General Retail and Services and could begin to operate in an existing structure within the Commercial District without the requirement of any permit or review. However, a Land Use Permit and Site Plan Review would be required for any new construction in the Commercial district. The LMC determined that Adult Entertainment uses should be a Conditionally Permitted use in the Industrial District and directed staff to consider whether other regulations are needed, specifically setbacks. Potential definitions to clearly define Adult Oriented Entertainment Business uses are;

- Adult Oriented Entertainment Business – any business whose primary business activity is characterized by emphasis on matters depicting, describing or relating to nudity, sexual conduct, sexual excitement or sadomasochistic abuse, such as an adult bookstore, adult theater, adult massage parlor, adult sauna, adult entertainment center, adult cabaret, adult health/sports club, adult steam room/bathhouse facility.
- Nudity – the showing of the human male or female genitals or pubic area with less than a fully opaque covering or the depiction of covered male genitals in a discernably turgid state and/or the appearance of bare buttocks, anus or female breast.
- Sexual conduct – acts of masturbation, sexual intercourse or physical contact with a person's unclothed genitals, pubic area, buttocks or female breast.
- Sexual excitement – the condition of human male or female genitals when in a state of sexual stimulation or arousal.

Staff has reviewed the setback requirements for this use contained in other County's Zoning Ordinances. Setbacks from residential districts and off-site residences ranged from 100' to 1500'; schools, churches and daycares ranged from 750' to 2000'. In one instance there is a 1500' setback from all existing residences. Staff is proposing the following setbacks”

- 1320' from schools, churches, daycares and parks
- 500' from residential zoning districts
- 300' from offsite residences

Staff Recommendation: Staff recommends the Land Management Committee determine whether the proposed amendments are consistent with prior committee direction and provide direction regarding setback distances. If determined to be appropriate, the LMC should direct staff to schedule a Public Hearing and to consider adoption of the proposed language.

Chairperson Fetzer asked how the 1320 feet was determined. Roy stated that is the length of a 40. Sanden asked if these are based on some other code that was found. Roy stated yes, the definitions and setbacks. We looked at three counties in the surrounding area with this type of ordinance and found the ranges. We had some maps developed to show where our industrial districts are in relationship to schools and residential districts. Unfortunately we don't have a mapping layer that shows the churches and daycares. Holst asked if that is licensed daycares? Roy stated yes and noted that the proposed language would need to be reviewed by Corporation Counsel before the public hearing. We want to make sure the definitions work. Pichotta noted that on the back of the staff report is the proposed language done in the typical ordinance language with the underline and strike-outs. Sanden asked if there was anything about signage and suggestive signage. Pichotta stated Pierce County already has very strict language and size is limited. Sanden stated content will be tough because there are first amendment issues. Pichotta stated that is something we can look into, that would be a different part of the code. If the committee is comfortable with the setbacks as proposed and the language as read, he suggests staff should be directed to schedule a public hearing that will be a couple meetings out because of notification. Chairperson Fetzer stated the committee's consensus is to move language forward and hold a public hearing.

Discuss take action on Travel/Training Requests. Pichotta stated there are no requests for consideration at this time.

Departmental Update and Future Agenda Items

Public hearing for a conditional use permit for a farm and home business in the Town of Oak Grove for an electrical contractor. Sanden asked about the status of the Zimmerman request. Pichotta stated that the applicant is going back to the Town of Clifton on May 7, 2013.

Motion to adjourn at 06:20pm by Holst/Sanden seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, May 1, 2013 – 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: May 15 th , June 5 th & 19 th , July 3 rd & 17 th , all in 2013.	Chair
3	Approve minutes of the April 3, 2013 Land Management Committee meeting.	Chair
4	Public hearing to consider a request for a conditional use permit for a Winery/Nature-Based Operation, pursuant to Pierce County Codes 240-35B(6) and 240-39C, in the General Rural Flexible 8 District by Shannon and Angel Zimmerman, owners on property located in part of the SW ¼ of the NW ¼ and part of the SE ¼ of the SW ¼, all in Section 3, T27N, R19W, Town of Clifton, Pierce County, WI.	Roy
5	Public hearing to consider a request for a map amendment (rezone) from Rural Residential 20 District to General Rural Flexible District for Jeffery Kessler, owner, by Chris Willgrubs, agent, on property located in part of the NW ¼ of the NE ¼ and part of the North Half of the NW ¼ of Section 11 and part of the SE ¼ of the SE ¼ of Section 3, all in T24N, R18W, Town of Trenton, Pierce County, WI.	Lund
6	Discuss take action on a proposed amendment to Chapter 240 to regulate adult entertainment.	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.

(4/19/13)

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MINUTES - Pierce County Land Management Committee Meeting, April 3, 2013

Present: Joe Fetzer, Jeff Holst, Jim Ross and Eric Sanden

Others: Andy Pichotta, Brad Roy and Shari Hartung

Absent: Jon Aubart

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

Next meeting dates: April 17th, May 1st & 15th, all in 2013.

Approve Minutes: **Holst moved to approve the March 20, 2013 LMC minutes/Ross seconded. All in favor. Passed.**

Holst recused himself from discussion and voting on the first two agenda items due to a possible conflict of interest.

Public hearing to consider a request for a map amendment (rezone) from General Rural Flexible District to Industrial District for William F. Holst III, owner on property located in most of the NE ¼ and parts of the Eastern Half of the SE ¼ and the NW ¼ of the SE ¼, all in Section 33, and part of the SE ¼ of Section 28, approximately 174 acres, all in T25N, R18W, Town of Trenton, Pierce County, WI. Chairperson Fetzer invited Mr. Holst forward: Mr. Holst explained he is asking to rezone to Industrial because he feels it would be the best use for the property. His intention is to put a rail spur down the center of the property to try to develop a business park there. He is going to fill some of the area that is low next to the tracks and develop some sites that would be good for industrial use.

Staff Report – Andy Pichotta: This is a request to rezone 174 acres from General Rural Flexible to Industrial. Parcels are located in Section 33 and 28 in the Town of Trenton. This rezone includes acreage located on several separate parcels which total approximately 221 acres. The northeastern 500 feet of the property, that being the area bordering Highway 35 and the existing rail road track, is currently zoned Industrial. The requested rezone would result in the remainder of the parcels also being zoned Industrial, with the exception of a 300 foot strip along County Road K that is to remain zoned General Rural Flexible and Rural Residential 20. The 300 foot GRF “strip” would begin at the edge of the applicant’s property. Existing land uses on the parcels include nonmetallic mining, a ready-mix concrete plant, agriculture, and some forest/wooded land. Nearby land uses include industrial uses, agriculture, residential and forest land. Adjacent zoning districts include Industrial, Light Industrial, Rural Residential 20 and General Rural Flexible. The applicant, at the Town of Trenton’s request, has agreed to establish a berm within the proposed 300 foot strip of General Rural Flexible/Rural Residential 20 zoning; this is intended to create a buffer between the proposed industrial area and adjacent residential uses and residential zoning districts. 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. The Town of Trenton at their March 12, 2013 meeting, recommended approval of this request finding it consistent with their Comprehensive Plan and stipulated that:

1. 300 foot buffer zone to remain zoned agriculture along County K.

2. A berm be established.

Review of their Town's Comprehensive Plan, on the "Future Land Use" map, identifies the area located riverward of State Highway 35 as being appropriate for "Mixed Uses". Their plan (page 109) further states:

Mixed Use

Purpose: Development continues to be a key focus for Trenton's economy. By providing basic employment, industry serves as the foundation for further expansion in the retail and service sectors. Located near STH 63 and STH 35, there is a need for additional planned acreage to serve the industrial potential of Trenton. There are a number of business uses in the Town that are reliant on a highway arterial or collector road location. The Town wishes to reduce the potential for conflicting traffic movement, congestion and hazardous conditions along these highways. This plan attempts to balance the benefits to the Town's tax base that this type of development will bring with the impacts associated with highway business development. Design standards should be established for all development along the highway. Such standards may include both site design criteria such as landscaping and building design criteria such as construction materials. The design standards are intended to ensure high-quality development that is aesthetically pleasing and that reinforces the desired character of Trenton. Also in their Comprehensive Plan they identify Mixed Use Area standards. Criteria the Town is to consider include:

- Adequacy of access
- Assessment of need for public utilities
- Site plan review by the town
- Traffic volume assessment
- Need for landscape or visual buffer in certain circumstances
- Need for solid waste/hazardous material plan if warranted
- Lighting standards
- Days and hours of operation
- Access to main arterials to reduce commercial traffic on local streets
- Segregated/buffered from residential uses

It should be noted that the establishment, expansion or intensification of an industrial use in an Industrial District requires the issuance of a Conditional Use Permit by the Land Management Committee. As such, a Town Recommendation is required at time of application and will provide the Town the opportunity to apply the above criteria to any proposed industrial uses.

The next part of the staff report describes the purpose of General Rural, General Rural Flexible and Industrial Zoning Districts. General Rural and General Rural Flexible are agricultural districts that have a higher residential density than some of the other agricultural districts. Industrial is intended for uses that are more intensive than those allowed in Light Industrial District; heavy volume of traffic, the potential need for rail access to parcels and the presence of noise and other factors which could pose a nuisance in other districts. The characteristics of the soils are listed in the staff report. The majority of it is sandy loam.

Staff Recommendation: Given that the Trenton Town Board has determined this proposed rezone of 174 acres from General Rural Flexible to Industrial to be consistent with their comprehensive plan, staff recommends that the LMC approve this rezone request and forward a recommendation to the County Board of Supervisors.

Chairperson Fetzer opened the hearing to the public. Kurt Krahnke; lives on 174th Avenue, he was at the Trenton Meeting about the silica plant that was going in. By the time they got to that meeting it had already been decided that was what was going to happen. This is going to be in his backyard. He is against it. He feels it will affect the noise in the area, the wildlife and the water table. Ann Marie Rose, Trenton, is against the rezone and anymore industrial stuff. David Husom, lives on 162nd Avenue, he feels this will drop property values and is going to hurt the Township and County. He doesn't want to see a car crushing plant go in. Cindy T (?), County Road K, lives across from the current pit and frequently hears the trucks. She feels the lights are very bright. She read a letter from Evelyn Everts stating that Evelyn has

paid taxes for 68 years and is opposed to a sand washing business in the area. She doesn't want to see all the trucks on the highway and County Road K and is concerned about the well water being contaminated. She stated we have the beautiful Scenic Highway 35 as it belongs to every citizen. Cindy T (?) stated she has had her well water tested for a base line to know when her water changes. Bonita Huppert, resident of Trenton all her life, is opposed to this. She stated we need development but doesn't want to see the wildlife injured, the water table is irreplaceable. She feels this will make the neighborhood go down. Peder Christiansen, a farmer on top of the hill, stated he is neither for nor against this. When he looks out to the west he sees Red Wing, sand loading facility at Hager, Thomas & Betts, Purina, the blacktop plant, the railroad, the lock & dam, the nuclear plant and the Indians. This has all happened in his life time, when will it stop or where is it going to stop and what will happen in the next 100 years. **Chairperson Fetzer closed the public hearing.** Sanden asked Andy about the item of a 300 foot buffer along County Road K to remain agricultural, are they using that term loosely because he is seeing General Rural. Pichotta noted that General Rural is an agricultural zoning district. Sanden asked about another conditional use permit further down Hwy 35 where there were issues where there was Industrial and Rural Residential right next to each other. He looked at it and wondered who would zone that way. It looks like we're doing the same thing again. Pichotta stated he believed Dr. Sanden was referring to an issue in the Town of Ellsworth just east of town. Pichotta noted that Trenton was trying to mitigate that circumstance by requiring a buffer. Sanden asked if there have been any complaints. Pichotta indicated that there have been no complaints to him as of late. Sanden asked about standards, is a 300 foot buffer between potentially heavy industrial and residential uses adequate? Pichotta suggested that it depends on the type of use proposed as well as the height of the berm, presence of trees, etc. We don't really have any other situation like this where there is Industrial close to RR20. That is the challenge in the Town of Trenton, the Town has much of the County's Industrial zoned land and it happens to be surrounded by housing. The challenge is to permit industrial uses in such a matter to minimize impacts to adjacent property owners. Sanden stated he has mixed feelings; it is adjacent to already zoned Industrial and along a heavy industrial corridor with the rail and highway but he is uncomfortable with barely any buffer. Chairperson Fetzer asked about the berm. Mr. Holst stated they didn't specify but they want a berm wide enough and he was thinking six feet high and trees planted on top. This was at the Township level. Originally they were going to run it out to the other property and then we come up with the 300 foot to leave it so we would have a buffer there. It was recommended unanimously by the Town Board. We received no complaints at the Town Board level. Ross asked if they specified anything on the trees, the size or type. Mr. Holst stated they didn't care, either Norway Pine or Spruce is what he planned to put there because they are both dense and you can't see through them. Sanden asked what the current use is. Mr. Holst stated it is all, even the 300 foot that is zoned ag, is a gravel pit. Chairperson Fetzer asked if it is zoned for a gravel pit. Mr. Holst stated it is grandfathered in. Pichotta stated that it is a grandfathered use but the reality is that gravel pits are allowable in agricultural districts. Sanden stated the general motivation for the rezone is to allow for on-site processing? Mr. Holst stated no, he doesn't need any change for on-site processing; he has been doing that for 25 years. He intends to put a rail spur there so he can bring rail onto his property and develop a commercial site. Ross stated the rail spur will come about midway through the property. Mr. Holst stated they have to get it approved through the railroad, Burlington Northern, that's why they don't definitively know. They will have specifications. Pichotta stated with any industrial use in an Industrial District, a conditional use and site plan review is also required. As noted, the Town of Trenton has identified some standards with which they will weigh the request against. Mr. Holst stated that his understanding is any industry that wants to come in will have to come in before them again. If someone wants to build a silo or grain elevator, they will have to come before the committee again. Sanden stated so anything beyond the railroad spur, we will have another crack at. Pichotta, there is a request for the conditional use permit relating to the rail spur following this agenda item. Basically what we are considering is the suitability of the land not necessarily what the ultimate use will be. There are a host of uses that are arguably permissible. Sanden stated his concern is that if things change in the future will we have a chance to mitigate off-site impacts. Pichotta stated everything is conditional and with a conditional use permit if there are some issues that weren't anticipated, we can bring them in literally in

36 hours if we need to. Ross asked if that would address any issues of bringing in a car crusher. Pichotta stated bringing in a car crusher would require the issuance of a separate conditional use permit. Mr. Holst stated it would be the wrong direction to bring a car crusher in, his sales are in Minneapolis and he takes them by truck. **Ross moved to approve the request for a map amendment (rezone) from General Rural Flexible District to Industrial District for William F. Holst III on approximately 174 acres and forward a recommendation to the County Board of Supervisors/Sanden seconded. All in favor. Passed with Holst not voting.**

Chairperson Fetzer explained that the reason the County and the Towns created their own Comprehensive Plans is because Townships should know what works best for their Towns. When the committee makes decisions that are guided by Town Comprehensive Plans, which is what we just voted on here, you have to pay attention to what your Town Comp Plan states and the town level is the appropriate place to head off stuff. When it gets to us, if all the I's are dotted and the t's are crossed from the Town, it's tough for us to know what is better for a Town. Pichotta stated that a rezone has to be consistent with a Town's Comprehensive Plan, if it's not consistent with the Town's Comp Plan, we won't approve it. Because this requested rezone has been found to be consistent with the Town's Comprehensive Plan; that is why the committee approved it. Mr. Krahnke stated the first they knew of this is was the letter that the County sent. Chairperson Fetzer stated we don't necessarily know how the Town deal with notifications. Pichotta stated that certainly there was a public hearing regarding the adoption or amending of their comprehensive plan. We can't control who a Town notifies about different items. We can only control our process. Cindy T (?) stated last summer there was a room full of people at a Trenton Town Board meeting that lasted for two and a half hours and a lot of people expressed their issues, that Board sat in front of that entire building of people and Mr. Bunce said they have no say in this, you go to the County. That Board did absolutely nothing. Pichotta noted that a conditional use permit is handled differently than a rezone. A rezone is based entirely on the consistency of a Town's Comprehensive Plan. For a conditional use permit, we ask a Town for a recommendation regarding conditions that ought to be associated with allowing a proposed use. If their Town Comprehensive Plan also speaks to that particular use, we consider the guidance the comprehensive plan gives to be akin to the public interest for that Town. A Town has a tremendous ability to control conditionally permitted uses in their Town.

Public hearing to consider a request for a conditional use permit for a Utility Facility >1000 square feet in the General Rural Flexible and Industrial Districts by William F. Holst III, owner on property located in most of the NE ¼ of Section 33 and part of the NW ¼ of Section 34 and part of the SE ¼ of Section 28, all in T25N, R18W, Town of Trenton, Pierce County, WI. Chairperson Fetzer invited Mr. Holst forward. Mr. Holst stated he is proposing to run a rail spur through the center of his property and develop businesses from that rail site. He is asking for permission to load and unload. He is trying to get some business started there. Sanden asked why a spur is required instead of just building a loading facility adjacent to the railroad. Mr. Holst stated the rail road won't allow you to load on a main line. They don't stop the trains; you have to get them off of railroad property to do anything else.

Staff Report – Brad Roy: The applicant is seeking a Conditional Use Permit to establish a Load-out Facility in the Town of Trenton. The proposed facility would be used to load/off load materials such as sand, gravel, corn and oil from a rail spur that is proposed to be constructed and connect with the existing BNSF railroad. The applicant has requested that an area 150' on each side of the anticipated alignment of the rail spur be authorized for this use. The applicant is essentially requesting concept approval for the proposed use/facility to demonstrate the viability of the site and to allow him to pursue the establishment of the rail spur. As such, no formal plans have yet been drafted regarding spur alignment or structures that may be needed to enable the transport of specific goods. The requested CUP would authorize the applicant to utilize an area adjacent to the proposed rail spur (150' on each side) for nonstructural use as a load out facility. Pursuant to 240-76 (A), expansion of the use to include structures will require issuance of an additional conditional use permit. The need for a new CUP(s) will ensure that the Town and the

LMC are able to address any issues (access, traffic generation, noise, dust, lighting, hazards, etc.) that may be associated with transporting a specific material. The site is currently comprised of two zoning districts, Industrial and General Rural Flexible. Utility Facilities >1,000 square feet are conditionally permitted in both districts. In the prior agenda item, the applicant has requested to rezone most of this site from General Rural Flexible to Industrial zoning. The establishment of certain future uses will likely be impacted by the sites zoning. The Town of Trenton's comprehensive plan identifies this site as appropriate for "Mixed Uses" and the town has indicated their support for Industrial zoning and the proposed use. The site currently has a 130 acre sand and gravel mining operation. The reclamation plan for the grandfathered mining operation states that future use will be agriculture and open space. Last year the LMC approved an application for a sand processing and rail load out facility on a portion of the property leased by Wisconsin Industrial Sand Company. A small Ready-Mix plant is also located on this site. Adjacent land uses are nonmetallic mining to the east and west, residential to the north across Hwy. 35 and agriculture to the south. Higher density residential, that being a Rural Residential 20 District, is located approximately one-half mile to the south of the proposed facility. Pursuant to §240-21(B)(1), this proposed unclassified use was determined to be most similar to a "Utility Facility >1000 square feet" and is therefore being processed consistent with that conditionally permitted use. A "Utility Facility >1000 square feet" is conditionally permitted in all zoning districts. Pursuant to §240-21(C), an amendment to Chapter 240 regarding this use will be presented to the LMC for consideration at a future meeting. PCC §240-76G. 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. Staff suggests that a two (2) year renewal time frame for this proposed use, with a status report at one (1) year, may be appropriate. Issues to consider include traffic, noise, dust and the proximity of the nearby residential uses. The Town of Trenton recommended approval of this request on March 12, 2013 for the rail spur and use within 150 feet of the rail. There was no reference to the Town's comprehensive plan.

Staff Recommendation: Staff recommends the Land Management Committee determine 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 approve this conditional use permit with the following conditions:

1. The applicant is authorized to utilize an area adjacent to the proposed rail spur (150' on each side) for nonstructural use as a load out facility. Any substantial change to the alignment of the rail spur shall require LMC review and approval. Any expansion of the use of the site shall be subject to issuance of a Conditional Use Permit.
2. A new mining reclamation plan, consistent with the requirements of PCC §241, shall be submitted and approved prior to the establishment of this use.
3. This CUP shall expire in 2 years with a 1 year status report to the LMC.
4. Applicant shall secure all necessary permits and approval from other agencies such as the WDNR, WisDOT, etc.
5. Prior to any nonstructural use of the site as a load out facility, applicant shall submit for LMC review information relating to type and quantity of materials to be shipped, frequency and type of traffic, a traffic impact analysis, a site plan and any other information deemed necessary by the Zoning Administrator.

Chairperson Fetzer opened the hearing to the public. Kurt Krahnke asked what kind of business will be going in there. Peder Christiansen asked if there is a time table for the berm to be built. Mr. Holst stated it is his understanding it will be built before he uses it. Pichotta stated that is his understanding also, prior to the establishment of the use on the site. David Husom has a comment about the beeping he can hear now in the summer time. He thinks there are already enough beepers going, he asked if he is going to use it as a loading area, can it follow the rules of the sand processing which would be white noise back-up rather than the beeping. Pichotta stated that is an appropriate condition to ask for, at this point what we are being asked for is approval of the concept of a load out facility in that area. The reality is, prior to the use

of that site, whether it be a nonstructural use or a structural use; structural use would require the issuance of a new CUP. A nonstructural use would require the review of this committee of what exactly the plans are. At that point, absolutely would be appropriate to place those sorts of conditions on there and if you do the site plan right, it can limit the need to back up. **Chairperson Fetzer closed the public hearing.** Sanden asked if Mr. Holst planned to build a load out facility. Mr. Holst stated he plans to use it for loading or unloading. He might bring in aggregates and the Highway has expressed interest in bringing seal coat rock there, he might bring some cement in for the ready mix plant. He knows a guy that does retaining walls located by the Twin's stadium and they are probably going to demolish where he is and he is looking for a new spot. He is also looking to load out his material if he can find a market that suits and anyone else that comes up with a plan that would be good for everyone. Ross asked if he knew about how many rail cars would be able to fit on the spur. Mr. Holst stated rail cars vary from 60 feet to 120 feet so it depends on the size of the car. He estimated roughly 80 to 120 cars.

Sanden moved to approve the conditional use permit for a Utility Facility >1000 square feet for William F. Holst III, with conditions #1 - #4 adding #5 as stated, due to the fact this is not found to be contrary to public interest nor detrimental or injurious to public health, public safety or the character of the surrounding area/Ross seconded. All in favor. Passed with Holst not voting.

Discuss take action on a request for renewal of a conditional use permit for Nonmetallic Mining in the General Rural District by 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.

Staff Report – Brad Roy: County Materials received 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. The operation plan states that excavation would create a floor elevation of 1050 feet above sea level, where all activity would be conducted. The average current floor elevation is 1100' and the processing area has an approximate elevation of 1160'. The elevated floor has contributed to issues of dust, noise and appearance. In April 2012 the hours of operation were reduced, a Fugitive Dust Plan was required and stockpile heights were limited in an attempt to better mitigate offsite impacts. At the request of the operator and with support from the Town of Spring Lake, the hours of operation were allowed back to 6am to 6pm Monday through Friday, Saturday 8am to noon. The number of allowable unreclaimed acres was also increased to 40. The average floor elevation of the quarry is 1100'. County Materials expressed a plan to lower the floor to 1075'. There are 36 unreclaimed acres on the site. Hydraulic conveyors were installed to mitigate dust on neighboring properties. Dust complaints continued after the conveyors were installed. A Fugitive Dust Plan was developed and approved by the Town of Spring Lake and the LMC in June of 2012. The site is internally drained. The stormwater is collected on the quarry floor. A stormwater pond has been installed; however water does not collect in it. Condition #4 states that stormwater pond design shall be reviewed by the Land Conservation Department. Currently no review has been completed by the Land Conservation Department. Stockpiles near the entrance of the processing area are higher than the berm. Condition # 26 states, Stockpiles shall be a minimum of 10 feet below the height of the berm at all times. This operation has received numerous complaints since it began operation about noise, dust and appearance. Complaints in the last two years have decreased, but adjacent landowners near the operation have continued to have concerns. The Town of Spring Lake was contacted for comments or concerns regarding the renewal of this conditional use permit. Mike Jacobson, Town of Spring Lake Supervisor, responded that the Town has not heard any concerns. Staff interprets the timeframe of Mr. Jacobson's statement as the Town has not received any concerns since the last renewal. The existing conditions are listed in the staff report #1 - #28.

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 (changes in **bold**):

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 Monday through Friday, 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 pond design shall be completed by a State certified engineer. The pond design shall be reviewed and approved by the Pierce County Land Conservation Department **within 6 months**.
5. Erosion control shall be installed prior to any mining. All erosion control measures shall be submitted to the Zoning Office for review and approval prior to any mining.
6. Road access shall be permitted by WI DOT and a Uniform Address Number shall be obtained from the Zoning Office.
7. Reclamation shall be completed consistent with submitted plans.
8. Mine operation and design shall be consistent with the approved plans. Zoning Office shall be notified of any deviation from the plans.
9. Zoning Office shall be notified if ground water is encountered.
10. All structures and signage shall be permitted by the Zoning Office.
11. An elevation benchmark shall be established.
12. The reclamation financial assurance information shall be reviewed and approved by Corporation Counsel before mining commences.
13. Applicant shall comply with NR 135 Annual Reclamation Permits.
14. Property owners located within 1000 feet shall be given reasonable notice of all planned blasting. This request shall be waived for landowners who request not to be given notice.
15. Well tests for nitrates, suspended solids, and dissolved solids shall be conducted for all existing wells within 1000 feet of the proposed mining operation to establish a baseline, and for all other properties as agreed upon by County Materials (Jones, etc.). This shall be completed prior to blasting. Wells shall be tested annually thereafter. All results shall be provided to the Zoning Office.
16. A copy of the Storm Water Pollution Prevention Plan and Spill Prevention Control and Countermeasures shall be submitted to the Zoning Office.
17. The recycling of concrete products shall be allowed.
18. This CUP shall be reviewed for renewal in one year.
19. County Materials Corporation shall conduct operations on the site consistent with the standards specified in the letter from CMC to Pierce County dated 3/13/07.
20. All loaded trucks shall be covered (tarped) prior to leaving the site.
21. The quarry shall have no more than 40 unreclaimed acres at any given time. The storm water pond and processing area are to be included in the unreclaimed acres.
22. Applicant shall conduct decibel readings during mining operations at; the property line, 1320 ft from the property line, and at 1½ miles from property boundary, and shall submit results to the Land Management Department. Such readings shall be taken three times annually, and at locations agreeable to Land Management Department staff and County Materials. An initial reading shall be made prior to operations to establish a baseline.
23. A four-strand barb-wire fence shall be placed around the active mining operation along with appropriate signage.
24. A lockbox with access key shall be made accessible to emergency personnel.
25. Applicant shall provide a status report to the LMC in **the fall or at the request of the Town of Spring Lake**.
26. Stockpiles shall be a minimum of 10 feet below the height of the berm at all times.
27. The Fugitive Dust Plan shall be implemented as approved.
28. Applicant is allowed to water anytime necessary to mitigate off-site dust impact.

Sanden asked if condition #4 is six months from today or when the pond is installed. Roy stated it is from today because the pond has already been installed. Pete Krautkramer explained they have two ponds, they made another pond that will take all the agricultural field from the south that goes through the valley,

before it goes through the valley it is collected in a pond with an overflow to catch all sediment off the field even. The other pond will take care of the whole facility. It's down in where they crush. Mr. Krautkramer asked if Jim Small can do a site plan, showing the size of the pond, what will go in there. Holst asked if Mr. Small is a state certified engineer. Mr. Krautkramer stated he doesn't know but Jim does it for all of their facilities. He can get it back in 30 days and in front of you. Pichotta stated it isn't something to come back in front of the committee. Basically we want our Land Conservation Department to be presented with a plan, prepared by an engineer that they will sign off on. It has to meet their standards and will be an internal review. Richard Johnson, Town of Spring Lake, stated he was at the meeting where the lady had the tape recorder so he has visited the site many times and sat in his pick-up. He stated they were operating and he didn't hear anything like what was on the tape recorder. **Holst moved to approve the renewal of the conditional use permit for Nonmetallic Mining for CMC-Spring Valley LLC with conditions #1 - #28/Ross seconded. All in favor. Passed.** Mr. Krautkramer stated he is still on schedule to get that lime end, screening, down in the hole a year from now, the wash end still won't be.

Discuss take action on Travel/Training Requests. Pichotta stated there are no requests for consideration at this time.

Departmental Update and Future Agenda Items

Pichotta stated we have no agenda items for the 17th. We do have a couple code amendments that could be brought forth. Pichotta was contacted by John Eager, Rock Elm Township, about moving forward as quickly as possible on the Adult Entertainment language, the reality is that even if we fast track that it's still going to take four months. Chairperson Fetzer stated it's probably pointless to get together for one item when the next meeting is in two weeks, May 1st.

Motion to adjourn at 07:15pm by Holst/Sanden seconded. All in favor. Motion carried.
Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, April 3, 2013 – 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: April 17 th , May 1 st & 15 th , all in 2013.	Chair
3	Approve minutes of the March 20, 2013 Land Management Committee meeting.	Chair
4	Public hearing to consider a request for a map amendment (rezone) from General Rural Flexible District to Industrial District for William F. Holst III, owner on property located in most of the NE ¼ and parts of the Eastern Half of the SE ¼ and the NW ¼ of the SE ¼, all in Section 33, and part of the SE ¼ of Section 28, approximately 174 acres, all in T25N, R18W, Town of Trenton, Pierce County, WI.	Pichotta
5	Public hearing to consider a request for a conditional use permit for a Utility Facility >1000 square feet in the General Rural Flexible and Industrial Districts by William F. Holst III, owner on property located in most of the NE ¼ of Section 33 and part of the NW ¼ of Section 34 and part of the SE ¼ of Section 28, all in T25N, R18W, Town of Trenton, Pierce County, WI.	Roy
6	Discuss take action on a request for renewal of a conditional use permit for Nonmetallic Mining in the General Rural District by 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,	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.

(3/22/13)

PIERCE COUNTY WISCONSIN

DEPARTMENT OF LAND MANAGEMENT & RECORDS

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MINUTES - Pierce County Land Management Committee Meeting, March 20, 2013

Present: Joe Fetzer, Jeff Holst, Jon Aubart, Jim Ross and Eric Sanden

Others: Andy Pichotta, Jim Kleinhans and Shari Hartung

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

Next meeting dates: April 3rd & 17th, May 1st & 15th, all in 2013.

Approve Minutes: **Ross moved to approve the March 6, 2013 LMC minutes/Aubart seconded. All in favor with Joe Fetzer not voting because of absence at the meeting. Passed.**

Public hearing to consider a request for a conditional use permit, pursuant to Pierce County Code, Chapter 240-39E, for a Private Outdoor Recreation Use for Lost Creek Ranch in the Primary Agriculture District for Lynette Weldon, owner on property located in the NW ¼ of the NW ¼ of Section 35, T27N, R17W, Town of Martell, Pierce County, WI. Chairperson Fetzer invited Ms Weldon forward. Ms Weldon explained she is asking to do what she has been doing for the past seven years in Ellsworth; rescue horses, rehabilitate them and train and use them in all their programs. The programs they do are kid's camps, a buckaroo program that starts at age 4 all the way through their Grey Mare Club for women. They have also worked with Pierce County Human Services and with the school districts. They have interns from the University of River Falls. Ross stated he is very familiar with Lost Creek and they do a good job. He has heard a lot of really good feedback.

Staff Report – Jim Kleinhans: Lynette purchased this property last year and is creating her recreational, educational camp. Todd Dolan, Michelle Williams and Jim visited the site a couple weeks ago to get a feel of what her proposal is. The property is zoned Primary Agriculture and she had a facility like this in Ellsworth before and this property she owns now and wants to put it together. The Martell Town Board recommended approval of this request without any comments or reference to their comprehensive plan. Pierce County Code §240-88 addresses outdoor recreational and private uses and addresses campgrounds and riding stables. The commercial riding stable has a minimum lot size of 10 acres and she owns 18.5 acres. He mentioned to Lynette that she should have at least one acre of open space per horse kept on the lot. There are some buildings on the lot also. Surrounding land uses include agriculture, woodlands and residential. The application states that an indoor riding arena has been leased to enable clients to ride during inclement weather conditions. A 70 ft by 100 ft soft sided structure was recently added to the existing pole shed. Lynette was informed that the building would need commercial plan approval to be authorized for a commercial event. Jim hasn't seen any commercial rating for that building yet. The applicant is requesting a smaller bunkhouse to serve as some sort of a dorm for the younger clients, to accommodate 6 to 8 camp participants. Todd Dolan would have to inspect that building for uniform dwelling requirements. Michelle Williams would have to inspect that building for Department of Health issues. In the past, Lynette has utilized the service of a port-a-potty provider but recently they have been talking about putting something in more permanent, possibly a holding tank. They will work through permitting that with a plumber. Solid waste/trash disposal service is provided by Paul's Industrial Garage (PIG). There are no employees but several volunteers per day assist with chores. The Public Health

Department will license the facility as a recreational educational camp and also verify drinking water supply is safe. An infirmary will be provided for clients in the event of sudden illness. They can be separated from the rest of the students. Todd Dolan was there and he will inspect the building for UDC requirements and help us with the commercial rating on the building. The applicant indicated they have liability insurance for this business. Jim hasn't seen any documents. The application requests an on-premise sign and several off premise directional signs. They are about a half mile off of Hwy 63. They will have to work with the Highway Department to get those. A 24 square foot free standing on premise advertising sign can be allowed in this location.

Staff Recommendation: Staff recommends the Land Management Committee (LMC) determine whether the proposed use at the proposed location would be contrary to the public interest or would be detrimental or injurious to public health, public safety or the character of the surrounding area. If determined to be not contrary to the above, staff recommends the LMC approve this request with the following conditions:

1. Activities shall be conducted consistent with the submitted application.
2. Documentation demonstrating that the riding arena meets Commercial Code standards (UCC) shall be submitted prior to use of that structure by the public. The bunkhouse shall be built to applicable standards (UDC/UCC). A land use permit shall be obtained for any future structures prior to construction.
3. Applicant shall comply with all relevant local and state ordinances and regulations and secure all necessary permits and licenses (e.g. Department of Safety and Professional Services and Department of Public Health).
4. Adequate portable satellite waste stations (1 per 50 people) shall be provided or alternately the applicant shall obtain sanitary permit approval and install a septic system.
5. Solid waste dumpsters or waste containers shall be located on-site and maintained.
6. The total number of horses maintained on the property shall be limited to 17 unless adjacent acreage is leased or purchased.
7. Hours of operation shall be 9:00am to 8:00pm, or as otherwise established by LMC.
8. Any advertising signs (either on-premises or off-premises) shall comply with the zoning code standards and any necessary permits shall be secured prior to sign installation.
9. The CUP shall be renewed every 2 years. Renewal may be completed administratively if no compliance issues arise.
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. Property and containment fences around the facility shall be maintained.

Chairperson Fetzer opened the hearing to the public. Jennifer Flanagan and Ruth Harper both stated they are in favor of the ranch. **Public hearing closed.** Ross stated he would like to consider the hours of operation with a starting time of 6:00am or 7:00am with a camp. Then there possibly won't be an issue with neighbors. Holst asked about the liability insurance. Ms Weldon stated that she does have it. Pichotta stated he spoke with Corporation Counsel and Mr. Lawrence said he doesn't believe it needs to be a condition; he feels it's more of a business decision.

Holst moved to approve the Private Outdoor Recreation for Lost Creek Ranch, Lynette Weldon, with conditions #1 - #11 modifying #7 to read, "Hours of operation shall be 6:00am to 8:00pm", due to the fact this is not found to be contrary to public interest nor detrimental or injurious to public health, public safety or the character of the surrounding area/Sanden seconded. All in favor. Passed.

Discuss take action on status report, review of tentative 2013 work plan and request regarding County adoption of airport overlay zoning ordinance for Red Wing Airport located in Section 6, Town of Isabelle, Pierce County, WI.

Rick Moskwa from the Public Works Department, along with him is Airport Manager, Tammie Dougherty, Benita Crow and Kaci Nowicki from Short, Elliot and Hendrickson, their consultants. Melissa

is no longer working with SEH. Kaci is the Planner in charge of the project moving forward and Benita is the Engineer for the airport for the City of Red Wing.

1. Reconstruction of the GA Apron and Tie Down Area – (FAA 90/10). Ms Crow explained they are in the process of a four project sequence replacing the worst pavement on the airport where the hangars are. They have previously taken care of two phases in 2009 and 2011. In 2013 they are looking to go just north of the aircraft fueling system. The project consists of taking up existing pavement and replacing it with new. There are no drainage issues, no changing the drainage or change in the type of pavement. Mr. Moskwa stated this is tied to Federal Funding, it's a 90/10 match. The project is roughly \$275,000 depending on bids. The City of Red Wing has its 10% match in its capital improvement program.

2. Complete the Land Use Zoning Process – (Reimbursement from State of Wisconsin in the amount of \$50,000 upon successful completion) Ms Crow asked if the committee wanted to wait until the end and go through the zoning then. The committee agreed.

3. Septic System Replacement – Backflow Prevention – (MnDOT 70/30) Mr. Moskwa stated the septic system replacement was one of the things identified on the report. They had some issues and have had to do some work on it and asked for a MnDOT Grant. That is a 70/30 grant. They are looking at a cost of about \$30,000.00. One thing Mr. Kleinhans mentioned in his report is that there might be too much going on with that system so it is going to be enlarged and they will work with the Zoning Office in Pierce County to address that.

4. Parking Lot Construction – (MnDOT 70/30) This is a proposed project. Currently they have one fixed-space operator at the airport that is looking at expanding his operation and building a significant hangar of maybe close to a million dollars with an admin building. He is funding this himself. If he secures financing and all the permits needed, they will then be building a parking lot between the SRE building and the fire hall. It will go right on the new pad where they put fill in last fall. Right now it is a private project so they can't say that they are going to do that.

5. Fuel System Tank Monitor and Decelerometer – (MnDOT 50/50) The fuel tank monitor is 20 years old and needs replacement; that's 50/50 split so that has been budgeted. We are also looking to buy a decelerometer; a way to measure braking action on the runway. This winter has been rather icy and now the crews just put their brakes on in the vehicle to determine how the runway should be classified: poor, fair, good or nil (not recommended to land). It gives the individuals a chance to attach a number to what poor, fair, good or nil would be. Ross asked if it's an emergency landing they would still be able to land. Mr. Moskwa stated that unmanned airports are a little harder to say that the runway is closed because there isn't anyone there after 5:00pm or 6:00pm. It's up to the pilot.

6. Runway Crack Sealing - (FAA 90/10) This is just like you would do for any of your pavement projects. We've done a lot of pavement for the past few years.

7. Purchase Snow Blower for the Tractor – (FAA 90/10) We are purchasing a snow blower for the tractor to help facilitate snow removal.

Revisiting the Zoning Process, Benita Crow stated she is the engineer for the airport and SEH Aviation Planner and will go through the history of the project. A condition of licensure in Minnesota for an airport is to have a zoning ordinance in place. MnDOT Office of Aeronautics had required the City of Red Wing to get a zoning ordinance adopted for the airport. A year ago they initiated the process of a joint airport zoning board, Mr. Holst and Mr. Kleinhans were a part of that. They had a series of meetings about every other month to develop the zoning ordinance. They ended up getting the ordinance together, the maps together, approved by the joint airport zoning board, had the public hearing consistent with Pierce County zoning regulations. The end results of a normal process is it would go to MnDOT, they review it, get comments back, possibly some tweaks, another public hearing takes place and the zoning ordinance is formally adopted. They have submitted it to MnDOT. There is some transition going on with MnDOT Office of Aeronautics. They are in the process of replacing the Director of Aeronautics as well as the Commissioner. They have had some communication with the folks in the planning group at aeronautics and they have told them it could possibly take five years for them to review this ordinance they spent a year putting together. Minnesota statutes prohibit the City of Red Wing from taking any action on the ordinance until MnDOT reviews it. So the reason they are here tonight is because the ordinance is very

close to or mimics the zoning regulations that you have right now. They want to express the concerns they have on how long it's going to take MnDOT to do anything and give Pierce County the opportunity to adopt it themselves as an airport overlay zoning ordinance. The benefit for you is everybody in that joint airport zoning board just took a year to develop this. It's zoned to the 5,000 feet that exists out there right now. The chances in five years of the players remaining the same both with the airport zoning board, the City of Red Wing and MnDOT Aeronautics, isn't good. Five years from now when MnDOT comes back with changes, we don't know what's going to happen. If Pierce County chooses not to take any action on it, it will sit for that period of time and sometime in the future get revisited. Ross asked if they ever fast-track those. Ms Crow stated "no" it's in a real state of transition because the previous director had expressed the desire to revisit MnDOT zoning at airports in general. She thinks everybody is a little concerned about doing any review until the director and the commissioner are established and they decide what direction they want to go. Ross asked if MAC ever gets involved. Kaci Nowicki, explained she doesn't know the exact situation of each of the MAC airports, there is MSP and they have six reliever airports around the cities. Some are zoned. There is a little bit of a battle between MnDOT and MAC on enforcing some of their ordinances. MAC was able to adopt an ordinance for MSP which is different than standard, which is what you are proposing to do, and they were successful. Ross stated MAC has a tendency to get involved and he didn't want us to get blindsided if they do. Mr. Moskwa stated he thinks we have to wait until there is a new commissioner and then they have to go to their elected state officials and ask to have it moved along. Holst stated the Joint Airport Board worked hard as a group and they actually came to some agreement but we represent Pierce County. For us to adopt an ordinance that may be modified by MnDOT; we're out on a limb. He doesn't see any reason for us to adopt it until your state signs off. Sanden asked if the overlay zone would be in our favor to adopt it so when the new people come in they would have less chance to change it. Mr. Moskwa stated your Corporation Counsel would have to look at it. Ms Crow stated that could be a perceived benefit. If you would adopt it at the 5000 feet which it is zoned right now, it could be enforced for a period of time that could potentially give you leverage when MnDOT would have a chance to review it. Holst stated there is a chance that MnDOT could throw this out. Mr. Moskwa pointed out that what we came up with is what your zoning standard is now. Mr. Kleinhans stated there is a little bit extra at the end of the runway, in the approach zones. There are a little more restrictive heights there. Holst stated this committee also needs to be aware of what we are going to change except for a little bit of extra height zone. We already have. It's not advantageous of us to change any of our ordinances. Mr. Kleinhans stated Bay City would have to do something as well. Mr. Moskwa stated he would like to thank the townships, Bay City and Pierce County for participating in this. They had a lot more people at these meetings. He would like to thank Mr. Holst and Mr. Kleinhans; they were especially helpful and could lead them on the rules. Chairperson Fetzer asked if we need a motion on this. Pichotta stated no action is needed.

Discuss take action on Travel/Training Requests. Pichotta stated there is one request for Emily Lund to attend the WCZA Spring Conference April 4th & 5th in Mosinee that you had approved for Jim to attend for one day. **Holst moved to approve the travel/training requests/Ross seconded. All in favor. Passed.**

Departmental Update and Future Agenda Items

Public hearing to consider a rezone from General Rural Flexible to Industrial for Bill Holst in the Town of Trenton, 174 acres, he is also requesting a conditional use permit for a Utility Facility >1000 square feet for a rail load out facility not limited to sand and gravel.

Renewal of a conditional use permit for County Materials in the Town of Spring Lake.

Motion to adjourn at 06:45pm by Sanden/Ross seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, March 20, 2013 – 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: April 3 rd & 17 th , May 1 st & 15 th , all in 2013.	Chair
3	Approve minutes of the March 6, 2013 Land Management Committee meeting.	Chair
4	Public hearing to consider a request for a conditional use permit, pursuant to Pierce County Code, Chapter 240-39E, for a Private Outdoor Recreation Use for Lost Creek Ranch in the Primary Agriculture District by Lynette Weldon, owner on property located in the NW ¼ of the NW ¼ of Section 35, T27N, R17W, Town of Martell, Pierce County, WI.	Kleinhans
5	Discuss take action on status report, review of tentative 2013 work plan, and request regarding County adoption of airport overlay zoning ordinance for Red Wing Airport located in Section 6, Town of Isabelle, Pierce County, WI.	Kleinhans
6	Discuss take action on Travel/Training Requests	Pichotta
7	Future agenda items.	Pichotta
8	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.

(3/8/13)

PIERCE COUNTY WISCONSIN
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MINUTES - Pierce County Land Management Committee Meeting, March 6, 2013

Present: Jeff Holst, Jon Aubart, Jim Ross and Eric Sanden

Absent: Joe Fetzer

Others: Andy Pichotta, Brad Roy, and Shari Hartung

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

Next meeting dates: March 20th, April 3rd & 17th, all in 2013.

Approve Minutes: **Ross moved to approve the February 6, 2013 LMC minutes/Aubart seconded. All in favor. Passed.**

Discuss take action on a request for renewal of a conditional use permit for an Asphalt Plant in the Industrial District for Monarch Paving Company, owner on property located in the NW ¼ of the SE ¼ of Section 34, T25N, R18W, Town of Trenton, Pierce County, WI.

Staff Report – Brad Roy: This operation was originally permitted in 2001 for nonmetallic mining and the asphalt plant. In 2008 the Zoning Office inspected the site and determined that the portion used for mining had been reclaimed in accordance with the approved reclamation plan. Final reclamation within the approved plan designates the site as a permanent asphalt plant and the bond associated with reclamation was released. Pierce County Code provides the opportunity for the LMC to require a bond for Asphalt Plants. On March 4, 2009, the LMC determined that no bond should be required since this is an Industrial use in the Industrial District. If Monarch proposes to mine this site in the future a new conditional use permit must be obtained. This facility is close to a concentration of residential properties, increasing the potential for negative off-site impacts. The original permit conditions included the establishment of a vegetative berm. The berm has been established around the facility and is being maintained, but will require more time to become completely effective. At a previous renewal a transportation route was designated for Minnesota projects. It was stipulated that trucks traveling to Red Wing shall be routed from 830th Avenue to Hwy 35 to Hwy 63. This route limits the impacts to town roads. A Stormwater Pollution Prevention Plan is on file in the Zoning Office for this site. There are two stormwater ponds on this site. One is a temporary holding pond and the other is an infiltration pond. When the temporary holding pond fills the water is then pumped to the infiltration pond. The Town of Trenton was contacted regarding this renewal request. The Town has in the past and continues to have concerns about the stormwater on the site. Staff has discussed the concerns with the operator onsite and has also presented the concerns to the DNR. The DNR is reviewing the operation to ensure consistency with DNR regulations. The county has received no complaints about this operation since the last renewal. The existing conditions are listed #1 - #6 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 additions or modifications are deemed necessary, staff recommends this conditional use permit be renewed with the following conditions:

1. Use shall be according to submitted plans.

2. The hours of operation are from 6am to 8pm Monday through Saturday.
3. The haul route for trucks traveling to Minnesota projects via Red Wing shall be routed from 830th Avenue to Hwy 35 to Hwy 63.
4. Applicant agrees that any unforeseen erosion issues shall be addressed to the satisfaction of the county.
5. Height of stockpiles shall be limited to 35 feet.
6. This CUP shall be reviewed for renewal in two years unless compliance issues arise.

Chairperson Holst stated that normally the committee would ask the applicants to come up and state their request but since they have been here several times before and they aren't requesting a change in operation, there aren't any issues and it's just a renewal, he doesn't feel it necessary. **Ross moved to approve the renewal of the conditional use permit for Monarch Paving Co for a Hot Mix Asphalt Plant with conditions #1 - #6/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 for Monarch Paving, owner on property located in the NE ¼ of the SW ¼ of Section 28, T25N, R18W, Town of Trenton, Pierce County, WI.

Staff Report – Brad Roy: The site was originally permitted for nonmetallic mining in 2001 and is currently the storage site for approximately 350,000 cubic yards of dredge materials taken from Corps Island on the Mississippi River near Diamond Bluff. The dredge material was covered with topsoil and seeded and is now vegetated. At the 2009 renewal there was discussion about whether the dredge materials would be used for permanent reclamation of the site or simply stockpiled for future use. Monarch had initially intended to use the material for final reclamation and to close the pit. They later notified staff that it is their intention to use the dredge material for “interim reclamation” and to then use the materials in their operations. This use is consistent with the pit’s approved reclamation plan. Last year the operator began utilizing the dredge material from the site for use in other projects. A groundwater response plan was reviewed and approved by the Land Management Committee on May 19, 2010. The site is internally drained. The floor of the pit is at 690 feet above mean sea level. Surface water is directed to the northwest near the pit entrance. Permitted hours of operation are 6:00am to 6:00pm Monday through Friday and 8:00am to 6:00pm on Saturday during the construction season. The haul route for commercial trucks is from the pit entrance on County Road K to Hwy 35 towards the asphalt plant. No traffic is recommended along County Road K. The haul road was paved to reduce and address airborne dust concerns. Condition #12 states that, prior to placement of dredge materials on this site, a plan that describes activities and safeguards shall be presented for approval to the Land Management Committee.

- A groundwater response plan was presented to the Land Management Committee on May 19, 2010 and approved.
- EMES Inc is conducting groundwater and surface water monitoring. Samples are collected from residential wells, monitoring wells and surface water sites. Residential wells will be samples from outside spigots. The pH, specific conductance, temperature, dissolved oxygen and turbidity will be recorded for each well. The most recent sample was collected in September of 2012, although a final report has not yet been received from that sampling. Tests conducted in May 2012 revealed that water samples fell within national primary drinking water standards.

The County has received no complaints about this operation since the last renewal. The Town of Trenton has expressed concerns about the dredge materials and the potential for contaminants to reach groundwater. The existing conditions are listed #1 - #13 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 additions or modifications are deemed necessary, staff recommends this CUP be renewed with the following conditions:

1. Applicant shall follow all recommendations and receive all necessary permits from other agencies.

2. Hours of operation are from 6:00am to 6:00pm Monday through Friday and 8:00am to 6:00pm on Saturday during the construction season.
3. The haul route for commercial trucks is from the pit entrance on County Road K to Hwy 35.
4. Reclamation financial assurance information shall be reviewed and approved by Corporation Counsel and kept current.
5. A 50 ft setback shall be maintained from all property lines for all mining activity.
6. The applicant shall notify the Zoning Office if groundwater is encountered.
7. Applicant shall comply with PCC Chapter 241 Nonmetallic Mining Reclamation.
8. Reclamation shall be according to submitted plans.
9. Applicant agrees that any unforeseen erosion issues shall be addressed to the satisfaction of the County.
10. The approved Groundwater Response Plan shall be adhered to.
11. This CUP shall be reviewed for renewal in two years.
12. Any future use of this site for hydraulic material placement shall not be allowed until such time as information is presented that demonstrates, to the satisfaction of the LMC, that the impacts of said placement will not be contrary to the public interest, nor detrimental or injurious to public health, public safety or the character of the surrounding area.

Roy stated we eliminated condition #4, blasting since it is not applicable to this operation. Ross asked if the hours work well for them. Mr. Bakke stated they hardly use the site. Chairperson Holst asked when they will get the final well testing results. Mr. Bakke stated that is a consultant hired by the Corp of Engineers. Chairperson Holst stated then we don't know. **Ross moved to approve the renewal of the conditional use permit for Nonmetallic Mining for Monarch Paving Company with conditions #1 - #12/Sanden seconded. All in favor. Passed.**

Discuss take action on proposed language to regulate adult entertainment, lodging and large-scale retail.

Staff Report – Brad Roy: In 2012, staff presented information to the LMC regarding various commercial uses which have a higher potential for negative impacts to surrounding uses. As you may recall, many commercial uses fall under the classification of “General Retail and Services” and could begin to operate in an existing structure within a Commercial Zoning District without the requirement of any permit or site plan review. Concerns have been raised as to whether an adequate mechanism is in place to control or mitigate the potential impacts associates with uses established in such circumstances. It should be noted that in new construction were proposed to occur in conjunction with the establishment of a business in a Commercial District, a Land Use Permit and Site Plan Review would be required. The LMC has directed staff to review Adult Entertainment, Large-Scale Retail and Lodging to determine whether a modification to the process is warranted.

Lodging

Lodging is currently a Permitted use in the Commercial District. Issuance of a Land Use Permit would be required for the establishment of Lodging in the Commercial district, but there is no ability to deny the permit or to require consistency with town comprehensive plans. Site Plan Review would be required for any new construction in the Commercial district. Lodging is currently defined as: “A use which provides commercial transient lodging in individual rooms or units. Examples of such uses include motels, hotels, inns, cottages and cabins.” Pierce County Code currently limits the number of lodging units based on the size of the parcel. Potential impacts of Lodging include traffic, parking, lighting and noise. Incompatibility with surrounding uses could potentially result in conflicts and nuisance complaints. Changing Lodging to a Conditionally Permitted Use would require consistency with town comprehensive plans as well as provide opportunity for the LMC to place any necessary conditions on the business. The LMC may wish to consider the likelihood of whether this use could be established without the construction of a new structure or an addition to an existing structure, either of which would trigger the need for Site Plan Review by the LMC. Staff is seeking guidance as to whether the establishment of this

use should require the issuance of a Conditional Use Permit and, if so, whether any other zoning districts would be appropriate for this use.

Chairperson Holst stated we will discuss these, one-by-one. Sanden asked about the last sentence, the LMC may wish to consider the likelihood of whether this use could be established without the construction of a new structure; are you saying that someone could open up a hotel/motel in a currently existing structure and if that were the case should that fall under this possible conditional use permit. Roy stated that currently if there is an existing building in the commercial district someone could get a permit for lodging and there would be no review or anything unless they were to have new construction on that site, then that would trigger site plan review. Looking at the structures in the existing commercial districts, he doesn't know if any would fit for a new hotel/motel where it wouldn't require new construction. Pichotta stated that in most circumstances where someone would put in a hotel/motel, it will require new construction and thus require site plan review. Through site plan review, you can address certain things, buffers, screening, etc., but you can't say no. One of the reasons it may make sense for it to be a conditionally permitted use is because we have a lot of small commercial districts that have been established around the County. Zoning districts have been established by the Towns. Not all those commercial districts, given their proximity to other uses, are necessarily the best site for lodging. There may be cases where a small commercial lot is surrounded by houses and if someone wants to put in a motel that might not make sense given the surrounding uses and probability of impacts. So in those cases, it would be nice to have the ability to say no it's not the appropriate location. We don't currently have that. If we were a city and we had different zoning districts established in certain areas and it was planned out, it may be that it makes sense to allow lodging as a matter of routine in those districts. Given that we don't have control of what is zoned commercial everywhere, it makes sense for us to have the ability to identify certain sites that may not be appropriate for certain uses. Chairperson Holst stated we have other sites in the County under different zoning that would be appropriate. Maybe we open this up a little more. Pichotta stated we're asking if other zoning districts would be appropriate, for example, General Retail and Services and other commercial uses are permitted in Light Industrial District. It may be appropriate there. We have a lot of Light Industrial Zoning around and generally those are larger tracts that might actually make more sense. Sanden asked if we are concerned with lodging because of potential off-site impacts, large building footprint, late night traffic and how does a bed and breakfast fit into this. Pichotta stated it is defined differently. Ross asked if that was in all cases no matter the amount of rooms they are trying to put in. Ruth Wood asked about a situation in Minneapolis where someone wanted to put in an orphanage and the community voted it down, this has her thinking about halfway houses, sex offenders or drug abuse houses. Would those kinds of things be factored into what you are talking about? Pichotta stated that would be a whole other issue. These are commercial rooms for transient guests. Roy stated we have Institutional Use or Community Facilities, not sure which one it would fall under. Chairperson Holst stated we have a definite lack of hotel/motel space in Pierce County. Quite a few people talk about tourism but we have no place for people to stay. We're a drive-through destination. If we want to grab money out of them we need to provide lodging and do what we can to enhance our abilities to get these types of facilities as long as they are in the right place. Sanden stated he agrees but say there was a nightmare lodging situation, if we have a conditional use permit we have the ability to address impacts if that were the case. He stated he likes the idea of the conditional use permit and opening it up to Light Industrial. Ross asked about siting examples "such as", does the language need to be more specific. Roy stated "such as" is a good phrase. Pichotta stated it's not all encompassing. Sanden asked if there are any other zones that this would be applicable to. This does give them more control. Pichotta stated he didn't think you would want them in an agricultural district and we have the rural residential district. The other option is industrial and in some cases it might be appropriate. Chairperson Holst stated as we get to larger lodging, we will want them on city sewer and water. He thinks if someone comes in with a plan like a Metropolis, they would have to seek a rezone. Pichotta stated after we get our guidance today, over the next month or so, we will be bringing this back with specific language. Chairperson Holst stated we have reached consensus on this item.

Large-Scale Retail

There is no current classification or definition for Large-Scale Retail. Any application would be processed as General Retail and Services. A Land Use Permit and Site Plan Review would be required for any new construction in the Commercial district but there is no ability to deny the permit or to require consistency with town comprehensive plans. A Large-Scale Retail operation could open within an existing structure, with a valid General Retail and Services use, within the Commercial District without the requirement of any permit or review. This is, however, unlikely given the lack of existing large structures capable of housing such a use. Potential impacts and concerns include traffic, parking, lighting and noise. Incompatibility with surrounding uses could potentially result in conflicts. The LMC may wish to consider the likelihood of an application for this use in an area without municipal water and sewer services or whether this use could be established without construction of a new structure or addition to an existing structure which would require Site Plan Review. A potential definition of Large-Scale Retail is: "A shopping center, mall or free standing site whose primary use is or was a retail sales facility with at least one tenant or occupant located in a fifteen thousand (15,000) square foot or larger building or structure." Staff is seeking guidance as to whether Large-Scale Retail should be classified as a "stand alone" use and require the issuance of a Conditional Use Permit and whether any other zoning districts would be appropriate for this use. Sanden stated that by definition he feels they would have to build a structure. What if a big-box retailer comes in and we decide that it requires a new intersection and we want to pursue developer fees to pay for the intersection. Does it give us any more leverage if it goes through site plan review? Pichotta stated you could probably pursue broader conditions with a conditional use permit. Typically site plan review is more mitigating, layouts of parking lots, that sort of thing. Having a conditional use permit would be helpful given the complexity of permitting something like this. He questioned whether we would actually see one in the unincorporated area given that we don't have municipal sewer and water. Sanden stated he doesn't want to put up any more road blocks for development but seeing how it is a big operation and having a look at it would be a good thing. Ross stated his concern is if the conditional use permit gets issued and they come back for renewal and a different committee would look at things differently and make it tougher for them, we would be sitting with a big, empty building if they decide to pull out because it got too tough. Pichotta asked if Jim is asking if the conditions could be read differently by a future Land Management Committee. Ross stated if someone didn't want the big-box store there, they could interpret it differently to try to make it more difficult for them to stay. Pichotta stated that could happen for any use. Once you have established a conditionally permitted use, you have to have a valid reason for pulling the plug on it. There are some legal concepts that prohibit you from doing that. Chairperson Holst stated we're looking at something that probably isn't going to happen or isn't going to happen very soon. He agrees with Dr. Sanden; what kind of hindrances do we want to put on something that might not happen or could be beneficial. It would be great to have a conditional use permit to say that these are the things that you have to abide by. Pichotta stated we don't have any large commercial districts and if it was limited to a commercial district, they would have to rezone and a rezone has to be consistent with the Town's comprehensive plan. Retail and Services is allowed in the Light Industrial District and that would be a conditional use permit there. Consensus was to leave this alone. Pichotta stated it can always be revisited later.

Adult Entertainment

There is no current classification or definition for Adult Entertainment. Any application would be processed as General Retail and Services. A Land Use Permit and Site Plan Review would be required for any new construction in the Commercial district but there is no ability to deny the permit or to require consistency with town comprehensive plans. As such, an Adult Entertainment operation could open within an existing structure within a Commercial Zoning District without the need for any permit or review. Potential impacts and concerns include traffic, noise, property devaluation, morality issues, increased potential for criminal activity and incompatibility with surrounding uses. Potential definitions to clearly define Adult Oriented Entertainment Business uses are:

* "Adult Oriented Entertainment Business" – an adult bookstore, adult theater, adult massage parlor, adult sauna, adult entertainment center, adult cabaret, adult health/sports club, adult steam room/bathhouse facility, or any other business whose primary business activity is characterized by

emphasis on matters depicting, describing or relating to nudity, sexual conduct, sexual excitement or sadomasochistic abuse.

* “Nudity” – the showing of the human male or female genitals or pubic area with less than a fully opaque covering or the depiction of covered male genitals in a discernible turgid state and/or the appearance of bare buttocks, anus or female breasts.

* “Sexual conduct” – acts of masturbation, sexual intercourse, or physical contact with a person’s unclothed genitals, pubic area, buttocks or female breast.

* “Sexual excitement” – the condition of human male or female genitals when in a state of sexual stimulation or arousal.

Other restrictions may be appropriate for this type of use. Setbacks from other uses – such as schools, libraries, churches, parks, playgrounds or daycare facilities, residences or residential districts should be considered. The LMC could also consider restricting the sale of intoxicating beverages in conjunction with such use. Staff is seeking guidance as to whether “Adult Oriented Entertainment Business” should be classified as a “stand alone” use and require the issuance of a Conditional Use Permit, whether this use should be allowed in any other zoning district and whether additional restrictions should be placed on the establishment of this use. Sanden stated that in cities they often restrict these types of uses to Industrial Districts. Pichotta stated we can do that, the first step is to make it a “stand alone” use separate from General Retail and Services and then identify appropriate districts for it. Chairperson Holst stated it isn’t the committee’s position to regulate the sale or use of intoxicated beverages. That is up to the townships to do it. He doesn’t have a problem with it being in an industrial district. Roy asked if they mean only in industrial. John Eager asked what that does to the bars in the commercial area that are already there. Chairperson Holst stated that an existing adult entertainment would become a pre-existing nonconforming use. Any new one would have to rezone and that would have to be consistent with the Town’s Comprehensive Plan. Then it would come here and the chances of us allowing the rezone of a one acre parcel probably isn’t going to happen. Ross stated he is OK with it being in the industrial district. Sanden stated he has an issue with the potential definitions in the Adult Oriented Entertainment Business. Adult massage parlor, adult sauna, adult health/sports club; what makes a place that does chiropractic massage to mostly adults, what is the difference. Roy stated looking at the last sentence that states “any business whose primary business activity is characterized by emphasis on matters depicting, describing, or relating to nudity, sexual conduct, sexual excitement or sadomasochistic abuse”. Sanden stated he would like to see that sentence first. Pichotta summarized the discussion stating that LMC director was that this would be a “stand alone” use, and would be conditionally permitted in an industrial district. Roy asked if there should be setbacks from schools, parks, etc. Ross asked if the industrial districts are already enough out of the way from those things. Pichotta stated there are some industrial districts that butt right up to rural residential districts. He asked if the committee is comfortable with the concept of setbacks from other uses and districts. We will just present some options about typical setbacks. Aubart asked if anyone has looked at the litigation of these things. Pichotta stated he will ensure that any language proposed will meet legal requirements. Mr. Eager stated you are not saying they cannot have them, you are just saying where they have to be. Chairperson Holst stated that if we put a setback on them of 1320 feet, we are basically telling them they can’t have them. Pichotta stated we can take a look at existing districts and check proximity to residential districts and other uses and see what makes sense.

Site Plan Review

The LMC should also consider whether modification of the activities that trigger the need for Site Plan Review is warranted. Currently it is only required for permits for new construction or additions to existing structures and buildings for commercial, industrial, institutional or multifamily uses. Establishing the requirement that Site Plan Review be conducted in situations where there is a significant change in operations for commercial, industrial, institutional or multifamily uses may be helpful in mitigating potential impacts to neighboring properties occurring from a change in use. It should be noted that, similar to a CUP, the LMC has the ability to place conditions on any Site Plan Approval. Pichotta stated what we are asking for is if there was a commercial district with a store front in it that sells flowers, if they didn’t construct any new buildings, they could turn it into car sales. A different use, would create the

potential for different impacts on the neighborhood as well as traffic flow. If we had the ability to review a change in use and if it was of a certain magnitude bring it before the committee for site plan review, that would make sense in some cases where there is a substantial change in use. He noted that he hasn't completely determined how to best create this mechanism. If we could have a change in use permit required and then we review it and if it's substantially different and has a high potential for creating nuisance issues in the neighborhood we would refer it to the Land Management Committee. Aubart asked what a substantial change in use is and what would trigger that review, would conversion to a "head shop" trigger a review? Pichotta stated we could try to come up with some language that includes changes in what is sold that may have impacts on the neighborhood. Aubart stated that is a real problem with municipalities that you don't have the say over what goes into a store front. Pichotta stated he understands his point and will work to include that in the definitions. Chairperson Holst stated that if the committee isn't comfortable with proposed language we can always throw it away. Mr. Eager stated once you start with the buildings, you are going to affect how small businesses grow. Pichotta stated the thought was to identify when a substantial change in use would result in obvious impacts to the neighborhood. We're not trying to hammer small business, just simply trying to head off issues before they occur. Ruth Wood stated one thing that comes to mind is the use of resources, environmental impacts like noxious gases, etc. Roy noted that uses that have noxious fumes or dust already fit the definition of heavy industrial. So if someone moves in to a site and they are creating those, the mechanism is there to stop that use at that site. Pichotta stated that his intent in bringing this forward was to consider putting in place a simple mechanism to catch those uses that would create nuisance impacts to the neighborhood that weren't there prior. Staff directed to bring language back for LMC consideration.

Discuss update to Department fee schedule. Staff Report – Brad Roy: The Action Plan contained in Pierce County's adopted Comprehensive Plan calls for an evaluation of the Land Management Department's existing fee schedule to ensure that fees recapture 75% of cost of providing a given service. The current fee schedule was adopted in 2004 (Resolution 04-16) and was also intended to recover 75% of program costs. The Comprehensive Plan also suggests utilizing a fee structure that "provides incentives to produce the activities or outcomes that the County wants to "encourage" and disincentives for activities or outcomes that the County wants to "discourage." Please consider the following excerpt from a document titled "Context for discussion of Pierce County's Comprehensive Plan" for further explanation:

Goal, Objective and Policy Language

Throughout the comprehensive plan the terms "encourage" and "discourage" are utilized frequently. The meaning will vary depending upon context.

- The County will consider goal, objective and policy statements that "discourage" a given condition or use – as not prohibiting the specific action – but as a statement that the condition or use is not the preferred outcome, except when relating to rezones (map amendments). In cases of rezones (map amendments), language discouraging the establishment of a use (or type of use) at a given location shall be interpreted as not supporting the establishment of that district at that location – if the town in which the rezone is proposed does not have a comprehensive plan. In cases where a town does have a comprehensive plan, the appropriateness of a proposed rezone shall be determined based on its consistency with that town's plan. (*Management Policies for the Entire County*)
- The county will strive to create processes and a fee structure that provides incentives to produce the activities or outcomes that the County wants to "encourage" and disincentives for activities or outcomes that the County wants to "discourage". (*Management Policies for the Entire County*)

To elaborate, in cases where the county plan "discourages" an activity – that activity should not be viewed as prohibited, but recognized as something that Pierce County wants to discourage county wide and for which a strategy to discourage that activity will be pursued. For example, the objective; "Discourage residential subdivision development on productive agriculture land" doesn't mean that residential subdivision development is prohibited on productive agriculture land – but that Pierce County will pursue

strategies to discourage the subdivision of productive agriculture land throughout the county through the establishment of a process and/or fee intended to make initiating that activity less attractive (i.e. fee could reflect full cost of service). Conversely, an activity that is to be “encouraged” might be subject to a simplified process with lesser fees. In the past, the Land Management Department Fee Schedule has “discounted” permits for many agricultural activities with lower fees. This past practice would appear to be consistent with the directive contained in the most recent Comprehensive Plan as agricultural activity and the preservation of agricultural lands continues to be an “encouraged” activity. It should be noted that Wisconsin Statute 66.0628 stipulates that any fee that is imposed by a political subdivision shall bear a reasonable relationship to the service for which the fee is imposed.

Discussion

LMC direction on the following issues/questions is necessary for staff to begin the development of a fee schedule proposal:

- Does the LMC want staff to pursue an amendment of the Land Management fee schedule at this time?
- Does recovering 75% of the cost to provide a given service remain a reasonable goal?
- Does the LMC support the concept of establishing a financial incentive (lower fees) to produce the activities or outcomes that the County wants to “encourage” and a financial disincentive (higher fees) for activities or outcomes that the County wants to “discourage”?
- If supportive of the above concept – are fees that recapture 50% of the cost to provide a given service a reasonable incentive for activities the County wants to “encourage” and is it a reasonable disincentive to recapture 100% of the cost for activities the County wants to “discourage”?

Staff Recommendation: Staff recommends the LMC consider the above information and provide general direction to staff regarding fee schedule development.

Ross stated that he is OK with the way the fees are and anything that increases the fees at this time when the economy is still trudging along wouldn't be favorable. It seems a little cumbersome to him to try and decipher between encourage and discourage throughout the entire comprehensive plan. The most important thing, to him, is to encourage business to come here. We need to continue for the County to grow. Chairperson Holst stated when the 75% number was decided on, we had a development boom going on. We could tell developers anything and they would pass that cost on to their customers. He isn't sure that remains a realistic or achievable goal. He feels we should modify that number or get rid of it. It doesn't affect the fee schedule and we can adjust that when things are better. Sanden asked if there is an estimate of what the department generates. Pichotta stated that wasn't the department as a whole but just the zoning subset. There are several different components to the Land Management Department; Planning, Zoning, GIS, Surveyors, Land Records Modernization; it was just one budget that includes the Zoning Administrator salary, the assistant, as well as Brad and the Zoning Secretaries. Chairperson Holst asked if the Planners budget was in there also. Pichotta stated no, the 75% directive doesn't recognize that much of his time is spent on zoning issues. Aubart says 75% of that division is that what we're talking about? Pichotta stated that the zoning budget is somewhere around \$350,000 and we are attempting to recoup 75% of that. We actually did better than that for several years but it may not be feasible to recoup fully 75%. Instead of changing anything, maybe as we make changes, say we decide to change site plan review and we decide there should be a fee associated with that, we can address that at that time. Rather than do a wholesale look at the fee schedule, what I'm hearing is the economic climate isn't in a good place for it. Many of the fees would likely be increased because typically fees don't go down. As far as “encourage” versus “discourage” that has little to do with business. It mostly has to do with a conversion of agricultural land to residential uses. Aubart stated the 75% is a goal or a target, if we don't make the 75% it comes out of the tax levy. We're paying the bills; He doesn't think we want to remove the target. Sanden stated if someone argues that we should lower the fees, then we can say we're not meeting our goal. Pichotta stated we're not out of line at all on our existing fees when looking at neighboring municipalities. Sanden stated after the second part about “encourage” and “discourage” and having

different fee structures for each; on one hand he appreciates that for a good mechanism for “encourage” and “discourage” and it wouldn’t be quite as arbitrary since we already have the words in the comprehensive plan, but on the other hand, the whole idea of having schedules as how we see something is not what he likes to see. Ross stated that part bothers him also. Sanden stated he would be against the dual fee structure. Pichotta stated that he didn’t see this as creating a dual fee structure and that from a legal perspective the proposed mechanism works. Committee came to a consensus to do nothing to the fee schedule at this time.

Discuss take action on recommendation regarding re-election of LMC Citizen Members. Pichotta reported: The 2-year terms of Land Management Committee (LMC) members Joe Fetzer and Eric Sanden will expire in April 2012. Shortly after their last election to the LMC, the term of appointment for the LMC Citizen Members was increased from 2 to 3 years (Ordinance 11-02). Therefore Mr. Fetzer and Mr. Sanden’s re-election would be effective through April 30, 2016. Pichotta stated he spoke with Mr. Sanden and Mr. Fetzer and both graciously agreed to continue to serve. Staff suggests the LMC forward a recommendation to the County Board of Supervisors supporting the re-election of Mr. Fetzer and Mr. Sanden as citizen members. Chairperson Holst stated we have two really fantastic citizen members on the committee. **Ross moved to re-elect Citizen Members Joe Fetzer and Eric Sanden to the Land Management Committee and forward a recommendation to the Pierce County Board of Supervisors/Aubart seconded. All in favor. Passed.**

Discuss take action on Travel/Training Requests. Pichotta stated there are two requests at this time, one is for Mr. Kleinhans, the Zoning Administrator to attend the WCZA Spring Conference April 4th & 5th in Mosinee. He will only be attending one of the days. It looked like, in review of the sessions, the one day was clearly more applicable. There is a WCZA, Administrative Assistant training on March 27th at the Chippewa County Courthouse for Shari, Jacki and Tricia to attend. **Aubart moved to approve the travel/training requests/Ross seconded. All in favor. Passed.**

Departmental Update and Future Agenda Items

Public hearing for Private Outdoor Recreation Use for Lost Creek Ranch for Lynette Weldon in the Town of Martell.

We have requested the City of Red Wing be in attendance to talk about their plans for 2013 at the Red Wing Airport and also give us a status report on the zoning overlay effort. We don’t know if they are going to make it, they have requested that they be able to submit a report and we have told them a representative needs to be present.

Motion to adjourn at 07:25pm by Sanden/Ross seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, March 6, 2013 – 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 20 th , April 3 rd & 17 th , all in 2013.	Chair
3	Approve minutes of the February 6, 2013 Land Management Committee meeting.	Chair
4	Discuss take action on a request for renewal of a conditional use permit for an Asphalt Plant in the Industrial District for Monarch Paving, owner on property located in the NW ¼ of the SE ¼ of Section 34, T25N, R18W, Town of Trenton, Pierce County, WI.	Roy
5	Discuss take action on a request for renewal of a conditional use permit for Nonmetallic Mining in the Industrial District for Monarch Paving, owner on property located in the NE ¼ of the SW ¼, Section 28, T25N, R18W, Town of Trenton, Pierce County, WI.	Roy
6	Discuss take action on proposed language to regulate adult entertainment, lodging, and large scale retail.	Roy
7	Discuss update to Department fee schedule	Roy
8	Discuss take action on recommendation regarding re-election of LMC Citizen Members.	Pichotta
9	Discuss take action on Travel/Training Requests	Pichotta
10	Future agenda items.	Pichotta
11	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.

(2/22/13)

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MINUTES - Pierce County Land Management Committee Meeting, February 6, 2013

Present: Joe Fetzer, Jeff Holst, Jon Aubart, Jim Ross and Eric Sanden

Others: Andy Pichotta, Brad Roy, and Shari Hartung

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

Next meeting dates: February 20th, March 6th & 20th, April 3rd & 17th, all in 2013.

Approve Minutes: **Holst moved to approve the January 16, 2013 LMC minutes/Ross seconded. All in favor. Passed.**

Public hearing to consider a request for a conditional use permit, pursuant to Pierce County Code, Chapter 240-76A and 240-37A, for Expansion of an existing Nonmetallic Mining Operation in the General Rural Flexible and Primary Agriculture Districts, for Wisconsin Industrial Sand Company, agent for Kathleen Gordon & John Thayer, My Course LLC, Cynthia Hanson and Holst Farms Inc/MOAP LLC, owners on property located in parts of Sections 33, 34 and 35, all in T25N, R17W, Town of Hartland, Pierce County, WI. Jeff Holst recused himself from discussion and voting on this item due to possible conflict of interest. Chairperson Fetzer invited Rich Budinger forward: Mr. Budinger indicated that Jeff Himes will be presenting their request. Mr. Himes stated he is here along with Rich, Mark Krumenacher, Michele Maxson and Eric McLeod. Mr. Himes explained that they are requesting a new portal but aren't sure at this time where it will be located. It won't be used for production but a secondary entrance used for emergencies. They are also requesting vents but not sure where they will be located at this time either. Mr. Himes reviewed Wisconsin Industrial Sand's accomplishments, community impact and donations. They are pleased to be part of this community and a continuing business. Mr. Himes also noted that, in addition to the proposed expansion, they are requesting that the committee modify condition #7 of the existing CUP to state that real property owners within 1000 feet be notified before any planned blasting, via e-mail, text, phone, etc provided they request to be notified.

Staff Report – Brad Roy: Roy noted that Wisconsin Industrial Sand made this application whereas the other permits for this operation were requested by Wisconsin Specialty Sand. It's the same company and in some of the conditions Wisconsin Specialty Sand may appear but it's all owned by Fairmont Minerals; one company. The existing mining operation began in 2006. In 2008 the hours of operation were expanded to 24 hours a day. The CUP was last renewed on June 6, 2012. This expansion would eliminate the old CUP and the whole operation would be under this new CUP if granted. The applicant is now requesting expansion of the mining area into the Town of Hartland. No operational changes are requested. The proposed expansion would extend the mining tunnels into the Town of Hartland. Above ground disturbance would be limited. The applicant is proposing a secondary emergency exit from the underground mine on one of the expansion parcels. The secondary exit will not be used for production ingress and egress. The proposed expansion encompasses 13 parcels totaling approximately 516 acres. The primary use of the land is either agriculture or forested and undeveloped. Other area uses include low-density residential. The entire mining process takes place underground using room and pillar mining.

The sandstone will be mined in parallel tunnels approximately 30-feet wide separated by 70-foot wide sandstone pillars. The mining is accomplished by drilling and blasting. The tunnels allow for the internal washing, sizing and storage of the sand. The blasted sand is screened and taken to an underground classifying area where the sand is sized and dewatered. Approximately 90% of the water is recycled. Water is supplied by two 1000 GPM fresh water wells, typically only one is used. High capacity wells are permitted by the WDNR. The sand is trucked offsite to a processing facility in Hager City. The trucks enter and exit the site directly from STH 35, in the Town of Isabelle. Groundwater elevation is mapped at approximately 720 to 740 feet mean sea level. The lower level of the mined sand is approximately 800 feet mean sea level, or about 60-80 feet above the groundwater table. The use of flocculants in the dewatering process has caused concerns from the general public regarding the possible contamination of groundwater. The use of flocculants is permitted by the WDNR which monitors the type and limits the amount used. WDNR regulates and monitors storm water and process water through the WPDES Permits. The WPDES permit ensures that water samples are collected and analyzed to demonstrate that water is not discharged that could negatively impact surface water. A Fugitive Dust Plan has been developed for the operation. The plan details the measure to be taken to reduce dust from roadways during periods of dry or windy conditions. The WDNR Bureau of Air Management permits and monitors emissions of nonmetallic mining and processing operations. Their jurisdiction ranges from extraction to shipment. Concerns have been raised in other “frac sand” mining operations about the health effects of silica dust.

*In 2011 the DNR conducted a Silica Study to describe what is currently know about sources, health effects, exposures, controls and the regulatory status of silica in Wisconsin as well as in other states and countries. The Report states *“A recurring theme from the literature review and survey is that very little conclusive information exists regarding sources, controls or levels of silica present in ambient air. This lack of data means it is not currently possible to determine conclusively whether or to what extent the quantity, duration or types of silica emissions in the state may be a public health concern.”*

*On November 11, 2011 a group of citizens submitted a petition to the DNR for the promulgation of rules to govern respirable crystalline silica. That petition was denied on January 30, 2012. Deputy Secretary Matt Moroney concluded that: *“Because silica emissions are a component of particulate matter emissions, existing regulations that govern fine particulate matter can be used to control these emissions.”*

Wisconsin Department of Safety and Professional Services establishes uniform limits on permissible levels of blasting to reasonably assure that blasting does not cause injury, damage or unreasonable annoyance to persons or property outside any controlled blasting site area.

*SPS 370 addresses “unreasonable annoyance” as well as injury and damage to persons or property by requiring a pre-blasting survey, adherence to established blasting schedules, use of seismographs meeting minimum specifications and control of adverse effects.

*WISC will use controlled blasting techniques to minimize ground vibrations and seismographs to measure and document the resulting ground vibrations. WISC will offer pre-blasting surveys to residents or owners of dwellings or other structures and respond to claims of impacts.

A ventilation shaft may be needed in the future to provide clean air to the underground mine. The exact location of any potential shafts cannot be determined at this time. They are typically located on flat, easily accessible, leased property with access paths for maintenance and monitoring. In the past staff had received numerous complaints regarding trucks not being tarped, but have not received any such complaints recently. Roy noted that the last complaints received about this were in 2010. Within the past year staff received a complaint from an adjacent landowner regarding the required blasting notification. The neighbor stated that no notification has been given prior to any blasting. Staff contacted WISC about this complaint and was informed that all neighbors had been notified of the blasting schedule and have been given the option of having notices sent to them via phone, text or email before any blasting. The Town of Hartland recommended approval of this request without reference to its comprehensive plan on January 8, 2013. The conditions associated with the existing mine are listed #1 - #26 in the staff report.

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 not to be contrary to the above, staff recommends this conditional use permit be granted with the following conditions:

1. Applicant shall follow all recommendations and receive all necessary permits from WI DNR, Department of Safety and Professional Services, Mine Safety and Health Administration and other agencies if required.
2. Applicant shall submit written verification from all real property owners granting access to the abandoned tunnels of which WSS will be accessing pursuant to this CUP.
3. Applicant shall submit verification of lease agreements before mining is conducted and before mining is conducted within the 100 foot setback to parcels of which WSS does not hold the mineral rights, subject to condition number 5.
4. Applicant shall comply with the conditions recommended by the Town of Isabelle. The Town of Isabelle recommended approval of this request on March 22, 2006, subject to the following conditions.
 1. A map of the facility and underground tunnels shall be posted conspicuously at the site.
 - a. This same map shall be provided to the Town Clerk of the Town of Isabelle and emergency officials.
 - b. This map shall be updated semi-annually
 2. A site stability study shall be completed by a professional engineer qualified for such work.
 - a. The stability of the site shall be monitored by a qualified professional engineer annually.
 - b. A copy of the engineer's report shall be made available to the Town of Isabelle
 3. The groundwater shall be monitored by professionals qualified to perform such work.
 - a. Check all wells within 1000 feet of company wells. This is the same as county requirements.
 - b. The groundwater shall be monitored annually as well as any time the Town of Isabelle deems appropriate.
 - c. A copy of this report shall be made available to the Town of Isabelle.
 4. A reclamation plan shall be prepared-
 - a. In compliance with the requirements of the County of Pierce.
 - b. Including a performance bond to insure that reclamation work can be completed after operations cease or the operating entity ceases to exist.
 5. Hours during which blasting operations can be performed will be unrestricted unless official complaints are registered with the Town of Isabelle.
 - a. Upon receipt of an official complaint to the Town of Isabelle, the Town of Isabelle will advise the operators of the facility of the hours of blasting restrictions.
 - b. Within 24 hours of notification, the operators of the facility shall not perform blasting between the hours of 9:00pm to 5:00am.
 6. Town of Isabelle does not control driveway permits onto a State of Wisconsin highway and therefore cannot approve or deny any such driveway. However, the Town of Isabelle is very concerned about trees on either side of the driveway blocking the view of the drivers on the driveway and the State Highway. The Town of Isabelle strongly recommends that sufficient trees be removed to promote safe vehicular traffic.
5. A 100-foot setback shall be maintained from all property lines for which Wisconsin Specialty Sand does not hold the mineral rights, except for any areas which were granted an exception to this requirement. An exception was granted on the west property boundary of the parcel subject to this CUP. Mining is permitted 57 feet from this boundary.

6. Applicant shall identify blasting frequency and all blasting shall be done by a certified state licensed blaster.
7. Real property owners located within 1000 feet of the parcel subject to this CUP shall be given 48 hours notice of any planned blasting. Blasting shall be restricted to six days a week.
8. Well tests for nitrates, suspended solids and dissolved solids shall be conducted for all wells located within 1000 feet of the parcels subject to this CUP.
9. Reclamation shall be according to submitted plans and shall be completed within one year of ceasing mining operations.
10. After the asphalt and road gravel is removed, following mine closure, the road bed shall be graded so storm water will run laterally off the old road bed and not longitudinally down the old profile grade of the road bed.
11. The financial assurance for reclamation shall be reviewed and approved by Corporation Counsel before mining commences and kept current.
12. Applicant agrees that any unforeseen erosion issues that arise during or after construction shall be addressed to the satisfaction of the county.
13. 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. If they are not required, applicants shall submit verification from those agencies stating that the plans are not required.
14. This CUP shall be renewed every two years.
15. An annual audit, detailing mining activities to date and demonstrating adherence to approved conditions shall be submitted to Pierce County Land Management Department by January 31st.
16. The applicant shall submit written verification from the Department of Natural Resources that a binding agreement between the DNR and WSS is in place to preserve the conservation values of the existing DNR State Natural Area and associated tunnels. Such agreement shall also address access.
17. 590th Street shall be restored to the satisfaction of the Town of Isabelle.
18. Verification of an agreement with the Wisconsin DOT shall be submitted before mining extends under Hwy 35.
19. Outdoor storage of any equipment and/or mining materials shall only occur on the parcel with the mine entrance.
20. Mining shall not encroach within 200 feet of any existing residence.
21. All loaded trucks shall be tarped.
22. A fugitive dust plan that utilizes industry standards and best management practices shall be developed and adhered to.
23. The operator shall provide notice to the County of any orders to cease and desist from MSHA.
24. Any polyacrylamide flocculants must be used consistent with WI DNR permit requirements.
25. WSS/WISC will be subject to control methods deemed adequate by the Land Management Committee for silica emissions if current or future studies suggest a significant public health threat exists from such emissions.
26. A groundwater response plan, including accurate determinations of the groundwater elevation and which details resources to be used to protect the quality of groundwater beneath and adjacent to the extraction operation and a proposed response to encountering groundwater, shall be provided. Groundwater elevation shall be monitored annually and the results submitted to the Zoning Office.
27. A map of the facility and underground tunnels shall be submitted to the Town of Hartland semi-annually.
28. No ventilation shafts or secondary access portals shall be developed until after such time as the proposed location is reviewed by the applicable Town and approved by the LMC.

Chairperson Fetzer opened the hearing to the public. David Esterby, Hartland Town Chair, our last Town meeting was the biggest crowd we have ever had. These gentlemen were there and questions were asked but there was no opposition. It was approved unanimously by the Town Board. They have been

good neighbors and it's a useful product so there is no reason not to let them do it. Sarah Palodichuk, Town of Oak Grove, asked what the percentage of land in the County is the LMC willing to have mined. She stated she appreciates that they are such a good neighbor. She realizes that other businesses aren't good neighbors but it's probably because they don't trash the land. No amount of being a good neighbor can help something that is a nonrenewable resource. They are willing to put a lot of money into being a good neighbor because there is a lot of money in getting the sand out. There is nothing else like it. It concerns her because there is nothing else like it; what happens when it is gone? If it's so valuable, she feels it's equally valuable in the land where it sits currently. She feels there is a right to mine and that it is not all evil. The reclamation process she doesn't understand. She thought the DNR required reclamation above the ground but what's required below the ground? Fugitive Dust, studies are inconclusive, it's not currently possible to determine. This inconclusiveness concerns her. You don't know the answer so you move forward knowing it could be harmful or you don't know the answer and you wait until they have an answer. She believes the DNR is doing a study with WISC in Maiden Rock to learn more about this and there is a study recently put out by Crispin Pierce that raises some real questions. She knows that WISC has attacked Crispin Pierce's work in their CUP application and other places. She is sure they would tell you that it's not valid. Fact of the matter is that the professor has published stuff and it's harmful; not particularly WISC, but sand mines are causing environmental problems because of silica sand. The Trenton meeting when their CUP was approved with WISC, there were comments made about watering the sand and dust. They were asking about the fugitive dust and someone at the table said that if you can't see it they aren't going to spray it. Her concern is the sand you can't see and how does the fugitive dust plan handle sand that can't be seen. That's probably the biggest concern environmentally for the neighbors. Also it said something about the fugitive dust plan addressing windy conditions. If a truck is going 55mph down the road, she would assume that is enough wind that it should apply to all conditions of it being transported. She knows the DNR has a negative reputation right now for a lot of people and she knows that perception is reality for a lot of people. To say that the DNR is handling things is fine; that's the requirement. But she thinks there is still a concern based on the last conversation here about how the DNR monitors silica sand. The last time we were here was when the Diamond Bluff CUP was approved and that is the mine that Oak Grove Township is supposed to be an expansion of. After the meeting she was told by this board that if you would have had that many people here from Diamond Bluff as you do from Oak Grove, we might have been able to do something about it. Basically, she was made to feel like it's not her opinion as a Pierce County resident that matters but it's only the specific Township. That was hurtful to her because she cares about it as a whole, if someone were putting in a nuclear power plant, everyone in the County would have their say. But when it's a sand mine in Diamond Bluff, Oak Grove residents can't talk about it and it's right up to the border. So if there is anyone here from Hartland that doesn't want the mine, and maybe it's totally fine in Hartland, you really should say something because that's the people they listen to. Chris Wacek-Driver, one of the adjacent property owners, not either for or against the mine, the first that she learned of this was a week ago. She travels for a living. She doesn't attend the Township meetings. She has a little bit of a problem with it. She asked if this meeting is to approve this? Chairperson Fetzer stated yes. Ms Wacek-Driver stated she doesn't feel it's right. Chairperson Fetzer stated that's why things are required to be discussed at the Township level first. Frank Peterson, Hartland Township, stated he understands they are proposing to mine in the section his land is located in and he is concerned with this. He asked are we supposed to approve something when we don't understand what's happening? What's in it for us or is it just to take from under us. Pichotta stated mining will only be authorized under the parcels which are identified in the public hearing notice. It wouldn't actually occur under anybody's parcels that haven't entered into an agreement with WISC. It would not be under your property if you did not sign up for that and they would need to stay 100 feet back from the property lines underground if you are an adjacent neighbor. As far as a public notice, it does start at the town level. When anyone applies for a conditionally permitted use we ask them to first go to the Town to get a Town Recommendation. It gives the Town an opportunity to identify local concerns as well as weigh it against their comprehensive plan. Then when we accept an application, we do a public hearing notice which is two insertions in the Pierce County Herald, with the second being 7 days prior to the

actual holding of the hearing and then we send a notice to all property owners within 300 feet of the parcel where the activity is requested on. That is how we get the word out and that is what is required for notification. Ms. Wacek-Driver stated we got the letter that we are within 300 feet so that just means we're a neighbor to the activity going on? Pichotta stated yes, the activity that is proposed to occur. Mr. Peterson stated they would have no right to go under our property unless they get our consent. Pichotta stated that is correct. Cynthia Hanson, owner of one of the properties that is in the application, stated she has been working with Jeff since April on developing a contract. She is here to answer anyone's questions of landowners who would like to know how the process is conducted; the choices that they make and the arrangements that they make with the mine are all individual and tailored to what your needs and desires are. She has not been pressured in any way to do anything that she didn't want on her land. She has a 100 year-old Civil War land grant homestead that has been in her family for this long. She has a recreational property, livestock, 65 acres in the forestry program and is extremely concerned about her water and these conditions. To her satisfaction, every question she has ever brought up to the mine has been met. She is here tonight to answer any questions within the confines of the confidentiality agreement. Charles Brown, Isabelle Township, his family was originally involved with the lease and his step-grandfather opened the mine in 1938, so he has been around it quite a while and their farm is right above it. When this was first proposed to them, they took two years to decide whether or not this was a good idea. They brought in a Nonmetallic Attorney out of the twin cities to do the due diligence for them on their mining techniques and all the agreements. They have been working with this company for three years now. They keep an eye on things also. He has been watching for silica in the valley and he has yet to see a day when there is a lot of particulate matter. He grew up when you would drive down the hill and it was brown down there, the way it was run in the 60's. You have an excellent corporate partner here to extract the sand. We watch the trucks and they are covered now. They are doing a great job and we're glad to have them in the Township. John Girtman, Hartland Township, a landowner asked if the questions were going to be answered before you vote. Chairperson Fetzer stated a lot of them will be answered by WISC. Mr. Girtman stated he noticed the company is going to use a lot of groundwater to wash and it's going to be 1000 gals/minute taken out of the water table and with the years of drought he is concerned about lowering the water level to a point where it's not going to be good. Is there going to be a level that the water table can go down to, making the mining operation shut down so everybody in the County isn't going to be affected by this? Chairperson Fetzer stated we go through our public comments and then answer questions. **Public hearing closed.** Mr. Budinger thanked the committee for taking the time to review their request. He will go through and answer as many questions, Mark Krumenacher, Eric McLeod, Jeff and Michele can jump in as well. A general overview of what they are asking to do here is nothing different than they have been doing for the last five years at this facility, this company in particular. Before we started operating the mine in 2007, there were a number of different operators that had been at the mine since the 1920's. When we talk about industrial sand mining, underground mining, at this facility it is nothing new to this area. The mine was very active in the 50's and 60's. As far as the questions, what percentage of the County, he can't answer that one. Nonmetallic Mining has been a legal land use in Pierce County and also in the Townships that they operate their mines in. Aggregate mining, industrial sand mining has been going on for several years; it's all incorporated into nonmetallic mining. From a mineral usage stand point, as long as we need to use minerals, industrial minerals, nonmetallic minerals, there will always be mining going on. There are strict regulations that are applied to nonmetallic mining, not only in the Townships and the States where the operations are occurring but state wide from Department of Natural Resources in particular. When it comes to water usage, we are required to obtain a high capacity well permit which allows us to pump a certain amount of volume from the well with a maximum usage. The 1000 gals/minute may be listed as the usage on the well but we do not pump at that continuously. We pump when it's needed to resupply our washing operation. The majority of the water is set up on a recycling loop where water that is used to wash the sand comes out and goes into a settling pond and the fresh water is returned right back into the front end. The water losses that we occur at the mine are essentially the wet sand as it continues to dry, the water is returning to the water table and the wet sand is somewhat moist while it is being transferred down to Hager City where the dryer is. So the loss of water

is very low. The high cap wells will run as needed but they are not running all the time. Any adverse effects from the water wells would be identified through sampling procedures or also identified through our existing conditions. Any affects to the water level itself is a regulated use and as far as our impact we would have to fix that immediately. We also provide a positive social impact through our volunteer work and monetary donations but for the most part our sustainability programs. Sarah had made reference that of course they need to do that because they are trashing the land. Budinger stated that he wants to correct that, it's their company, it's their company's culture and they are not trashing the land either. They are managing a natural resource. They consider themselves to be a steward of a natural resource. In balancing environmental impacts and how they manage their business, it's what they do day to day. What they do on site in sustainability programs; they go far beyond compliance and take a tremendous amount of pride in making a positive impact to our environment. They do that many different ways. They have publicized many times as far as the number of hours they put in, the goals that they have for diesel usage, decreases in natural gas, decreases in their energy consumption and their carbon foot print and their tracking of greenhouse gases. The Fugitive Dust Plan that was talked about as far as the suggestion that if they don't see the dust they don't do anything about it - that's not the case. The Fugitive Dust Plan is a proactive plan that addresses any potential areas that could have dust emissions such as a gravel road or any part of the plants that would have stockpiles. They aren't going to have any at this facility. But the Fugitive Dust Plan is a proactive approach with water trucks, dust collection, asphalt and managing their storm water runoff. Reclamation plan is regulated by the State and also the County has adopted NR 135 which is a reclamation plan which typically doesn't include underground. It's for surface structures and it is incorporated to the area of the portals and the ingress and egress from the mining area. What they are putting into the mine; anything they would be putting back into the mine has to be approved at some point during their process of permitting through the Department of Natural Resources. The material they are putting back into the mine is the fine or coarse sand that's screened off at the Hager City plant or any other products that are not salable or marketable. Typically those sands will go into animal bedding locally. We also have a couple construction companies locally that will take sand oversize and undersize but any excess they have to haul back to the mine. As far as air quality, water quality, surface and groundwater, these are all very strictly regulated by the Department of Natural Resources and the County takes it to another level and requires us to do sampling as listed within the conditional use permit. As they go through the mining operation, they obtain permits through the state level and also have to go through this process of conditional use permit to be able to operate a nonmetallic mine on this property as well. They are here at a minimum of every two years to appear before the Land Management Committee to request an additional two-year conditional use permit. We do operate another mine in Pierce County in Maiden Rock as well as this mine so we're very active here at the County and also within our local Townships. Constant communication is required for us to continue our business and any issues we have, we have an open-door policy so anybody can come to the facility and talk to the Plant Manager, Jeff Himes. If Jeff isn't available, leave a message and he will get back to you with any questions or concerns. They value the feedback very highly. It's all part of their continuing improvement. Being the best neighbor is their number one goal. In conclusion, what they are asking for is additional property to add to an existing mining operation. The existing mining operation has been operating since 2007. Before that it has been operating since the 1920's at different levels. This is not a new underground mine, it's an existing underground mine. Because mining is, what Sarah had mentioned, going through resources, they do mine and extract the sand from the acreage that they are permitted for only. In order to continue to do business they have to replace their mining reserves. They always like to keep a certain amount of life of mine or time in front of them to satisfy their Board of Directors that continue to put capital into the business to replace equipment and keep the business successful. Jeff Himes stated he has been with the business for about a year and a half and has worked for a lot of mining companies. He takes exception to comments that they just do this other work because they are raping the land or whatever phrase she used. He has been very impressed with Fairmont's sustainable development process. It is a core value for the corporation. They do this because they want to be a fundamentally beneficial member of the communities they are in. This is a really good business for the region and the community. Sanden asked about the

groundwater test results from WPDES, are we privy to that, do we get updates or do we only get alerted if there is a concern. Roy stated we don't get updates. He isn't completely familiar with the whole process. We would get notified if there was a problem, we don't get annual updates. Sanden asked Mr. Budinger with those groundwater tests results, have there ever been any indication of polyacrylamides or derivatives. Mr. Budinger stated as far as the polyacrylamides, they don't test for them. They look at the suspended solids and the nitrates. There is a list of what they test for in the conditional use permit. As far as the polyacrylamides, there isn't a standard test. Mark can comment on this. There wouldn't be any detectable levels. The levels that they use for flocculants, polymers and water additives is such a small value and when we compare it to water drinking facilities or wastewater facilities, it's a very small fraction compared to what is being used in drinking water. The water additives, the polymers that they use have a designation after them of P for approved use and potable drinking water facility. They are approved from the DNR for drinking water facilities. When we talk about the usage, the amount of water that we have going around through the plant and the amount of polymer that we add, we're not looking for crystal clear drinking water, we're looking for water that's not like chocolate milk. We take the majority of the clays out of it the best we can and the difference is that it is such a small usage that it wouldn't be detectable in the water wells. That's compared to drinking water quality. That's all part of the DNR process as well. They have an approved list that we have to go through and choose which products to do our testing initially. It's a process they went through. If we want to use a product that isn't on the list, they have to submit it to the Department of Natural Resources and go through all the testing and approval process. So they were able to use two of the products that were on the list that are actively being used in Wisconsin for a number of different reasons; from water-drinking facilities to paper mills to a lot of industries using them for similar purposes. The usage is also noted as far as the volume of water additives per gallon that is in our system and it's a fraction of what is acceptable as far as human consumption. As far as the testing procedure and being able to pick up the volume of polyacrylamides, it's only done through mathematical purposes that we know how much is actually within the water. Ross stated he would like to point out a couple things; in terms of the amount of land that's allowed for mining that is hypothetical at this point. Every CUP that comes before this committee is a vetted process as mentioned earlier it's brought before townships ahead of coming to this committee. The process is taken very seriously. We are not just going to allow mines to come in because they say they want to come in. They have to prove they are capable of following those rules. Also the other point, this happened earlier in 2012, a quarry we have on the other end of the County, had not been following their CUP to the letter. It just happened that they followed on the agenda after we had issued a CUP for WISC and what was ironic about it was that the Spring Lake Quarry was coming before us because they had not followed the various restrictions of their CUP so we not only brought them back to discuss the matters, we brought them back every three months. Although this is a two-year CUP, it's not carte blanche. They can't just not follow the conditions and we'll see them in two years and discuss it then. What we did with Spring Lake is brought them back, discussed the issues and had them correct the issues. Many of us on the committee toured the mine to review firsthand that they were following, updating and correcting the issues at hand. Ross stated he wants it to be very clear that this is taken very, very seriously by the committee, the department head and staff. They take the time to follow through. We also believe that all matters are taken seriously by the parties involved. If encroachment was to happen, we would certainly want to know about that and follow up on that. He thinks it's very important that people know and he wants to make it very clear that this is taken very seriously whether it is before the committee at the time or in the future.

Aubart moved to approve the conditional use permit for Expansion of an existing Nonmetallic Mining Operation for Wisconsin Industrial Sand Company, agent for Kathleen Gordon & John Thayer, My Course LLC, Cynthia Hanson and Holst Farms Inc/MOAP LLC, owners, due to the fact this is not found to be contrary to the public interest, nor detrimental or injurious to the public health, public safety or the character of the surrounding area, with conditions #1 - #28 modifying the references to Wisconsin Specialty Sand to include Wisconsin Industrial Sand Company and modifying #7 to read "Real property owners located within 1000 feet of the parcels subject to this CUP shall be notified of the blasting schedule and be given the option of having notices sent to them

by phone, text or email before any blasting”/Ross seconded. All in favor with Holst not voting. Motion passed.

Committee to convene into closed session pursuant to WI §19.85(1)(c) considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility; to-wit; performance evaluation of Land Management Director. Holst moved to convene into closed session/Ross seconded. Roll call vote: Holst-yes, Ross-yes, Aubart-yes, Fetzer-yes and Sanden-yes. All in favor. Passed. 7:05pm

7:45pm Holst moved to return to open session/Ross seconded. Roll call vote: Holst-yes, Ross-yes, Aubart-yes, Fetzer-yes and Sanden-yes. Motion passed.

Motion by Holst/seconded by Ross to grant the Land Management Director a step increase based on a favorable annual review. All in favor. Motion passed.

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

Departmental Update and Future Agenda Items

Pichotta stated there won't be a meeting on February 20th. The next meeting will be March 6, 2013 and noted that renewal of Monarch Paving's conditional use permit for the asphalt plant and for the dredge material site will be on the next agenda.

Motion to adjourn at 07:50pm by Holst/Ross seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, February 6, 2013 – 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 20 th , March 6 th & 20 th , April 3 rd & 17 th , all in 2013.	Chair
3	Approve minutes of the January 16, 2013 Land Management Committee meeting.	Chair
4	Public hearing to consider a request for a conditional use permit, pursuant to Pierce County Code Chapter 240-76A and 240-37A, for Expansion of an existing Nonmetallic Mining Operation in the General Rural Flexible and Primary Agriculture Districts, for Wisconsin Industrial Sand Company, agent for Kathleen Gordon & John Thayer, My Course LLC, Cynthia Hanson and Holst Farms Inc/MOAP LLC, owners on property located in parts of Sections 33, 34 and 35, all in T25N, R17W, Town of Hartland, Pierce County, WI	Roy
5	Committee to convene into closed session pursuant to WI §19.85(1)(c) considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility; to-wit; performance evaluation of Land Management Director.	Chair
6	Committee to reconvene into open session and take action on closed session item, if required.	Chair
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.

(1/24/13)

PIERCE COUNTY WISCONSIN
DEPARTMENT OF LAND MANAGEMENT & RECORDS
Pierce County Courthouse
414 W. Main Street, PO Box 647
Ellsworth, Wisconsin 54011
ZONING OFFICE 715-273-6747
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MINUTES – Pierce County Land Management Committee, January 16, 2013

Present: Joe Fetzer, Jeff Holst, Jon Aubart, Jim Ross, and Eric Sanden

Others: Andy Pichotta, Emily Lund, and Brad Roy

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

Next meeting dates: February 6th & 20th, March 6th & 20th, all in 2013.

Approve Minutes: **Aubart moved to approve the January 2, 2013 LMC minutes/Ross seconded. Holst abstained from voting as he was not present at the meeting. All in favor. Passed.**

Public hearing to consider a request for a conditional use permit for an Accessory Residence, pursuant to Pierce County Code Chapter 240-40A, in the Agriculture Residential District, for Jean Busson, owner on property located in Lot 1 Certified Survey Map (CSM) V13 P55 being part of the NE ¼ of the NW ¼ of Section 19, T26N, R15W, Town of Rock Elm, Pierce County, WI. Chairperson Fetzer invited Jean Busson forward: Brian Busson, Jean's husband, was there on her behalf. They want a conditional use permit (CUP) for the Accessory Residence and put in a septic system to the shed.

Staff Report – Emily Lund: The request is for a CUP for an accessory residence. The property is located in Section 19, Town of Rock Elm. The property is in the Agriculture Residential zoning district. The Rock Elm Town Board recommended approval of this request on 11-12-2012. The Town Board stipulated that the septic system be brought up to code. The applicant owns 8.611 acres and has an existing barn, multiple sheds, house, detached garage, well, and septic. This request is to convert the existing 26' x 27' shed, which was permitted in 7-10-1990, into a cabin/accessory residence. The applicants visit this property to get away from town. In the future, the applicant may move or demolish and rebuild the existing principal residence. The principal residence (existing home) has an existing septic system is sized for 2 bedrooms, consists of one septic tank and two dry wells, and is in the process of being assessed by a plumber. The applicants propose to upgrade the septic system in the spring of 2013, if necessary, or have the accessory residence on its own compliant septic system. Pierce County Code (PCC) s. 240-40(A) allows accessory residences, which are accessory to single family homes in the Agriculture Residential District with the issuance of a CUP. Definitions for Accessory Residence and Accessory Building are provided in the staff report. Pierce County Code Chapter 115 Numbering of Buildings and Roads states that all properties or parcels and principal buildings shall be assigned an address based on the uniform numbering system. The applicants indicated they do not plan to rent out either residence. No renewal of this request will be necessary provided the use is established within 12 months of approval.

Staff Recommendation: Staff recommends that the Land Management Committee determine whether or not this request is contrary to the public interest and whether it would be detrimental or injurious to public health, public safety, or the character of the surrounding area. If found to be not contrary to the

above, staff recommends the Land Management Committee approve this conditional use permit for an accessory residence with the following conditions:

1. The applicant shall hire a Wisconsin Licensed Master Plumber to obtain a sanitary permit and the plumber shall install a septic system for the accessory residence.
2. If both the principal and accessory residences are connected to the same septic system, the applicant shall record an 'Affidavit regarding Common Private Sewage System' on their deed prior to issuance of a sanitary permit.
3. The applicant shall work with the local building inspector, Todd Dolan, to determine whether a permit from the town is needed and to ensure compliance with the Uniform Dwelling Code (UDC) requirements.
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. If either residence is to be rented to a nonfamily member, applicant shall obtain a separate universal address number for the accessory residence.

Chairperson Fetzer opened the hearing to the public. No public comment. **Public hearing closed.** Sanden asked if the square footage of the shed is smaller than the square footage of the primary residence. Mr. Busson stated yes it is.

Sanden moved to approve the conditional use permit for an Accessory Residence for Jean Busson, due to the fact it is not found to be contrary to the public interest, nor detrimental or injurious to the public health, public safety, or the character of the surrounding area, with conditions #1 - #5/Ross 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, General Rural District, and the Primary Agriculture District pursuant to Pierce County Code Chapter 240-37 for Wieser Concrete, owner on property located in Sections 4, 9, & 10, T25N, R16W, Town of Salem, Pierce County, WI.

Chairperson Fetzer invited Red Mears from Wieser Concrete forward: Red Mears said he didn't have anything to add and the plant has been moving the same way it has been the past few years.

Staff Report – Brad Roy: This request is for four nonmetallic mines on the Wieser property. The mining product is used for the production of concrete products. Pierce County issued the original CUP in 1992. Reclamation plans and fees are submitted to Pierce County for pits 1 and 2. Pits 3 and 4 have been issued a DNR Chapter 30 permits which cover reclamation. There are no major changes planned. Volumes of material are dependent on the market needs. Mining operations are located primarily in Primary Agriculture zones. Mining has continued on a very limited basis. Acreage has remained similar since the previous renewal. Roy referred to a chart that shows mining background with 2012 open acres for each mine. The Quarry (#1) on the hilltop is located in Sections 9 & 10 and is the limestone source. Blasting operations are from 8:00 a.m. to 5:00 p.m. several days per year. After blasting, the limestone is crushed and transported to the bottom quarry via conveyor for washing and stockpiling. The mine behind the pre-cast plant (#2) is located in the valley and is mined for sand and gravel. Review fee calculation is \$200 plus \$20/acre, which totals $\$200 + (\$20/\text{ac} \times 40.3\text{-ac}) = \$1,006$ for the four pits. The Chairperson of the Town of Salem was contacted about this renewal and did not identify any concerns. Staff has not received any complaints about the mining operations in the last 2 years. Roy referred to the existing conditions listed 1-13.

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. If no additions or modifications are deemed necessary, staff recommends this CUP be renewed with the following conditions:

1. Renewal fee in the amount of \$1,006 shall be submitted to the Land Management Department.
2. All required permits shall be kept current with the DNR.

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

Holst moved to approve the conditional use permit renewal for Wieser Concrete with conditions #1 - #13/Ross Seconded. All in favor. Passed.

Discuss take action on Travel/Training Requests. Pichotta stated that he had two requests. The first being for Rand Kleugel to attend the Wisconsin Land Information Annual Conference in Lake Geneva, WI. Pichotta noted that the County receives a \$300 grant from the Wisconsin Land Information program for his attendance. The other is for Jim Kleinhans to attend a continuing education seminar February 12, 2013 in Eau Claire, WI.

Ross moved to approve the travel/training request for Rand Kleugel and Jim Kleinhans/Aubart seconded. All in favor. Passed.

Future Agenda Items.

A public hearing for a CUP for the expansion of the Bay City mine into the Town of Hartland.
Land Management Director's annual performance review.

Motion to adjourn at 06:14 PM by Sanden/Holst seconded. All in favor. Motion carried.
Respectfully submitted by E. Lund.

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, January 16, 2013 – 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 6 th & 20 th , March 6 th & 20 th , 2013.	Chair
3	Approve minutes of the January 2, 2013 Land Management Committee meeting.	Chair
4	Public hearing to consider a request for a conditional use permit for an Accessory Residence, pursuant to Pierce County Code Chapter 240-40A, in the Agriculture Residential District, for Jean Busson, owner on property located in Lot 1, Certified Survey Map (CSM) V13, P55, being part of the NE ¼ of the NW ¼ of Section 19, T26N, R15W, Town of Rock Elm, Pierce County, WI	Lund
5	Discuss take action on a request for renewal of a conditional use permit for Nonmetallic Mining in the Industrial District, General Rural District and the Primary Agriculture District pursuant to Pierce County Code Chapter 240-37 for Wieser Concrete, owner on property located in Sections 4, 9, & 10, T25N, R16W, Town of Salem, Pierce County, WI.	Roy
6	Discuss take action on Travel/Training Requests	Pichotta
7	Future agenda items.	Pichotta
8	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.

(1/04/13)

PIERCE COUNTY WISCONSIN
DEPARTMENT OF LAND MANAGEMENT & RECORDS
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MINUTES - Pierce County Land Management Committee Meeting, January 2, 2013

Present: Joe Fetzter, Jon Aubart, Jim Ross and Eric Sanden

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

Absent: Jeff Holst

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

Next meeting dates: January 16th, February 6th & 20th, March 6th & 20th, all in 2013.

Approve Minutes: **Ross moved to approve the December 5, 2012 LMC minutes/Sanden seconded. All in favor. Passed.**

Public hearing to consider a request for a conditional use permit for a Home Business for woodworking and a knife sharpening business, pursuant to Pierce County Code, Chapter 240-36F, in the Rural Residential 8 District for Joel and Margie Swenson, owners on property located in the NW ¼ of the SW ¼ of Section 19, T27N, R19W, Town of Clifton, Pierce County, WI. Chairperson Fetzter invited Joel Swenson forward: Mr. Swenson explained he is a third generation carpenter/cabinet builder, and a licensed general contractor in the state of Minnesota. He is in the construction business with his brother and has several businesses in Minnesota. He would like to expand back to Wisconsin with custom cabinet work, custom woodworking; fireplaces, mantles and additionally knife and tool sharpening, carbide table saw blades; the works. He thinks it will be a lucrative small business. He has cleared hurdles at the Home Owners Association and the Township.

Staff Report – Emily Lund: The request is for a conditional use permit for a Home Business for ‘Super Sharp Construction Services, LLC’. The property is located in Section 19, Town of Clifton. The area was subdivided by a series of Certified Survey Maps in 2002 and is locally known as Gateway to the Valley-North. This residential development has an active Home Owners Association which administers and enforces the protective covenants. The parcel is zoned Rural Residential 8 and is 4.65 acres in size. Pierce County Code 240-15 discussed the purpose and intent of the Rural Residential 8 zoning district that states “This district is established to provide for residential development in predominantly rural areas not suited for agricultural uses, served by on-site absorption sanitary systems and private wells. The district is intended to protect quality, large-lot residential development from incompatible uses.” PCC 240-36F establishes that ‘home businesses accessory to principal permitted single-family residences’ are allowed in the RR 8 zoning district subject to issuance of a conditional use permit. A two acre minimum lot size is also required. Home businesses are limited to 1,500 square feet in an attached garage or accessory building. The applicants are proposing to utilize their attached 38’ by 32’ (1,216 sq ft) garage to conduct the business, which is consistent with the <1,500 square foot requirement. The proposed business would include building custom furniture, cabinets and woodworking projects, as well as knife and tool sharpening. The garage is fully insulated, heated and dry walled. It contains an insulated dust collection unit that is very quiet and does not exhaust outside. The property includes a large driveway and there is a bathroom located near the service door to the garage. Most work is anticipated to be conducted off-site as Joel Swenson is a licensed general contractor in Minnesota. According to the submitted narrative, the

proposed home business would allow Mr. Swenson to move his workload from Minnesota to his garage and reduce the commute time and gas costs. There will be no outside storage and no new buildings are proposed. Solid waste materials will be disposed of in Mr. Swenson's dump trailers which are located in St. Paul, MN, where he is general contractor. The applicant plans to run the business without any additional employees. The applicant proposes to be open to the public Monday through Saturday 7AM to 6PM and Sunday by appointment only. The applicant proposes to utilize the parking pad north of the garage for three regular parking spaces and one handicapped parking spot that will be located closest to the entrance. PCC 240-54I requires a minimum of one handicapped space be provided. The applicant proposes to utilize one on-premise, free-standing, non-illuminated advertisement sign. The home owner's association covenants restrict the sign size to 4 sq. ft. He proposes to have a 24" by 24" sign. The proposed sign must be located out of the road right-of-way per PCC 240-60C & D. The proposed business and sign have been reviewed and approved by the home owner's association. PCC 240-76G discusses expiration of CUPs 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". The Clifton Town Board recommended approval of this request on 12-4-2012 stating that the "business would enable Joel to conduct much of his business in Wisconsin instead of Minnesota." The Town did not reference its Comprehensive Plan.

Staff Recommendation: Staff recommends the Land Management Committee determine whether the proposed use in 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 not to be contrary to the above, staff recommends the Land Management Committee approve this conditional use permit for a Home Business for Super Sharp Construction Services, LLC with the following conditions:

1. The Home Business shall be conducted as described in the submitted application. 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. Hours of operation shall be Monday through Saturday 7AM to 6PM and Sunday by appointment only.
3. Three regular parking spaces and a minimum of one handicapped parking space shall be delineated.
4. The one advertising sign may be placed on the site as proposed and 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. Any additional advertising signage shall be in compliance with the Pierce County Code and shall be subject to the issuance of a Land Use Permit.
5. The use shall be established within 12 months of CUP approval. This conditional use permit shall be renewed every 2 years. Permit may be renewed administratively if no compliance issues arise.

Chairperson Fetzer opened the hearing to the public. No public comment. Public hearing closed.

Sanden asked if the garage will be used to make the furniture or as a showroom. Mr. Swenson stated mostly fabrication. He has about 250 customers in the metro area. Generally he meets at the client's homes and very rarely will customers come to his home to look at a project in progress. Sanden asked how the materials will be delivered. Mr. Swenson stated he will take delivery or going and getting the materials in his trailers and flatbeds. Sanden asked about the proposed signage. Mr. Swenson stated one 24" by 24" sign which is allowed by the association. Ross stated his main concern is a huge volume of people. Mr. Swenson stated he will be picking up the knives/tools to sharpen and then deliver them back or mail them to the customers.

Sanden moved to approve the conditional use permit for a Home Business for woodworking and a knife sharpening business for Joel & Margie Swenson, due to the fact this is not found to be contrary to the public interest, nor detrimental or injurious to the public health, public safety or the character of the surrounding area, with conditions #1 - #5/Ross seconded. All in favor. Passed.

Discuss take action on a request for renewal of a conditional use permit for Nonmetallic Mining for Wisconsin Industrial Sand Co – Maiden Rock Facility, on properties in the Agriculture Residential District owned by Wisconsin Industrial Sand Co, Edmund & Dawn Daleiden, Dean & Mary Holden, David & Rayna Kassa, William & JoAnn Steele, Jeffrey Von Holtum and Lost Creek Farms, all in Section 10, 11, 13 & 15, T24N, R16W, Town of Maiden Rock, Pierce County, WI. Chairperson Fetzer invited Wisconsin Industrial Sand Co forward: David Echerdt, Assistant Manager of the Maiden Rock Facility, stated they are here to request renewal of their conditional use permit in Maiden Rock Township. Mr. Echerdt gave a summary of the products produced, number of employees, direct and indirect economic impacts on the community, an account of their annual support, their health and wellness program and environmental awareness, the reduction in water consumption by 50% and partnering with Red Wing Incinerator to recycle everything so they have zero waste. They completed the transition from LP to natural gas and now the Village of Maiden Rock residents have benefitted by being able to also use natural gas. Mr. Echerdt stated that this past year they had relocated and modified their rail load out facility which has helped in reducing train switching, a reduction in noise as it's further from the Village and residents, fewer emission points and less sand on the rail. Another major modification was the new wash plant facility which was the key element in reducing water consumption. Mark Krumenacher from GZA, stated the status of the unresolved issue of the damage claim support is mischaracterized in the staff report. We feel condition #11 has been addressed and should be removed. There have been no damage claims in the Village of Maiden Rock. Water sampling started in 2005 and structural surveys were offered in 2009 and 2011. The first Citizens Advisory Council or Community Advisory Committee (CAC) was in December of 2010 with the expansion of the mine and quite a few citizens showed up. The damage claim support is not new to Wisconsin Industrial Sand and was tweaked after the first meeting with the CAC. In March of 2011 a draft of the Damage Claim Response Plan was submitted to the Village of Maiden Rock, it was e-mailed to people and a meeting of the CAC held in April 2011 and folks came and had changes they wanted made. We made changes and resubmitted a draft and in May there was another meeting and no more drafts were submitted to Wisconsin Industrial Sand. In March of 2011, WISC implemented the groundwater sampling plan to satisfy the condition #12. In June 2011, Wisconsin Industrial Sand submitted the damage claim response plan and it was informally or formally rejected by Land Management staff. WISC looked at residences within 1500 feet of the mine rather than 1000 feet which the conditional use permit requires. They went to every property owner and 21 of the 26 people that they talked to agreed it was responsible. Three others understood the plan but were not going to sign anything. The others weren't interested. The staff report states WISC and CAC didn't reach an agreement; that is true. WISC feels they have a valid plan. Michele Maxson stated condition #17, Emissions from the ventilation shafts shall be monitored twice annually and the results shall be submitted to the Town of Maiden Rock and the Land Management Department. They did do a study back in 2010. They monitored up and down wind from the particular vent shaft before and after each blast. The testing was non-detect or way below standard levels. Each time they do a blast they have a MSA Alt Meter which is a 5 Meter and they also test the air underground before they put anybody in the mine. They do this every time as part of their MSHA requirements. Mr. Echerdt stated they go above and beyond to uphold a higher standard. They are good to their employees and good neighbors. They encourage people to contact them directly so they can resolve any issues quickly and professionally. Tonight they are represented by Rich Budinger, Eric McLeod, Michele Maxson, Danielle Dahms, Lauren Evans, Mike Melton, Mark Krumenacher, Al Nelson and Mark Redlin.

Staff Report – Brad Roy: The WISC mining operation encompasses approximately 1,700 acres total with approximately 1,200 acres located in the Town of Maiden Rock. Of the 1,200 permitted acres in the Town, approximately 283 have been mined to date. The mine operates 24 hours a day, seven days a week. In April, 2012 a new loadout facility was constructed which included a conveyor and a rail car loading spout. The new loadout facility is intended to increase efficiency while reducing noise and dust. A fugitive dust plan has been developed for the loadout facility. WISC has begun using a new wash plant with a water recycling system which has reduced the amount of water used. A prior GIS mapping error,

discovered in 2011, erroneously depicted the entire processing plant as being located within the Village of Maiden Rock. Although much of the plant is located within the Village; the Maintenance Shop, Primary Screening Tower and Secondary Screening Tower are located within the Town of Maiden Rock and are thus subject to Pierce County oversight. As these structures were originally permitted by the Village of Maiden Rock, staff sought legal advice regarding the need for County permitting and ultimately determined that no additional permits or approvals would be required for the already permitted structures. However, all future construction within the area in the Town of Maiden Rock will be subject to County permits. Also, if issues relating to the use of these structures arise, it would be appropriate for the LMC to establish conditions intended to mitigate those issues or concerns. An updated Reclamation Plan (per §241) was submitted and approved last year. Tunnels are created by blasting; WISC uses a room and pillar method. The entire mining process takes place underground. Surface activity is largely limited to the processing plant. There are two ventilation shafts in the current mining area that extend up to the surface. A new shaft(s) will eventually be necessary to provide clean air to the underground mine. The exact location of any potential new shafts cannot be determined at this time. There are currently 4 wells on-site. Three of the wells are high capacity wells capable of pumping 1,000 gallons per minute, with the other being a residential capacity well. WISC is currently using one of the three high capacity wells for processing activities. The current mining activity takes place at approximately 800-830 ft. MSL; the Water-Table elevation in this area is mapped at approximately 750 ft. MSL. Blasting typically takes place six or seven days a week; the blasts usually occur around 5:30 pm. WISC has provided staff with updated copies of the operation's Storm Water Pollution Prevention Plan, Spill Prevention, Control and Countermeasures Plan and the Wisconsin Pollutant Discharge Elimination System Permit from the DNR.

- Staff has received past concerns from citizens regarding the mining operation. The concerns include:
 - Health effects of silica dust in the air.
 - Potential depletion of the aquifer.
 - Potential contamination of the aquifer and surface water.
 - Various issues within the Village including safety risks due to truck traffic and railroad use, noise and uncovered trucks.
 - Effects of blasting on wells and structures.
 - Potential decrease in property values.

WISC submitted a Groundwater Response Plan for the facility. The plan addresses the source and use of groundwater within the facility as well as measures to protect the quality of the water. As part of this plan, WISC has installed two transducers and data loggers to continuously measure and record groundwater elevations in two residential water supply wells located within the permitted mining area.

The Town of Maiden Rock recommended approval of the request to expand the mine in 2010. Condition 14 stipulates that the following Town recommendations shall be complied with:

- Wisconsin Industrial Sand should be required to establish a historical average for each private water well they are mandated to test. This information should be shared with the owner of the well along with an explanation of what the data means.
- The Commission had concerns about the air from the mines and wanted reassurances that noxious fumes and bad odors would not affect near-by neighbors. Therefore, the Commission recommends that Wisconsin Industrial Sand set up a monitoring system that would test the air from the air shafts before and after blasts are set off in the mine.
- The Planning Commission recommended that no new portals can be built for this site in the Town and that Wisconsin Industrial Sand would not be allowed to build more than 3 air shafts for this permit. If the Sand Company wants to build any additions to this permit they must seek another approval from the Town of Maiden Rock.

The current conditions are listed in the staff report #1 through #15. There is an unresolved issue regarding Condition #12. *WISC and the Citizen Advisory Committee shall develop a plan for WISC to respond to damage claims to wells or structures by surrounding land owners. The Land Management Staff shall receive a copy of the agreed upon plan; any failure to comply with the plan will be brought to the Land Management Committee.*

- WISC and the Citizen Advisory Committee were not able to reach an agreement on a damage response plan.
- WISC developed a plan referring to structures and wells within 1500' of the active or former underground mine boundaries.
- A WISC generated Damage Claim Response Plan was submitted to staff which outlines procedures for submitting a claim if a property owner believes their well or structures on their property have been affected by WISC activities. It also provides a timeline for WISC to respond to those claims and correct the situation.
- 21 of the 26 residents within the 1500' area have agreed to the plan.

Staff is proposing additional conditions due to general concerns regarding industrial sand mining:

- A fugitive dust plan be developed for the processing facility and submitted to the Zoning Office.
- The operator shall provide notice to the County of any orders to cease and desist from MSHA.
- Any polyacrylamide flocculants must be used consistent with WI DNR permit requirements.

The Town of Maiden Rock was contacted regarding this renewal. Residents have expressed concern to the Town about air emissions from the ventilation shafts. WISC performed air monitoring test in 2011 and submitted the results to the Town. There has been no additional air monitoring since then. The Town of Maiden Rock would like for air monitoring to be conducted at the ventilation shafts twice a year.

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 additions or modifications are deemed necessary, staff recommends this CUP be renewed with the following conditions:

1. Blasting shall occur up to seven days a week with no time limit constraint unless complaints are received. If complaints are received, previous time restrictions shall be reinstated. (Blasting shall occur no earlier than 5 am up to four times per week, including Saturday.)
2. Comprehensive water testing will be conducted annually for residential wells located within the boundaries of the mined area. Testing of the wells on properties on which mineral rights are not leased and fall within 1000' of mining activity shall be comprehensively tested, including for suspended solids, nitrates and dissolved solids and chlorides, two times each year. Test results and the base line data tests shall be provided to the Department of Land Management.
3. A 100-foot buffer shall be maintained from the active mining to the boundaries of non-leased properties, and where already closer than 100-feet, there shall be no further encroachment. Mining under a leased property shall be a minimum of 100' from any well.
4. Evidence of compliance with applicable state and/or federal regulatory agencies shall be submitted to the Land Management Department.
5. Any intensification of use or change in approved plans will require the issuance of an amended conditional use permit.
6. A map of mining activity and areas of future expansion shall be provided to the Town of Maiden Rock.
7. Applicant agrees that any erosion issues that arise shall be addressed to the satisfaction of the county.
8. A map of the facility and underground tunnels shall be updated annually and submitted to the Land Management Department.
9. This permit shall expire in two years.
10. An annual report demonstrating adherence to approved conditions submitted to the Land Management Department on or before December 31st of each year.
11. WISC and the Citizen Advisory Committee shall develop a plan for WISC to respond to damage claims to wells or structures by surrounding land owners. The Land Management Staff shall receive a copy of the agreed upon plan; any failure to comply with the plan will be brought to the Land Management Committee.
12. The Town of Maiden Rock's recommendations/comments shall be adhered to.
13. WISC will be subject to control methods deemed adequate by the LMC for silica emissions if current studies suggest a significant public health threat from such emissions.

14. A fugitive dust plan shall be developed for the processing facility and submitted to the Zoning Office.
15. The operator shall provide notice to the County of any orders to cease and desist from MSHA.
16. All polyacrylamide flocculants must be used consistent with WI DNR permit requirements.
17. Emissions from the ventilation shafts shall be monitored twice annually and the results shall be submitted to the Town of Maiden Rock and the Land Management Department.

Roy stated staff removed conditions #4 and #13 regarding reclamation plan and groundwater. The only additions are conditions #14, 15, 16 & 17. We would like clarification from the committee on condition #11.

Sanden asked about the Town of Maiden Rock and the monitoring of air from the ventilation shaft. Roy stated that past results have shown no issues. The Town believes it would just provide neighbors with peace of mind that it is continually being monitored. Sanden asked which standard they are using. Ms Maxson stated that is the OSHA air quality standard, MSHA, EPA and NAAQS. Aubart asked about condition #11, who sits on that committee and where do they get their authority? Roy stated there is no formal authority. It is a group of citizens working with the mine to resolve issues. Knowing that, we put that in as a condition that since there was already an open dialog between the groups and it seemed to be a good format for coming up with a damage response plan. However, looking back, it might not have been the best method. Aubart stated his concern is that you wouldn't ever know who will be on the committee from month to month. How do you get to a claims plan and are we going to satisfy everybody? That won't happen. Roy stated when the condition was placed, all of the potential problems were probably not considered and it was hoped that a consensus could be reached. Sanden asked if the CAC and the MRCC are the same. Mr. Budinger stated no, CAC is an open meeting where they discuss what's going on at the plant, groundwater, air quality, truck traffic, economic development, blasting, damage claim response plan, etc. There was some success with the CAC on the damage claim response plan. The document is a result of the discussion and it got to the point where they couldn't agree on details anymore so WISC decided to go to the neighbors that would be affected and engage them. Negotiations with the CAC had broken down and it was difficult for us to make any progress at that time. The CAC continues but it is different people that come and go. Sometimes there are as few as two people there and sometimes there are 15. Different questions come up each time. During the last two years we've gone through a huge construction phase. So there are a lot of questions about the new wash plant and usage. MRCC is Maiden Rock Concerned Citizens, a group that was created in the Village. They are a different entity that represents the Village. Ross stated he wanted to clarify, when Brad read the staff report, he read blasting takes place 6 – 7 times and he just wants to be clear that it is 3 to 4 days a week. Roy stated the mine corrected us and it is 6 – 7 days a week. Aubart asked about condition #17 the emissions monitored twice annually. He asked Brad what his thought was on that. Roy stated the expectation would be that this would be done semi-annually, once in the middle of the year and once at the end. Not just two at the end of the year to get them done. Ross, if we aren't getting good participation in the CAC, maybe it's OK not to have that in there. It seems it's such a heavily regulated industry anyway and there is a lot of information available to people. Aubart stated CAC meetings for information are really good but when trying to come to an agreement it's a lot more difficult. If it went back to the Township or to a specific group, we would be a little more successful. In this format he doesn't see how it would work. Sanden asked Pichotta what are the advantages or pit falls of having them working with the Town of Maiden Rock. Pichotta stated that he believed it to be very appropriate to ask them to work with the Town. Typically, if someone is requesting a CUP, we ask them to go to the Town first to secure a recommendation. It seems that might be an appropriate avenue for this particular issue also. Chairperson Fetzer noted that the LMC members had received a letter in the mail this afternoon, and asked Pichotta to read it into the record. Pichotta stated that this is a response to Wisconsin Industrial Sand Company conditional use permit request by Fred Harding, Maiden Rock. Pichotta read Mr. Harding's letter verbatim. The letter raised concerns about two conditions from the 2011 conditional use permit that the MRCC feels were not met satisfactorily; damage remediation plan and air quality monitoring. Mr. Harding provided links to several internet sites for information regarding studies on these subjects and offered recommendations to rectify the concerns. Chairperson Fetzer stated that he didn't receive this

letter until late today and he likes to do some background checks on information and he didn't have time to access the sites. The rest of his information came to him last week so he had time to go through and process things. This doesn't happen very often but he would appreciate information coming in earlier. Fetzer suggested that there is typically plenty of notice that issues are coming up for discussion by the LMC.

Aubart moved to approve the conditional use permit renewal for Wisconsin Industrial Sand Company with conditions #1 - #17 amending condition #11 to read "The proposed Damage Claim Response Plan shall be presented to the Town of Maiden Rock for review and a Town Recommendation regarding the proposed parameters secured within the next 6 months"/Sanden seconded. All in favor. Passed.

Discuss take action on a request for a rule exception to the road frontage requirement pursuant to Pierce County Code 237-26C on property owned by Mary A. Qualls, located in the SE ¼ of the SE ¼ of Section 14, T27N, R18W, Town of River Falls, Pierce County, WI. Chairperson Fetzer invited Laurence Murphy forward: Mr. Murphy stated that he represents Mary Qualls, with him is Carl Beers, who proposes to purchase the property from Ms Qualls, and Jerome Rodewald, Town of River Falls Zoning Administrator. Ms Qualls has approximately 40 acres in River Falls Township served by a private easement. She would like to downsize and use this access to a 10 acre parcel and attach the 30 acres to Mr. Beers' property which would give him 90 acres. It's a nice road going in that serves five parcels. In doing this, they are not looking to create another building site. This parcel has no road frontage. The Town of River Falls took a look at it.

Staff Report – Emily Lund: This request is for a rule exception to the requirement that any lot created under Chapter 237 (Subdivision) have 66 feet of frontage on a public or private road. The applicant owns 40.1 acres, plans to retain 10.001 acres with the proposed CSM, and plans to sell the remaining land to adjoining property owner, Carl Beers. The proposed CSM contains approximately 49 feet of frontage along 780th Street, which in her opinion is a private road, which is not enough to satisfy the 66' road frontage requirement. If a rule exception to the frontage requirement is not granted, it would be necessary for the applicant to purchase additional land with road frontage in order to achieve compliance with the Subdivision Code. The property is located in Section 14 and is subject to Town of River Falls Zoning regulations. Pierce County Code Subdivision of Land 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 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."

River Falls Town Board approved the CSM on December 17, 2012. River Falls Town Zoning Administrator, Jerome Rodewald, indicated that private road 780th Street was created in 2001 before the Town had established a private road standard (adopted 2002). The Town indicated this private road has the maximum parcels allowed on a private road. If the road were to serve additional residences it would need to be brought up to town road standards. The requested rule exception would not increase the number of residences served by the existing private road, but would allow the Qualls to transfer land to the adjoining land owner and retain their home on a 10.001 acre parcel. An alternative to a Rule Exception would be for the applicant to purchase additional land from the south adjoining property owner, the Wisconsin DNR. This would allow the land division to comply with PCC 237 because it would allow this lot to abut or front the private road for a distance of at least 66 feet. However, the purchase of public land from the DNR may not be a feasible option.

Staff Recommendation: Staff recommends the Land Management Committee determine whether or not this situation warrants a rule exception.

Sanden asked if additional residences would result in the future could we go back and require additional frontage or upgrading the road to Town standards. Lund stated she believes that is a zoning regulation of the Town of River Falls to monitor. Once this is recorded it has been a severed piece of land unless someone would add onto it later it is a completed deal. Pichotta stated no additional parcels are being created, the 30 acres is being transferred to an adjoining property owner. It is allowing an existing situation to continue; instead of the house sitting on 40.01 acres it will be sitting on 10 acres. Sanden stated so if it were to be subdivided in the future it would go through subdivision and there it would be addressed. Mr. Rodewald stated that one option would have been to create a lot greater than 15 acres so a certified survey map and a rule exception wouldn't have been necessary.

Sanden moved to approve the request for a rule exception to the road frontage requirement pursuant to PCC 237 for Mary A. Qualls as the requested rule exception will not nullify the intent and purpose of the subdivision ordinance/Aubart seconded. All in favor. Passed.

Discuss take action on Travel/Training Requests. Pichotta stated he has one request for Jim Kleinhans to attend a WOWRA (Wisconsin Onsite Wastewater Recycling Association) Conference in Stevens Point on January 24, 2013.

Aubart moved to approve the travel/training request for Jim Kleinhans/Ross seconded. All in favor. Passed.

Departmental Update and Future Agenda Items

Public hearing for an accessory residence in the Town of Rock Elm

Renewal of conditional use permit for nonmetallic mining for Wieser Concrete in the Town of Salem

Motion to adjourn at 07:18pm by Ross/Sanden seconded. All in favor. Motion carried.
Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, January 2, 2013 – 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: January 16 th , February 6 th & 20 th , March 6 th & 20 th , 2013.	Chair
3	Approve minutes of the December 5, 2012 Land Management Committee meeting.	Chair
4	Public hearing to consider a request for a conditional use permit for a Home Business for woodworking and a knife sharpening business, pursuant to Pierce County Code Chapter 240-36F, in the Rural Residential 8 District, for Joel & Margie Swenson, owners on property located in the NW ¼ of the SW ¼ of Section 19, T27N, R19W, Town of Clifton, Pierce County, WI	Lund
5	Discuss take action on a request for renewal of a conditional use permit for Nonmetallic Mining for Wisconsin Industrial Sand Co – Maiden Rock Facility, on properties in the Agriculture Residential District owned by Wisconsin Industrial Sand Co, Edmund & Dawn Daleiden, Dean & Mary Holden, David & Rayna Kassa, William & JoAnn Steele, Jeffrey Von Holtum and Lost Creek Farms, all in Section 10, 11, 13 & 14, T24N, R16W, Town of Maiden Rock, Pierce County, WI.	Roy
6	Discuss take action on a request for a rule exception to the road frontage requirement pursuant to Pierce County Code 237-26C on property owned by Mary A. Qualls, located in the SE ¼ of the SE ¼ of Section 14, T27N, R18W, Town of River Falls, Pierce County, WI.	Lund
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.

(12/19/12)

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



MINUTES - Pierce County Land Management Committee Meeting, December 17, 2014

Present: Jon Aubart, Joe Fetzer, Jeff Holst, Jim Ross and Eric Sanden

Others: Andy Pichotta and Tracie Wold

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

Next meeting dates: January 7th & 21st, February 4th & 18th, all in 2015.

Approve Minutes: **Holst moved to approve the December 3rd, 2014 LMC minutes/Aubart seconded. All in favor. Passed.**

Discuss take action on bids received for a one-half ton, extended cab, 4 wheel drive pick-up truck to be utilized by the County Surveyor.

Staff Report: On September 30, 2014 the Finance and Personnel Committee authorized the transfer of funds (\$30,000) from Personnel line item of the Surveyor Budget to the New Equipment line item and authorized the purchase of a replacement vehicle for the County Surveyor. Bid specifications were originally distributed in mid-October, however, only one bid was received and that bid exceeded the available funds. Bid specs were distributed to Cernhous Chevrolet, Ellsworth Ford-Mercury, Quinn Motors-Ellsworth & Roen Ford- River Falls. Two dealers submitted bids prior to the deadline.

Ellsworth Ford-Mercury:

- 2015 Ford F-150 Supercab 4x4 5.0L V8 \$29,118.28
- 2015 Ford F-150 Supercab 4x4 2.7L V6 Ecoboost \$28,478.28
- 2014 Ford F-150 Supercab 4x4 5.0L V8 \$26,923.28.

Ellsworth Ford-Mercury notes that a 2015 truck would need to be ordered and would take approximately 10-12 weeks for delivery. The 2014 truck would be secured from another dealer and could be available in approximately 1 week.

Cernhous Chevrolet:

- 2015 Chevrolet Double Cab 4x4 4.3L V6 \$27,600
- 2015 Chevrolet Double Cab 4x4 5.3L V8 \$28,600, both are base models.

Staff Recommendation: Staff recommends that the Land Management Committee select the lowest and responsible bid and authorize the Land Management Department to purchase that vehicle from said bidder.

Holst moved to approved the purchase of a 2014 Ford F-150 Supercab 4x4 5.0L V8 for \$26,923.28/Ross seconded. All in favor. Passed

Discuss take action on Travel/Training Requests. Pichotta stated that there were no travel or training requests at this time.

Departmental Update and Future Agenda Items. Rezone in the Town of Trenton for Wisconsin Industrial Sand and a CUP for Industrial Use also by Wisconsin Industrial Sand down in the Town of Trenton. Weiser Concrete renewal of CUP for nonmetallic mining in the Town of Salem.

Motion to adjourn at 6:03pm by Holst/Ross seconded. All in favor. Motion carried.
Respectfully submitted by T. Wold

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA REVISED
Wednesday, December 17, 2014 – 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: January 7 th & 21 st , February 4 th & 18 th , all in 2015.	Chair
3	Approve minutes of the December 3, 2014 Land Management Committee meeting.	Chair
4	Discuss take action on proposed amendments to the Pierce County Farmland Preservation Plan.	Pichotta
5	Discuss take action on bids received for a one-half ton, extended cab, 4 wheel drive pick-up truck to be utilized by the County Surveyor.	Pichotta
6	Discuss take action on Travel/Training Requests	Pichotta
7	Future agenda items.	Pichotta
8	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.

(12/5/14)

***Revised December 9, 2014 @ 10:55am.**

PIERCE COUNTY WISCONSIN
DEPARTMENT OF LAND MANAGEMENT & RECORDS
Pierce County Courthouse
414 W. Main Street P.O. BOX 647
Ellsworth, Wisconsin 54011
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MINUTES - Pierce County Land Management Committee Meeting, December 3, 2014

Present: Jon Aubart, Joe Fetzer, Jeff Holst, Jim Ross and Eric Sanden

Others: Andy Pichotta, Brad Roy, Dillon Hayes and Shari Hartung

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

Next meeting dates: December 17th if needed, in 2014. Pichotta stated that meeting will be needed. It would be our desire to go with the 1st and 3rd Wednesday's in 2015, as has been the habit for the last several years. Consensus was to follow that schedule for next year's meeting dates.

Approve Minutes: **Ross moved to approve the November 19, 2014 Land Management Committee minutes/Sanden seconded. All in favor. Passed with Fetzer not voting due to his absence from the last meeting.**

Public hearing to consider and take action on a request for a conditional use permit for Expansion of a Nonconforming Structure in the Agriculture Residential District pursuant to Pierce County Code Chapter 240-67A(2), for Sagstetter Triple Star Farm Inc, David Sagstetter, owner on property located in the SW ¼ of the NE ¼ of Section 27, T26N, R15W, Town of Rock Elm, Pierce County, WI. Chairperson Fetzer invited Dave Sagstetter forward: Mr. Sagstetter explained that he would like to add a garage onto the house so he doesn't have to go up and down steps and make it more level to get in. He has slippery steps and it will head to the west.

Staff Report – Dillon Hayes: Mr. Sagstetter is requesting to expand the existing residence on his property. The west wall of the house is currently 98' from the centerline of County Hwy S. He intends to add a 24' x 24' attached garage on the west side of the existing house. Access to the garage will be located on the north side of the building and the west wall would be approximately 74' from the centerline of County Hwy S after construction. The 40 acre parcel is located in the Town of Rock Elm. Pierce County Code §240-27B states "the required setback for all structures fronting on county highways shall be 100 feet from the center line of the road or 67 feet from the edge of the right-of-way, whichever is greater." In Pierce County Code §240-67A(2) 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. That section states that a conditional use permit shall be required for an addition to or expansion of a nonconforming structure. In this particular case setback averaging was not applicable due to the distance to adjacent buildings. No permit renewal is needed for this request. The septic system is located to the east of the existing dwelling, with the well to the north. The proposed addition will have no affects to the setbacks to either feature. Due to the nature of existing topography in the road right-of-way, it appears that construction of the proposed garage will have a negligible effect on the safety of vehicles travelling County Highway S. The Town of Rock Elm recommended approval of this request on November 10, 2014 without specific conditions. The Town did not reference its Comprehensive Plan, so it is assumed that the plan is silent on this request.

Staff Recommendation: Staff recommends the Land Management Committee consider the above and determine whether the proposed expansion would be contrary to the public interest, or detrimental or injurious to public health, safety or character of the area. If found to be not contrary to the above, staff recommends the LMC grant this conditional use permit with the following conditions:

1. 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.
2. The applicant shall work with the local building inspector, All Croix Inspections, LLC, to ensure compliance with the Uniform Dwelling Code (UDC) requirements.
3. The use shall be established within 12 months of CUP approval.

Chairperson Fetzer opened the hearing to the public. No public comment. **Public hearing closed.**

Sanden asked if Dillon could expand on the second bullet - the reference about the topography having a negligible effect. Hayes indicated that the county highway is lower than the proposed location of the garage so if a car were to leave the highway they would have to travel uphill to reach it. Chairperson Fetzer noted that the property is also located on a corner. It's in a slower traffic area.

Holst moved to approve the expansion of a nonconforming structure for Sagstetter Triple Star Farms Inc, David Sagstetter, with conditions #1 - #3, 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/Ross 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 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 of Section 29, T27N, R19W, Town of Clifton, Pierce County, WI. Chairperson Fetzer invited Joe Rumpca & Brad Rumpca forward:

Staff Recommendation – Brad Roy: Rumpca Excavating owns and operates a nonmetallic mine on 80 acres. An expansion was authorized in 2002 through the issuance of a Conditional Use Permit (CUP). The materials mined are gravel and limestone. The operation plan states that 60 of the 80 acres will be mined and extraction will extend to an elevation of approximately 900 feet. The applicant has indicated that industrial (frac) sand is present on the site and that they intend to continue extraction of that material and will seek to construct a wash facility for the industrial sand. The construction of a wash facility would require either issuance of a CUP for a Mining Accessory Use or potentially a CUP for an Industrial Use, which would need to be located in an Industrial district, dependent on the intensity of the proposed use. 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. Trucks are used to haul the product. Blasting is conducted by a bonded professional explosive company. Blasting infrequently takes place on this site. No explosives are stored onsite. 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. A scale and scale house are located on the site. The neighboring property to the east had previously mined near the property line. If it is determined to have crossed the property line, the applicant would like the ability to mine within the 100 foot setback to connect the two neighboring extraction areas. No complaints have been received about this operation. Staff has contacted the Town of Clifton Chairperson regarding this renewal and no complaints or concerns were reported. The current conditions for the permit are listed #1 - #12 in the staff report.

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:

1. Applicant shall follow all recommendations and receive all necessary permits from other agencies.
2. A 100-foot 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 annually for all wells within 1000 feet of the proposed mining operation.
6. The applicant shall notify the Zoning Office if groundwater is encountered.
7. Dust control measures shall be implemented along haul roads.
8. Hours of operation are 7:00am to 6:00pm Monday through Friday and 7:00am to 4:30pm on Saturday.
9. Recycling of concrete, asphalt and bricks into Class five materials is allowed.
10. Reclamation shall be according to submitted plans.
11. Applicant agrees that any unforeseen erosion issues shall be addressed to the satisfaction of the county.
12. This CUP renewal shall expire in two years.
13. A new reclamation plan shall be completed if extraction differs from the approved plan on file.
14. Applicant understands that expansion or intensification of this use shall require a new conditional use permit and potentially a rezone depending on the intensity of the proposed use.

Sanden asked about the first paragraph where it states materials mined are gravel and limestone. Then in the second paragraph it states continuing to mine frac sand. Roy stated there shouldn't be the word continue, basically, frac sand is present, they would like to continue mining including the frac sand. Sanden asked about clarifying the neighboring property to the east had previously mined near the property line. If they have crossed the property line then they would like to connect it. Is the neighbor violating the 100 foot setback? Roy stated that mining would have taken place years ago, what's done is done. If it was determined they crossed the property line. Mr. Rumpca stated it did happen long before they ever purchased it. Roy stated it might make sense to connect it. Mr. Rumpca stated if they stay 100 feet they would have a really sharp ridge then it would drop off really fast on the other side into his property.

Sanden moved to renew the conditional use permit renewal for nonmetallic mining for Rumpca Excavating Inc with conditions #1 - #14, due to the fact this is not found to be contrary to the public interest, nor detrimental or injurious to the public health, public safety or the character of the surrounding area/Aubart 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 Bechel Sand & Gravel LLC, owner on property located in the SW ¼ of the SE ¼ of Section 5, T24N, R17W, Town of Isabelle, Pierce County, WI. Chairperson Fetzer invited Matt Heath forward:

Staff Report – Brad Roy: The applicant recently acquired the property and continued the existing mining operation. Diesing Trucking received the original CUP in 2006 for this site. Mining had previously taken place on this site, but was discontinued prior to 2001. Because the use was discontinued before 2001, no reclamation had taken place. Sand is mined from the site and waste industrial sand is also stored in the mine. Portable processing equipment is used when necessary. The applicant has been working with the Town of Isabelle regarding the use of town roads. The need for an agreement with the Town of Isabelle when hauling materials from Muskie Proppant is established in Muskie Proppant's Conditional Use Permit. The mine was originally considered "grandfathered." Due to this, activity taking place prior to 2001 was not consistent with many of the mining regulations that are currently in place. All new mining activity has been consistent with the current rules and requirements. The mining site has approximately 3.5 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. Waste sand from Muskie Proppant's processing facility in the Town of Union is being stored on the site. Staff has contacted the Town of Isabelle Chairperson regarding this renewal. Brad received a phone call

today. The Town has had no complaints or concerns about it. The current conditions #1 - #7 are listed in the staff report.

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:

1. Hours of operation remain consistent with daylight hours Monday through Friday, Saturday hours will be 8:00am – 4:00pm.
2. Applicant shall receive all necessary permits from other agencies.
3. Applicant shall comply with DNR NR 135 Annual Reclamation Permits.
4. A 100 foot setback shall be maintained from all property lines for all mining activities, which includes stockpiling and equipment placement.
5. Applicant agrees that any unforeseen erosion issues that arise shall be addressed to the satisfaction of the county.
6. Reclamation shall be according to submitted plans and shall be completed within one year of ceasing mining operations.
7. This CUP shall expire in two years.

Sanden asked Brad if the reclamation plan addresses previous owner's lack of reclamation. Roy stated yes, it will look at the disturbed area and look to reclaim the whole site.

Aubart moved to approve the conditional use permit renewal for nonmetallic mining for Bechel Sand & Gravel LLC with conditions #1 - #7, due to the fact this is not found to be contrary to public interest, nor detrimental or injurious to public health, public safety or the character of the area/Ross seconded. All in favor. Passed.

Discuss take action on Travel/Training Requests. Pichotta stated there are two travel/training requests. A request for Emily Lund and Dillon Hayes to attend the West Central Zoning Administrators Conference in Eau Claire on December 12th regarding Farmland Preservation and Shoreland Zoning. The second request is for Emily Lund to attend a meeting on December 17th at the Land Conservation Ag Service Center in Baldwin that I have asked her to attend. There will be no costs for either meeting. **Holst moved to approve the travel/training requests for Emily Lund and Dillon Hayes/Ross seconded. All in favor. Passed.**

Departmental Update and Future Agenda Items

Discuss take action on proposed amendments to the Pierce County Farmland Preservation Plan, the Town of River Falls has requested to amend their land suitable for agricultural preservation map that is contained in the plan.

Discuss take action on the truck bids received for the County Surveyor vehicle, Pichotta noted that we have received two bids already.

Motion to adjourn at 6:24pm by Holst/Ross seconded. All in favor. Motion carried. Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, December 3, 2014 – 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: December 17 th , if needed, in 2014.	Chair
3	Approve minutes of the November 19, 2014 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for Expansion of a Nonconforming Structure in the Agriculture Residential District for Sagstetter Triple Star Farm Inc, David Sagstetter, owner on property located in the SW ¼ of the NE ¼ of Section 27, T26N, R15W, Town of Rock Elm, Pierce County, WI.	Hayes
5	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
6	Discuss take action on a request for renewal of a conditional use permit for Nonmetallic Mining in the General Rural District for Bechel Sand & Gravel LLC, owner on property located in the SW ¼ of the SE ¼ of Section 5, 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.

(11/21/14)

PIERCE COUNTY WISCONSIN

DEPARTMENT OF LAND MANAGEMENT & RECORDS

Pierce County Courthouse

414 W. Main Street P.O. BOX 647

Ellsworth, Wisconsin 54011

ZONING OFFICE 715-273-6747

PLANNING OFFICE 715-273-6746

Fax: 715-273-6864



MINUTES - Pierce County Land Management Committee Meeting, November 19, 2014

Present: Jon Aubart, Jeff Holst, Jim Ross and Eric Sanden

Others: Andy Pichotta, Emily Lund, Dillon Hayes and Shari Hartung

Absent: Joe Fetzer

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

Next meeting dates: December 3rd and December 17th if needed, all in 2014.

Approve Minutes: **Ross moved to approve the November 5, 2014 Land Management Committee minutes/Sanden seconded. All in favor. Passed with Holst not voting due to absence at the last meeting.**

Aubart moved to amend the agenda to hear item #6 for Todd & Kelly Johnson before item #5 Truck Bids/Ross seconded. All in favor. Passed.

Public hearing to consider and take action on a request for a Map Amendment (Rezone) from Commercial District to General Rural Flexible District for Larry V. Swanson Trust, owner on property located in the SW ¼ of the SE ¼ of Section 36, T25N, R18W, Town of Trenton, Pierce County, WI. Chairperson Holst invited Mr. & Mrs. Swanson forward: Larry Swanson stated their son, Eric, wants to buy the house and they will put a mobile home on the property for his mother to live in. Sanden asked what the timeframe on this is. Mr. Swanson said as soon as possible. He needs to be in the house by April.

Staff Report – Emily Lund: This map amendment is for 1.26 acres from commercial to General Rural Flexible. The property is located in Section 36, Town of Trenton. The applicant has a farm business and sells seed corn commercially. The existing house on the property is accessory to the commercial use on the property. The applicant's mother lives in the existing home. The applicant's son, as stated wants to move on the property and the mother would like to live in the mobile home. In order for this to be permitted, a portion of land needed to be rezoned to an agricultural zoning district. The existing parcel is 40 acres, the southern 30 acres which includes the business and house is zoned Commercial. The northern 10 acres of the parcel is zoned General Rural Flexible. The proposed rezone will be for the area around the existing house, but not the business. Existing land uses are commercial, agricultural and residential. Adjacent land uses are agriculture, residential, institutional/school and forested. Adjacent zoning district is General Rural Flexible and Rural Residential 20. Pierce County Zoning Code 240-15 Purpose and Intent of Zoning Districts are listed in the staff report. The soils information is provided. The Trenton Town Board recommended approval of this rezone request on 10-14-2014, stating "Looks ok to 100% of Town Board. Meets the comprehensive land use goal to provide an opportunity for the continuation of agriculture." The Land Use Goals from the Trenton Comprehensive Plan are attached.

Staff Recommendation: Given that the Town of Trenton has recommended approval of this rezone request and has indicated that the rezone is consistent with the goals and objectives of the Town's

Comprehensive Plan, staff recommends that the LMC approve the request and forward a recommendation to the County Board of Supervisors.

Chairperson Holst opened the hearing to the public. Barry Barringer, Town of Trenton, wondered if when the Town Board or Planning Commission passes judgment on conditional use permits and variances does the Land Management Committee pass judgment on the Towns recommendation. Pichotta stated a rezone is made based on consistency with the Town's Comprehensive Plan, if the Town finds it to be consistent with their Comprehensive Plan, we accept that recommendation unless upon review of the Town's Comprehensive Plan it doesn't appear to be consistent, then we have a policy to kick it back to the Town Board for some additional information. In cases of a variance, a recommendation isn't required simply because a variance is a quasi-judicial function that goes through the Board of Adjustment. If someone makes a judgment as to whether the Town Board was accurate in their determination that it appears to be consistent, basically the committee would review those things and if it doesn't meet the smell test, it would be kicked back to the Town Board. Mr. Barringer asked if this would be considered a spot zone. Pichotta stated it technically wouldn't be considered a spot zone because it is the continuation of an existing district across the road. The existing district across the road is General Rural Flexible so it is an extension of that existing zone. A spot zone is a rezone that one who is similarly situated couldn't expect the same treatment and a rezone that wouldn't be consistent with the Town's Comprehensive Plan. **Public hearing closed.** Sanden asked what the nature of the commercial use is. Holst stated it's an ag supply business. He sells seed corn. They have done this for multiple generations at the same location. Sanden asked if it's the same family. Holst stated yes.

Sanden moved to approve the map amendment (rezone) from Commercial to General Rural Flexible for Larry V. Swanson Trust and forward a recommendation to the County Board of Supervisors/Aubart seconded. All in favor. Passed.

Discuss take action on a request for a rule exception from minimum setback to lot lines in Chapter 237-26H for a 2-Lot Certified Survey Map (CSM) for Todd and Kelly Johnson, owners on property located in the NW ¼ of the NE ¼ and the NE ¼ of the NW ¼ of Section 1, T26N, R18W, Town of Trimble, Pierce County, WI. Chairperson Holst invited Mr. & Mrs. Johnson forward: Kelly Johnson stated they would like to separate two and one-half acres with the house, barn and shed and sell it which would leave about 14 acres. They have already had a driveway permit approved and had a soil test sent in. They would like to create a second buildable lot for future sales.

Staff Recommendation – Emily Lund: This request is for a rule exception from the minimum setback to lot lines for a 2-Lot Minor Certified Survey Map (CSM). The applicants own two lots of record in the unincorporated Village of Beldenville that were created prior to the adoption of the Pierce County Subdivision Code (PCSC). The property is 17.3 acres with a dwelling, garage and farm structures. They are splitting the land to sell as stated. The property is located in the Village of Ellsworth Extraterritorial Zoning (ETZ) District so they reviewed the CSM on 11-17-14 and the Plan Commission recommended approval. On 12-1-14 the Village Board will look at it again. The existing garage is located over the west lot line, so it does not meet the 10 ft minimum setback to the lot lines per PSCS 237-H. Pichotta stated this is a little unusual because we have a structure that extends over an existing property line. He did have a discussion with legal counsel regarding this issue and indicated that it's a situation that should be dealt with by the owners and adjacent property owners. Legal counsel encouraged us to encourage the applicant to do that but it should have no bearing on the decision tonight.

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

- A. Where the Land Management Committee finds that undue difficulties will result from strict compliance with the regulations of this chapter or better design will result, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such rule exception will not have the effect of nullifying the intent and purpose of this chapter.
- B. A majority vote of the entire membership of the Land Management Committee shall be required to grant any rule exception to these regulations and any rule exception thus granted

shall be entered into the minutes of the Committee setting forth the reasons which, in the judgment of the Committee, justified the rule exception.

The CSM is located in the NW ¼ of the NE ¼ and the NE ¼ of the NW ¼ of Section 1, T26N, R18W, Town of Trimble. Surrounding land use is agricultural, residential and woodland. All property is in the Village of Ellsworth ETZ District, so they have zoning and density oversight. The CSM cannot be approved or recorded if the LMC denies this request even if the Village approves the request. Staff will update the LMC of the Village of Ellsworth Plan Commission decision at the meeting.

Staff Recommendation: Staff recommends the Land Management Committee consider whether or not this situation warrants a rule exception.

Sanden stated we are looking at a minimum setback issue. Is it the garage that is in violation? He asked the applicants how long that garage has been there. Mr. Johnson stated 60 – 70 years. Sanden asked if there have ever been any problems with the neighbors. Mr. Johnson stated oh no, Roy and Bev Berning, two nights ago at the Town meeting he stated it's been there for sixty years and they have no issue. Lund stated there used to be a railroad that ran through there in the 30's so a lot of the houses popped up. Mr. Johnson stated theirs was probably one of the first in Beldenville before the Big Horn and Clyde's. Holst stated he lives in a small unincorporated village and most of their buildings are on somebody else's property so this is nothing new. Pichotta reminded the committee that they need to state a rationale for the decision. **Sanden moved to approve the rule exception from minimum setback to lot lines in for a 2-Lot Certified Survey Map for Todd and Kelly Johnson based on the precedent of the garage being there for over fifty years and no issues have arisen with the neighbors in that time/Ross seconded. All in favor. Passed.** Holst suggested the applicants talk to the neighbors and get a Quit Claim Deed because neighbors change and they aren't always as understanding.

Discuss take action on bids received for a one-half ton, extended cab, 4 wheel drive pick-up truck to be utilized by the County Surveyor. Pichotta reports: On September 30, 2014 the Finance and Personnel Committee authorized the transfer of funds from the Personnel line item of the Surveyor Budget to the New Equipment line item and authorized the purchase of a replacement vehicle for the County Surveyor. Bid specifications were distributed in mid-October to four different folks. We received a single bid from Cernohous Chevrolet out of Prescott for a 2015 4.3 liter V6 Chevy Silverado for \$31,000. The bid notes that the vehicle could be outfitted with a 5.3 liter V8 for an additional \$975. As you are aware even if it is for the 4.3 liter V6 exceeds the amount of money available.

Staff Recommendation: Staff recommends because the bid exceeds the available funds, the Land Management Committee reject the bid and authorize staff to redistribute bid specs to other area auto dealers. He has reason to believe that we will receive a few more bids this time. Some folks had intended to respond but for whatever reason did not.

Aubart moved to reject the bid and resubmit bid specs to other auto dealers/Ross seconded. All in favor. Passed. Aubart asked if we need to get this done in 2014. Pichotta stated we need to at least accept the bid in 2014.

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

Pichotta introduced the Department's newest employee, Dillon Hayes, the Zoning Specialist/Code Compliance Officer.

Departmental Update and Future Agenda Items

Public hearing to consider a request for expansion of a nonconforming structure in the Town of Rock Elm for David Sagstetter.

Renewal request for a conditional use permit for nonmetallic mining for Rumpca Excavating in the Town of Clifton.

Renewal request for a conditional use permit for nonmetallic mining for Bechel Sand & Gravel for the former Diesing pit in the Town of Isabelle.

In your folders is a copy of a press release. This is by the Public Health Department basically announcing an institute for Wisconsin's Health to lead an impact assessment of industrial sand mining in western Wisconsin. A number of health departments are participating including Buffalo, Barron, Chippewa, Clark, Dunn, Eau Claire, Ho-Chunk Nation, Jackson, LaCrosse, Monroe, Pepin, Pierce, Rusk, St. Croix and Trempeleau. He just wants the committee to be aware before you start to hear and see things in the press.

Motion to adjourn at 6:22pm by Sanden/Aubart seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, November 19, 2014 – 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: December 3 rd & December 17 th , if needed, all in 2014.	Chair
3	Approve minutes of the November 5, 2014 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for a Map Amendment (Rezone) from Commercial District to General Rural Flexible District for Larry V. Swanson Trust, owner on property located in the SW ¼ of the SE ¼ of Section 36, T25N, R18W, Town of Trenton, Pierce County, WI.	Lund
5	Discuss take action on bids received for a one-half ton, extended cab, 4 wheel drive pick-up truck to be utilized by the County Surveyor.	Pichotta
6	Discuss take action on request for a rule exception from minimum setback to lot lines in Chapter 237-26H for a 2-Lot Minor Certified Survey Map (CSM) for Todd and Kelly Johnson, owners on property located in the NW ¼ of the NE ¼ and the NE ¼ of the NW ¼ of Section 1, T26N, R18W, Town of Trimble, Pierce County, WI.	Lund
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.

(11/7/14)

PIERCE COUNTY WISCONSIN

DEPARTMENT OF LAND MANAGEMENT & RECORDS

Pierce County Courthouse

414 W. Main Street P.O. BOX 647

Ellsworth, Wisconsin 54011

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MINUTES - Pierce County Land Management Committee Meeting, November 5, 2014

Present: Jon Aubart, Jim Ross and Eric Sanden

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

Absent: Joe Fetzer & Jeff Holst

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

Next meeting dates: November 19th, December 3rd and December 17th if needed, all in 2014.

Approve Minutes: **Sanden moved to approve the October 15, 2014 Land Management Committee minutes/Aubart seconded. All in favor. Passed.**

Discuss take action on a request for rule exceptions to the minimum lot size established in Chapter 237-26A, from minimum setback to lot lines in Chapter 237-26H, from minimum lot width at building setback line in 237-26G and to erosion control plan requirements in Chapter 237-17A(3)(a) for a 3-Lot Major Certified Survey Map (CSM) for John Schade, Kenneth Van Allen and Robert Sanden, owners on property located in Government Lot 3, SE ¼ of the SE ¼ of Section 2, T24N, R18W, Town of Trenton, Pierce County, WI. Chairperson Ross invited John Schade, Kenneth Van Allen and Robert Sanden forward: John Schade stated they are here to get their lots approved. The Town Board and the Town Planning Commission approved the CSM.

Staff Report – Emily Lund: Each applicant has an existing lot of record with dwellings and other structures present that were created prior to the adoption of the Pierce County Subdivision Code (PCSC). Their existing legal descriptions are long, confusing metes and bounds descriptions. The applicants sought Johnson & Scofield surveying to complete a CSM to make the legal descriptions shorter, clear and accurate. The existing lots are smaller than the 1 acre minimum lot size established per PCSC §237-26A. The existing structures do not meet the 10 foot minimum setback to the lot lines per PCSC §237-26H. Lot 4 does not meet the 100 foot lot width at the building setback. This CSM redraws three existing lots and is considered to be a Major CSM per PCSC §237-9B. An erosion control plan is required for the creation of Major CSM per PCSC §237-11 and per §237-17A(3)(a). Staff has walked the site and has verified that no erosion issues are present on the proposed lots. Rule exceptions per PCC Subdivision of Land §237-30 states:

- A. Where the Land Management Committee finds that undue difficulties will result from strict compliance with the regulations of this chapter or better design will result, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such rule exception will not have the effect of nullifying the intent and purpose of this chapter.
- B. A majority vote of the entire membership of the Land Management Committee shall be required to grant any rule exception to these regulations and any rule exception thus granted shall be entered into the minutes of the Committee setting forth the reasons which, in the judgment of the Committee, justified the rule exception.

The CSM is located in Government Lot 3, SE ¼ of the SE ¼ of Section 2, T24N, R18W, Town of Trenton. Surrounding land use is agricultural, residential and woodland. All three parcels are zoned Rural Residential 20. The following conditions must be present for a proposed land division to qualify for this type of rule exception (LMC policy):

- No roads are being constructed as part of the land division.
- No erosion problems are present on the property.
- There are no problems with stormwater or surface water flow on the subject property or that originate on the subject property.

No roads are being constructed as part of this proposed land division.

Staff Recommendation: Staff recommends the Land Management Committee consider whether or not this situation warrants a rule exception.

Sanden asked Emily if she could put this in layman's terms; what is going on is they had it by metes and bounds and they want to get it surveyed to clean up the description and in so doing they discovered it was below the minimum lot size or are we actually looking at a brand new CSM? Lund stated Dr. Sanden is right, there was metes and bounds descriptions, which is a paragraph reading versus having a map. Having a map recorded gets rid of all the changes. They had land sold back and forth to help create it and clean it up. Lot 4 is too narrow. It's only 80 feet wide and a lot of the buildings are less than 10 feet from the lot lines. Sanden stated this was all just discovered because the survey was done. They haven't changed anything? Pichotta stated they are cleaning up an existing situation. A lot of times when you have surveys that were done 50 years ago and surveys that were done 100 years ago, that are small lots that overlap in some cases. This cleans all of that up. The reason they hired a surveyor to do this was to clean it up. It wasn't that this was discovered through the process. These issues were known with these existing lots. This is to make a messy situation clean. **Sanden moved to approve the rule exception to the minimum lot size, minimum setback to lot lines, minimum lot width at building setback line and to erosion control plan for a 3-Lot Major Certified Survey Map for John Schade, Kenneth Van Allen and Robert Sanden/Aubart seconded.** Pichotta stated as part of the motion it should be mentioned that this will not have the purpose of nullifying the purpose and intent of the Subdivision regulations and that it is consistent with the language in the code. **Sanden amended his motion to include the wording "in approving the rule exception, finding that strict compliance with the regulations will not result in a better design and that substantial justice will be secured and the rule exception will not have the effect of nullifying the purpose and intent of the chapter."/Aubart stated his second stands. All in favor. Passed.**

Discuss take action on a request for approval of a 3-Lot Major Certified Survey Map (CS M) for John Schade, Kenneth Van Allen and Robert Sanden, owners on property located in Government Lot 3, SE ¼ of the SE ¼ of Section 2, T24N, R18W, Town of Trenton, Pierce County, WI.

Staff Recommendation – Emily Lund: This request is for the approval of the CSM itself. It was previously discussed and the committee approved a rule exception so therefore staff recommends that the Land Management Committee (LMC) approve this major CSM with the following condition:

1. The applicants pay the Department the CSM review fees in the amount of \$425.

Sanden moved to approve the 3-Lot Major Certified Survey Map (CSM) with condition #1 for John Schade, Kenneth Van Allen and Robert Sanden/Aubart seconded. All in favor. Passed.

Discuss take action on a request for a conditional use permit renewal and potential modification for Valley Vineyard by Rudy Jungwirth, owner on property located in Lots 6, 7 & 8, of the Crossroads Land Division, in the SW ¼ of the NW ¼ of Section 23, T26N, R19W, Town of Oak Grove, Pierce County, WI.

Staff Report – Brad Roy: The applicants operate Valley Vineyard Ltd, which first received a Conditional Use Permit for a Farm and Home Based Business in 2008. Grapes are grown and the wine is produced onsite. Guests can sample the wine and purchase bottles in a tasting room. Last year the LMC

suspended the permit due to noncompliance of the condition requiring the development and implementation of a Waste Stream Management Plan. The permit was renewed on November 6, 2013 after the Waste Stream Management Plan was finalized and implemented. There have been no operational changes since the renewal. Commercial activities take place in the accessory structure to the residence. Screening has been established as required by the LMC. A certified plumber inspected the septic system and determined it to be in proper operating condition. The hours of operation are Wednesday through Sunday, 10am – 6pm. Staff has not received any complaints about the operation since the last renewal. Staff contacted the Town of Oak Grove Chairperson, Sara Palodichuk, regarding this request and if complaints were received by the Town. Staff did get a response after the report was mailed out and no complaints have been received by the Town. The existing conditions are listed in the staff report #1 - #14. **Staff Recommendation:** Staff recommends the Land Management Committee consider whether any additions or modifications to the established conditions are necessary to help mitigate impacts on public health, safety, the public interest and character of the area, if none staff recommends renewal of the permit with the following conditions:

1. No more than 8 persons not residing on the site shall be employed in the business.
2. The entire business area shall not exceed 5,000 square feet in an accessory structure.
3. The applicant shall delineate 12 parking spaces that will be available for customer parking with one space delineated for handicap parking and there shall be no on-street parking.
4. Any proposed advertising signs shall comply with the zoning code standards and any necessary permits secured.
5. If the liquor license is not renewed annually, sales of wine need to cease.
6. The hours of operation shall be Wednesday through Sunday, 10am to 6pm.
7. Food served shall be incidental to wine tasting and must not require a food license, no “carry in” foods shall be allowed.
8. Activities outside the scope of this CUP (including catered food service) may be authorized by the Oak Grove Town Board consistent with the Town’s Special Event Ordinance.
9. Applicant understands that expansion or intensification of this use will require modification to this conditional use permit.
10. Applicant shall discontinue the use of the audio bird repellent.
11. This permit shall expire in one year, renewal may be granted by the LMC.
12. Winery waste water and by-products shall be disposed of in a manner consistent with the DNR/DSPS approved Waste Stream Management Plan. Full implementation of Waste Stream Management Plan (including installation of winery holding tank) shall be completed prior to December 16, 2013.
13. If a new owner wishes to continue the business with the established conditions prior to the permit expiration, a proposed business/operations plan shall be presented to the Town of Oak Grove and the LMC for review prior to business commencement. Conditions of the permit may be modified.
14. Failure to comply with one or more of the above conditions may result in the issuance of an order by Land Management staff to suspend this use, pursuant to 240-84, and/or termination of this conditional use permit by action of the Land Management Committee, pursuant to 240-76(I).

Pichotta stated there are neighbors present. They may want to make comments. Ben Huppert and Mike LaCasse are present but have no comments. Sanden asked Brad, just to repeat, there have been no complaints, the noncompliance issues have been addressed, the screening has been in place? Roy stated yes, that is correct. Pichotta noted that condition #11 states the permit shall expire in one year, renewal may be granted by the LMC. You could consider whether a two year renewal would be appropriate, you could consider the potential for an administrative renewal. It depends on how comfortable you are with the use. Sanden asked if it was appropriate to add unless complaints are received? Pichotta stated typically we don’t say complaints, we say compliance issues. The reason being, one could file a complaint simply to get it in front of the committee, which could be OK anyway but to use the word complaint ... Ross stated it opens it up. **Sanden moved to approve the conditional use permit renewal for Valley Vineyard by Rudy & Cathy Jungwirth with conditions #1 - #11, amending #11 to read “this permit**

shall expire in two years unless compliance issues arise. Renewal may be granted by the LMC. Aubart asked if Dr. Sanden wants administratively if there are no compliance issues? Aubart stated he doesn't have a problem with that. Pichotta stated if there are compliance issues, it will come back. Chairperson Ross stated let's leave it. Roy stated there were 14 conditions. Sanden amended the motion to include conditions #1 - #14/Aubart seconded. All in favor. Passed.

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

Departmental Update and Future Agenda Items

Public hearing to consider a request for a Rezone from Commercial to General Rural Flexible in the Town of Trenton

Discuss take action on bids received to replace County Surveyor vehicle

Motion to adjourn at 6:18pm by Sanden/Aubart seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING REVISED AGENDA
Wednesday, November 5, 2014 – 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: November 19 th , December 3 rd & December 17 th , if needed, all in 2014.	Chair
3	Approve minutes of the October 15, 2014 Land Management Committee meeting.	Chair
4	Discuss take action on request for rule exceptions to the minimum lot size established in Chapter 237-26A, from minimum setback to lot lines in Chapter 237-26H, from minimum lot width at building setback line in 237-26G and to erosion control plan requirements in Chapter 237-17A(3)(a) for a 3-Lot Major Certified Survey Map (CSM) for John Schade, Kenneth Van Allen and Robert Sanden, owners on property located in Government Lot 3, SE ¼ of the SE ¼ of Section 2, T24N, R18W, Town of Trenton, Pierce County, WI.	Lund
5	Discuss take action on request for approval of a 3-Lot Major Certified Survey Map (CSM) for John Schade, Kenneth Van Allen and Robert Sanden, owners on property located in Government Lot 3, SE ¼ of the SE ¼ of Section 2, T24N, R18W, Town of Trenton, Pierce County, WI.	Lund
6	Discuss take action on a request for a conditional use permit renewal and potential modification for Valley Vineyard by Rudy Jungwirth, owner on property located in Lots 6, 7 & 8, of the Crossroads Land Division, in the SW ¼ of the NW ¼ of Section 23, T26N, R19W, Town of Oak Grove, 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.

(10/24/14)

- **Revised October 27, 2014 at 4:42pm.**

PIERCE COUNTY WISCONSIN

DEPARTMENT OF LAND MANAGEMENT & RECORDS

Pierce County Courthouse

414 W. Main Street P.O. BOX 647

Ellsworth, Wisconsin 54011

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Fax: 715-273-6864



MINUTES - Pierce County Land Management Committee Meeting, October 15, 2014

Present: Jon Aubart, Jeff Holst, Jim Ross and Eric Sanden

Others: Andy Pichotta, Brad Roy and Shari Hartung

Absent: Joe Fetzer

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

Next meeting dates: November 5th & 19th, December 3rd and December 17th if needed, all in 2014.

Approve Minutes: **Ross moved to approve the October 1, 2014 Land Management Committee minutes/Aubart seconded. All in favor. Passed with Eric Sanden not voting because of absence at the last meeting.**

Discuss potential for air quality monitoring at County conditionally permitted Frac Sand Mining/Processing Facilities. Chairperson Holst invited Wisconsin Industrial Sand Company and Dr. John Richards forward:

Staff Report – Brad Roy: Industrial sand mining operations in the county have raised many concerns from the public. This agenda item is to discuss the air quality standards that are currently in place and to discuss the air monitoring efforts of the industrial sand facilities and any potential need for air monitoring at the facilities. The staff report summarizes many reports and information which were also provided to the LMC for review. Dr. Richards, who conducted the WISC and EOG studies, is here to present those findings.

Staff Recommendation: Staff recommends the Land Management Committee review the information provided and discuss and consider the potential need for air quality monitoring at County permitted mining and processing sites.

Jeff Himes stated crystalline silica is not a new issue to the mining industry. The industrial sand companies formed the National Industrial Sand Association (NISA) seven or eight years ago specifically to address the issue of concerns over dust and silica in mining. The members of NISA are committed to eliminating silica dust as a health hazard in the work environment and around their facilities. Working with the Mine Safety and Health Administration (MSHA), the Occupational Safety and Health Administration (OSHA), NIOSH, the companies that develop methods for monitoring and controlling silica dust in the work place is a group that developed the Occupational Health Program for exposure to crystalline silica in the industrial sand industry and also developed the dust control handbook for industrial minerals mining and processing. These are the benchmarks and the guides they use to control dust in their work environments and eliminate the hazards to their employees in the workplace. Industry has also worked with the EPA and the DNR's in the various states to establish emission standards for particulate matter. Particulate matter is regulated by a number of agencies through permitting and inspection. Particulate matter emissions are controlled in their facilities with enclosures around the equipment, dust collection devices such as bag houses, also water and sweepers for roads and stockpiles. The performance of their process is both monitored internally and by the agencies. Some things they look

at internally is to observe the work place and the work area around the plants for dust. They do stack observation. They have particulate matter monitors in their stacks. They use material in the dust collectors that is ultraviolet. They put it in, pull it up and they can see leaks in the bag house. Using that they measure the differential pressure across the bag houses and they also employ a sampling process that was developed by NISA and the industry and also used by MSHA to monitor dust for the employees. They actually wear monitors for a shift and measure the exposure levels. They are looking very closely at this all the time. Fairmount Sandtrol and three other companies have voluntarily conducted ambient air studies and the results of these studies are what Dr. Richards will go over. Dr. Richards ran this program, pulling and analyzing the data. Dr. Richards serves as the president for Air Control Techniques. He is an expert in air pollution control equipment and performance optimization with over 40 years of experience. He supervised and participated in air emission tests of more than 200 industrial facilities. He has 25 years working with enforcement agencies, establishing standards and training the regulators in the industry. Dr. John Richards explained that he started out in the public health service in the 60's. When EPA formed December 2, 1970 he got pulled in as most people in the public health service did. He started out in enforcement and stayed in that group for about three years that had emerged from a group of two which he was staff and there was a manager. They eventually grew to five by the time he left and now there are thousands. He has had an enforcement exposure and work area for quite a while and he thinks he understands how the agencies work and you will see that come through. He also had a chance to start in the early days of ambient air monitoring. That has been something he has done along with other work but it is not just ambient air monitoring. He does a lot of testing in facilities so we not just see what is at the fence line, they see what is right at the equipment coming off too. That continues to be a major line of work to do the emission factor testing and also stack testing. That is his background in perspective as he goes through this information. Also one other note, he works in many industries from power to cement. Most major industries they have some contact with including a lot of wood products. The one thing you will see is particle size is everything in this business and as you see the evolution of standards from the 60's to now, gradually there has been concern with smaller and smaller particles. So he wanted to define what sizes are of concern now. They have sizes ranging of concern in the business all the way from .1 micrometers up to about a hundred. Just to give you a frame of reference, take a hair and cut it with a scissors, page 2 of presentation, that chart has been used for about 45 years. When it gets up to 100 micrometers, it's so large that it really doesn't travel very far and it makes a noise when it hits the ground. So it's different stuff and it's really not air pollution at that point. When it gets down to .1 micrometers it thinks it's a gas. It stopped having a particular characteristic and you will hear within five to a ten year time frame that there will be a concern going beyond .1 down to about .01. That is called ultrafines but that is not anything relevant to the metal industry. We have had a pollutant here that spans a major range. It's a very diverse set of pollutants all the way from .1 thinking it's a gas to a hundred micrometers thinking it's a rock. The characteristics change considerably across this very broad range. We have to talk very explicitly about the size ranges that are of interest in each of the monitoring programs. He has put three of those in brackets in the document. He goes from 0 to 2.5 in the PM2.5, according to how EPA measures it. PM4 which he will spend a lot of time on tonight goes from 0 to 4 micrometers so it's a little bigger bite of that particular size range. PM10 takes another further bite up to 10 micrometers and there used to be something called Total Suspended Particulate (TSP), which they thought was about 100. If you look at the analyzer's it was probably more like 50. As the regulations promulgated by EPA and picked up by the states like Wisconsin have progressed in 40 years, gradually the emphasis has moved downward into the size ranges. We are basically going to be talking about PM4 and PM2.5. The concerns over some of the bigger particulate really has abated and more concern on the smaller sizes. Sanden stated one of the things he was interested in, from what he read in some of the preliminary reports, was that PM2.5 and smaller were the main concerns because they could get deeper in the lungs. Your studies, very good studies, were using the PM4 which includes PM2.5, is PM4 of that size also a concern for health issues? Dr. Richards stated it's a good question, why PM4 and not some other size category. First, PM4 from the occupational standpoint, is what is called respirable. If we had an exact 4 micrometer particle, that would be the largest one that can get into your lung defenses down into the deep lung and cause trouble. So from

the occupational standpoint, PM4 has always been their standard. Occupational health and environmental are two different fields that have suddenly come together in this area. All the health effects on crystalline silica, almost 100% is on a PM4 basis. In the California office of Health Hazard Assessment back in 2005, they had to set a standard, it was logical for them to say pick a number, pick a size range that is consistent with our health effects data because we have a wealth of that over 30 years and virtually none on any other size category. We are basically matching how California set the standard. Most states have also picked up the same. Actually the smaller you get in that category, the more concern it is and actually the less emissions there are. There is one very complicated curve, a professor at the University of Minnesota did the fundamental research back in the mid 70's that really defined how ambient air particulate behaves and it's become the basis for all standards since then. There are two types of particulate in the ambient air; there is very small stuff called fine mode and there is very big stuff we call coarse mode and there is actually an intermodal gap where there is not much. There are sizes where we don't have much in that size range. The fine mode material comes from power plants and automobiles and some agriculture and it travels hundreds to thousands of miles. You could very easily have Denver fine particulate coming over top of here. Some of your particulate is going to go all the way to New York and over to Denmark before it's done. It goes until it is removed from the atmosphere which is a very slow process. The coarse mode particulate comes from grinding down some material. You have to break it down physically one way or another. You are basically reducing the size. There is a limit to how much energy you can do in a size reduction just like you can't rip up a sheet of paper into a thousand individual pieces. Those are what we call attrition particles. It's really the energy levels that bring the curve on the right down to a zero point, page 2 of presentation. The sources and characteristics of those particulate are entirely different and EPA has tried to recognize that and regulate them as independent groups. They regulate PM2.5, with fine mode particulate standards and regulate the other material with what is now called the coarse particulate or the PM2.5 to 10 particulate. PM10 used to take both of those and mesh them together and it never really worked, caused a lot of confusion, law suits. He thinks EPA has finally gone back to the fundamental science and done a little more coherent job of regulating those two entirely different groups. Dr. Richards explained the curve of the PM4 crystalline silica in the chart on page 2 of his presentation. Sanden asked if the y axis is percent? Dr. Richards explained the vertical axis is a measure of the magnitude of emissions. It's just a conceptual drawing. There are entirely different sets of sources that contribute to this also; agriculture, mining industry are mostly over in the coarse mode; gases emitted from power plants and cars like SO2 and Nitrogen Oxides, organic compounds and ammonia compounds tend to get into the atmosphere as gas, react to form particles and that is how they get down to this size range, it's not a grinding process. It's a chemical process; photochemical or condensation. Ross stated that when Mt St Helen's erupted they said ash came all the way this far. It would be similar to that. Dr. Richards stated that is a pretty violent physical reaction but yes, some of it would drift all the way. Some of that gaseous material, the SO2 from Mt St Helen would react about 4% per hour and drift to the east as sulfates. Particulate is not one category it is really two fundamental categories. There will be three distinctive categories of size of particulate that are really three characteristics of pollutants but the PM4 is one of those distributions. Ross stated the ultrafine is coming? Dr. Richards stated that is basically a power plant and car issue. It's very fine, once it gets out it reacts immediately to grow. It so quickly grows into the fine mode. Previously they have ignored it and now it might not be ignored. As research starts to build there will probably be greater focus on that. A quote for the DNR "Crystalline silica's ubiquitous material is present everywhere from a lot of sources..." so when we start to think about how we are going to monitor around sand facilities we have to realize that we have a host of other sources around us so we're going to expect to have a background concentration and there is going to be some variability in that background concentration. There is hardly any place where you can't find exposed soil. Agricultural operations have always been an issue. A little bit of construction and almost all industry has some crystalline silica emissions to a certain extent. We're in that mix of a lot of sources. The other issue about crystalline silica is it's about 12% of the crust. It's present in every continent. It's present in virtually every state and almost all soil and rock. The fundamental rule is if you disturb any soil or rock you have the potential to get a little bit of PM4 crystalline silica. It's probably the most unusual air pollutant

because it's present everywhere from so many different natural and anthropogenic sources. It's hard to pulverize down to small size ranges and that's one of the reasons the mountains are still there. It didn't just breakdown and blow away. It's a hard material. He didn't really prioritize that but if he did the wind erosion of un-vegetative soil would be the dominant one. If he went regionally out to the west New Mexico, Nevada, Southern California that general area where they have very little rainfall, they are going to have higher background levels than you would have in Wisconsin or if you would go to the southeast. There are standards that have come into place and been in place for quite a while as have agency programs to implement them and enforce them. The PM2.5 standard is 35 micrograms per cubic meter on a 24 hour basis. That's how the measurements are done. It's on a midnight to midnight basis. We get a filter sample that we have already obtained the weight of the filter before the sample, we have the additional weight of the particulate. That's going to be our concentration, our weight then divided by the flow. Very standard measurement 35 micrograms per cubic meter is a pretty low number. Part of the air in this room right now, indoor air, he is guessing, might be at probably 10 – 15 micrograms per cubic meter in here just from walking on rugs and moving clothing. The annual standard is 12 micrograms per cubic meter, just as a background in Wisconsin, the PM2.5 annual concentrations have been decreasing steadily over the last five or six years. You can't take much credit, it's really the power plants out west that are controlling their fine particulate and that's really what is causing that reduction. The reductions we make are being seen in Pennsylvania and New Jersey. This is a federal standard and Wisconsin has to adopt it and they have. Sanden asked what the EPA recommendation was. He thought it was 3 micrograms per cubic meter. Dr. Richards stated he will get to that. That was never an EPA recommendation. These are the federal standards. PM10 is the 24 hour standard. There used to be an annual standard but they dropped that about four years ago because there was no clear health effects tied to an annual number. It used to be 50 and that was taken away four years ago. Ross stated it used to be 50 micrograms? Dr. Richards stated 50 micrograms averaged over a year. Where this was a 24 hour and you can have one exceedance a year and you evaluate it over a three year period. It's your second highest number averaged over three years. This is not an ambient air quality standard that is adopted by EPA and required at the State. This is something that was adopted by California and perhaps they had more motivation to do it because with their topography and climate there's a little more concern. Sanden asked about the ambient being ten times that, isn't that kind of odd? Dr. Richards stated what they did when they set the standard they didn't compare back to PM2.5 or PM10, they took the fairly basis of industrial hygiene health effects data and extrapolated to this number and at the time they had no PM4 crystalline silica data and they did not have a test method. Holst asked if they arbitrarily picked a number out of the air. Dr. Richards stated basically that's what they did. With a great deal of consideration of papers and a lot of debate. There was really no basis. When he was asked to develop a method, when they saw that standard coming into view so at least someone could go out and measure and see what it is. That is when he got into the picture. Prior to that he measured crystalline silica in a lot of other facilities for a number of years. Now they are just trying to adapt to the OEHHA basis which is 4. That is for a 70 year chronic exposure. So they are saying that if you breath 3 micrograms per cubic meter 24 hours a day for 70 years that would be bad. That is on their best judgment of the health effects data. They actually evaluated for convenience over a one year period because no one wants to measure for 70 years. It was an impractical basis. That came out in 2005 and they did a flurry of studies in California to see where people are at. Turns out the numbers are pretty low. They didn't have very high numbers; the highest number was about a 2 microgram per cubic meter single day value when a farmer was tilling his field very close to their upwind monitor. On the worst day, the farmer got the 2 one day. Our downwind monitor really had virtually nothing. We're going to find that agriculture is one of those little sources but we don't think agriculture ever pops up to a 3. The DNR has been monitoring at many sites since 1997. They have been monitoring PM10 since 1988 and actually TSP since the 60's. There was a standard for TSP from 1970 to 1987 and then it was delisted. The mineral industry in Wisconsin has been doing PM10 monitoring since 2011. There used to be a variance procedure but that is now very rarely given. There are at least 13 mines running PM10 monitors right now. The PM4 crystalline silica, there was no requirement from the State to do it. There were enough questions raised that they thought it was in everyone's best interest to get some solid data out there both

for the industry and the communities around the facilities. In this case, they are very much focused on the fence line of the facilities rather than the DNR and EPA samplers that tend to be in very defined community areas but not source specific. They are in a region, like a neighborhood or a mid-scale or a large urban area setting. They are trying to characterize large areas. They are very much looking at local impact at the facilities, what is right at the fence line. If you had a house right across the street what are you seeing, that is the focus of these studies. In trying to develop the sampling methods to do this, they knew they had to have a sensitive technique. This is going back to 2005. They knew they had to have a sensitive technique and a sensitive analysis technique because everything from California and for that matter the pre-OEHHA Days, they knew they would have low ambient concentration so they needed something more sensitive than most EPA sampling. They knew they would have to have multiple monitors because you don't just have one source but others around it, a network and a sensitive set of monitors. So they developed the technique in 2005 and did a flurry of studies and then the interest didn't peak again until the Wisconsin issues were raised about 2010 and 2011. So now they are back using that method. Others have had other local concerns and developed methods independently and they are almost identical to theirs. Everybody that has looked at it has come back to the same basic approach. There are a large number of qualitative samplers that give them an indication of real time of short term particulate concentrations. None of them are sensitive to crystalline silica or tell us what the crystalline silica concentration is. They are all subject to significant interferences and they don't have any benefit of the QA experience that has been developed over 40 years of EPA research and how to monitor air quality. They have a lot of significant down sides. So they have dismissed those. Despite that others have seized on those and tried to make the best interpretation. It's almost impossible to make sense out of the numbers. So they abandoned that. The plants that are using NIOSH600 samplers which are battery powered cigarette size packs that they put on their chests and read what the breathing zone concentrations are, are not sensitive enough for ambient work. They will go down to about 1 ½ to 2 micrometers per cubic meter but they need it to be way lower than that. So they have dismissed those. There is a series of highball samplers that came out in 1989 used extensively and a bunch are sitting around in warehouses but again they are not sensitive enough and the filters had a little bit of quartz in them. Quartz is crystalline silica. That wasn't going to work. They finally came down to the most advanced EPA 2.5 sampler that there is. That is the 2.5 sampler that meets federal reference method standards in 40 CFR Appendix L. That has been extensively researched. They know the performance characteristics. There are extensive QA with it. It's a good basis. They are close to home with what they know with 40 years of method development. They have a great monitor. It's used extensively throughout the country and all they had to do to it was adjust the flow rate which he can do by going into the menu and say instead of 16.7, give me 11.11 liters per minute and he will have a PM4. Holst asked how they settled on that number. Dr. Richards stated it took months and months to settle on that number but they did a series of studies where they took microsphere accurately sized microspheres so they knew exactly what their size was and they challenged the instrument with just that one size and measured the removal efficiency. How much the instrument saw versus how much was in the air. They recreated that curve which is not their curve it's actually the old NIOSH600 personal sampler curve. What they wanted to do was have an instrument for ambient that exactly matched the performance characteristics of the instruments that health effects studies used in plant so they could compare their data with the health effect's data. They don't want to abandon 30 years of health effects data by creating some new method that is a little different and creates questions. He should have mentioned that when he says PM4 they really mean that they are collecting PM4 with a 50% efficiency. It's called the cut size. It is a curve, you don't just get one size absolutely and not the next size. They capture all the way up to 6 or 8 micrometer size particles; that they shouldn't be catching and they don't catch a few that are smaller than they should be. But all the EPA instruments have this 50% cut ties specification. So they just adjusted their flow so their curve exactly matched NIOSH600 and also the instrument manufacturer, after they did their test, they asked them what their data would suggest for it and they came back with the same curve so they had it. An independent conclusion that that instrument and they ceased on one instrument and said they would run that unit. They felt they had a pretty good instrument. The instrument is a Thermo Fisher Partisol 2000i. It's about a \$10,000 piece of equipment; a

very precise flow control, a very good analytical capability so they know their flows, temperatures and everything. There is a filter that goes into the assembly on the right. That is going to be a poly vinyl chloride PVC filter that they slip in and seal and the air will come down through a separator and remove all the stuff that shouldn't be there and take all the stuff that is PM4 and put it on a filter. The operator will come with a cassette holder, pull that out, never having to touch the filter, put it in its holder, carry it back to the shop, unload it and send it off to the lab. The lab will do NIOSH7500 x-ray to fraction on it. They will also measure the PM4 particulate mass so they know total mass, total crystalline silica. This instrument is used all over the US, including the DNR. The beauty of the method is that the agency can, if they want to do PM4 sampling and if they want to check our work, or anybody else that wants to check their work. These instruments are there, there is no cost to adjusting it, there is no cost to using a different filter. It's commercially available off the shelf stuff that they could just do. If anyone wants to recheck them, the equipment is out there to do it. There is nothing proprietary or hard to get. If the agencies want to convert to monitors, more power to them. Ross, how is the height determined and does it even come into play? Dr. Richards stated there is a detailed spec in the CFR about that. That sensor at the top has to be 2 to 7 meters above the ground, according to EPA design specifications. So they have to set it in such a way. They generally set it on a platform up here because we have the snow issue. They like to be able to get at it. The head can't be more than 7 meters above the ground. It also has to have 360 degree exposure to the winds and that's why you see that circular head. There is no bias as to how the wind approaches it. It's going to capture it. Ross asked if he knew how they came up with 7 meters. Dr. Richards stated not a clue. Holst suggested that it's probably the California studies. Dr. Richards said he thinks the 2 to 7 meters has been around since the early 70's. If you went much lower, there would be ground dust and that's why we have the 2. The 7 would be a little harder to figure out. His guess is that it was probably the intake site of the commercial instruments at the time they set the standard. With these they can do a 24 hour operating period. They run it exactly like all other monitors in the state from midnight to midnight. You can set these electronically to start so you don't have to sit out there to start and you don't have to recover the filter at midnight the next day. You set it and it starts on its own and goes off. Their limit of quantification is .3 micrograms per cubic meter which is really what they thought they had to have because the standard is 10 times that. They wanted to be able to characterize down to at least one-tenth of what California thought was a health concern. There are stringent QA procedures which DNR does for all their analyzers and they took that DNR/EPA requirement and they doubled it. They said they would do the QA steps twice as often as they normally do for other studies partly because they had a lot of different operators. They did not operate the instruments themselves. They had someone at the plant that was designated. In the case of Maiden Rock, they hired an individual from the community, one of the plant employees worked part-time on it. EOG hired an individual that came from Minnesota and he went around to four mines and was dedicated to it. Since they had people that were not ambient monitors prior to this, they thought they wanted to have them first get used to doing a QA and then be able to check that there wasn't a month period lapse before they found an issue. They had to have a network of samplers because they had multiple sources of crystalline silica. They would do an upwind, downwind concept. They would put one monitor in the downwind location underneath the dominant downwind location and then put another identical monitor right next to it. It would only operate every fourth sample cycle. They never used that data to characterize air quality it was just to check the other one. They would have one upwind monitor that would give them the air quality approaching the source. In this particular plant the wind almost always went in this direction because there was a mountain not too far and it channeled the winds. In Wisconsin, sometimes the winds would go in the opposite direction. At which point they would re-designate the analyzers for that day. The one where the wind was approaching was the upwind and the one where the wind had passed over the facility was the downwind. If the wind was coming across the facility then they would call it a crosswind and designate that. They would have to analyze their data every single day according to their meteorological data and they would put a met tower at the plant wind direction and wind speed measurements so they would know what those wind directions were. Ross asked what kind of plant? Dr. Richards stated all the plants they are talking about, sand producing facilities. Any plant they do it, they put a met station. They would also sample on the same days EPA and DNR sample

and PCA also. Everybody in the Country samples in the same frequency so if you are on a third day cycle, you are going to sample both on the purple and orange days (from presentation) of the chart. The day of the week you are sampling changes. You get a representative picture. They take the data from these studies and compare them to the DNR data, the EPA data, the Minnesota data, the Illinois data and all of them are taken on the same day so that they know if there is a regional air quality issue they will be able to pick that out. They just adhered to the standard sampling schedule. There is an EOG facility around Barron County that is a mine, Mathy Construction had a facility in Downing, EOG had three facilities in Chippewa County; two are mines and one is a processing facility, the Maiden Rock mine and processing facility here and then down in Monroe County the Cataract Green site. At the time they did the monitoring this was a green field, no activity, it literally was a vegetated field, no farms around it. It was a wonderful site because it gave them a control, no truck traffic, not even any residential traffic. The only cars going onto the site were their individual ones to change the filters. They also had a US Silica site, not too far away, at Sparta in a community adjacent to an apartment complex in a community park right on the north fence line of the facility. The total of those four companies they had nine separate facilities, 19 separate monitoring locations which is starting to approach the scale of a state monitoring network. DNR has 30 PM_{2.5} monitors in the state. At this point they now have 19 monitoring locations for a fairly small population of sources. A pretty large sampling network and a lot of data gets generated from that size of a network. Some of the data presented in two forms, one is an average and one is a maximum. The average number at Maiden Rock, location one was right in the Village along County Road S, near what used to be an ambulance station. Location two was on the southwest corner of the facility, fairly close to State Road 35. Location three was up the hill near the vents of the underground mine up at the top of the hill. In the area the topography channels the wind either upslope to the top monitor or downslope. In both cases it crosses the facility. Location two and three, one of those was always the downwind site. The Village of Maiden Rock site gave them a community reading of what they had. Their averages ran from .07 in the Village to .43 at the southwest site and at the northeast site it was .12. All of them well below 3. This was a year's worth of data. Sanden asked if he characterized location two or three as either upwind or downwind from the site? Dr. Richards stated more often than not, about 60% of the time the wind came from the southwest and was channeled right across the entire facility, right over the top of the vents for the underground mine, up the hill. So they found a spot right up there and sometimes it would come down from the northeast across the facility and go across location two and go out across the railroad tracks to the river. Sanden suggested that location three was the predominantly downwind site. Dr. Richards stated they defined it day by day. They would take the met data and say on these individual days, was the wind going from the northeast to the southwest or the southwest to the northeast. It almost never came from the north because the hill blocks it. Holst asked about the 125 micrograms per cubic meter. Dr. Richards stated that is a typo. It should be 1.25. They had .69 in town, 2.19 at the southwest site and 1.25 on the northwest site. Dr. Richards stated at the Cataract Green site which is their green field site, they had .06 micrograms per cubic meter over a year study and the max was .81. Even in a site that doesn't have any agriculture activity, no construction activity, they had a maximum of .81. This starts their picture of regional variations. It's not a surprising number if it was in California it would be a higher number. The EOG facilities, which there are four facilities, they had more than a thousand 24 hour measurements and they averaged .08 and the maximum was 2.16 micrograms per cubic meter at of all those four. There was one outlier that he did throw out. One day there was a period in one of the mines where they had no activity because they only ran four months a year, no truck traffic but a farmer had right of access across the facility and he was taking silage back and forth for a number of hours. He was literally feet away from the monitor and the wind just carried it right into the monitor. That one 24 hour reading was 8.16. When looking at the lack of mine activity, this is a statistical outlier; it's not related to the mine at all. At Downing they had two facilities, this is a fairly rural area but there is a lot of farming around it. They averaged .1 and 1.25. The maximum are starting to sound fairly familiar from site to site. At Sparta they had the lowest numbers .04 micrograms per cubic meter and a max at .56. Looking at all this different data and they were the only ones that had access to all the different data, the plants didn't see this data from all the other facilities and he isn't sure they knew much of all the other facilities. They could see all

the monitors respond, both upwind and downwind, days they would all go up a little bit and days they would all go to zero, below detection limits and it all behaved the same. When they look at the Wisconsin 2.5 data they see the same pattern. They think they are seeing typical background conditions. All the monitors over a space of about 50 – 60 miles seem to have variations that are very consistent. There is an entirely different set of data prepared by the DNR, cited in their silica study. They took speciation data where there are special monitors that they run. They are actually required by EPA to run them. They run every third day, they take the filter and analyze it for a number of different elements and one is silicon. Silicon is the main component of crystalline silica which is SiO_2 . They took the total silicon value and element value and calculated the total crystalline silica that could be there if 100% of silicon element was present at SiO_2 . This is the numbers that they have for Mayville, Milwaukee and Waukesha, which are unfortunately all located in the southeastern part of the State. But you get a feel of the numbers elsewhere and their averages aren't that much different than what we see and they might even be a little bit high because they assumed 100% is crystalline silica and it's probably more like 50% or 60%. When we look at that air quality and we have that sort of data for every State around this region, we can expand that analysis considerably from what DNR has done. What we're going to see is there are very typical levels. Most of the monitors aren't running anymore because they have been shutting them down out of cost considerations. To the extent that they can get this data, they will be able to see that the regional variation is a very normal part because there are a lot of sources that contribute very little, and that causes some day to day variations. On PM_{2.5} data, this is from a fairly short time frame; October through August of 2013 going into 2014. This was from the Eau Claire DNR monitoring site which is just south of I-94 on the east side of Eau Claire where I-94 takes a turn to the south. This is their daily average PM_{2.5} numbers and they did the sample every six days, not as frequent as Maiden Rock or EOG. They put their PM₄ particulate data on top of that chart. They saw a very good correspondence between their PM₄ particulate matter and the PM_{2.5} data. They took two things out of that: one, their PM₄ data stacks up very well against the DNR data. Two, you get a feel of the daily variations and concentrations that occur. They can start looking at the region variations, not just using crystalline silica data but also tapping into the PM_{2.5} data. Unfortunately, DNR only has one site out this way, that's Eau Claire. They are urban oriented. There are a few in Madison, there are a lot in Milwaukee and there are just a few scattered around. Sanden asked if he is reading it correctly, we are seeing levels of 25, whereas that is like an order of magnitude higher than what you were showing on the previous pages of the presentation where the maximum was 1.25. What is he missing? Dr. Richards explained the lower numbers are PM₄ crystalline silica. They are a very small component of PM_{2.5}. Where now he is talking about total particulate; everything that could be in particulate matter is being measured. The standard is 35 for a 24 hour reading. Of the seventeen hundred measurements, they didn't have a single one where a PM₄ data would indicate above 35. This is a very conservative estimate because they weren't just looking zero to PM_{2.5}, but zero to PM₄. So they have taken a bigger bite and still not approaching 35. He likes these curves because it shows these variations. Air quality is not constant. There is day to day, weather related variations. Sanden stated it shows a beautiful correlation. Dr. Richards stated they have a high correlation. They also had very good co-located monitors when they ran the two monitors. The lab did not know those were co-located. They just got filter numbers. They had excellent correlations between the two samplers. First of all, it told them the samplers were running right and that the operators were doing a good job and the lab was being consistent too. California was an entirely independent study. They had no role in it, no knowledge of it until it popped up on the internet. About the same time they were doing testing in California and sand plants, the south coast, which is LA, did a study at an elementary school in Duarte which is a little east of Pasadena, near Azusa and Irwindale. San Gabriel mountains are just to the right of here. There was a concern about crystalline silica in 2006. They developed a method very much like theirs, slightly less sensitive but no real significance. There were four sand mines, two in Irwindale right on the interstate, both very large facilities. There is one on the western Azusa area and that was a very large sand mine. They had another large one just on the edge of the San Gabriel Mountains. Because of the wind flow, there was either an upslope or a downslope and it would change diurnally. But the wind was always going right across the school no matter how the wind blew. So they put a monitor at Royal Oaks Elementary and he doesn't

show all the data but they averaged .4 micrograms per cubic meter the maximum 24 hour value they got was 1.1 micrograms per cubic meter. They had this natural elevated background because it's a very arid part of the country with fairly frequent high winds. Also very heavy interstate traffic, there were two major arteries going right by this area. So there was a pretty good mix of stuff and the maximum value they had was 1.1. Also he has just seen data from Winona that is also very similar. PCA put a monitor near the main bridge going over Winona and got .3 to .4. They only had two detects in eight months of sampling every six days. As independent people do this we are starting to see the same numbers emerge. It's probably because the characteristics of crystalline silica don't break down. If it did, it would probably effect a lot of different industries and sectors. All the concentrations at nineteen locations were well below the PM2.5 number. There are many sources but collectively all of them are small. If they were to put these upwind/downwind of a large farm, he thinks they would get pretty much the same answer, very little numbers. Even by a large construction site. Wherever you go, there are a lot of little contributions that don't add up to high numbers. There is very extensive control required. This really started in the early 70's as the State Implementation Plans developed regulation to supply the stationary sources, the agencies grew in sophistication. The suite of regulations became greater and greater. So there is already in place regulations designed to monitor and control the sources in the facility. When he does testing now, versus testing in the early 70's, they see a much slower emission rate. That is reflected in the emissions data published by the EPA, some of which he developed. They see that sort of impact of the State regulatory programs. You can look back and over time say the State programs have been effective, the set of regulations is effective, so he is an advocate of the State Agencies. He thinks they deserve some credit for the way this has reduced emissions across the board. There are protections in place and monitors which he thinks are more effective for quick response to problems and correction of issues than a fence line monitor which is telling him what happened four to six weeks after it did. Holst stated basically a fence line monitor is a nonpoint monitor. It doesn't track it back to a point. Dr. Richards stated no it does not, on the other hand stack monitors have an opacity monitor right on the stack. It's reading out every second, actually integrating in the six minute averages and the hour images. That's a continuous reading. Jeff Himes mentioned the static pressure gauges they have across the instruments and that reads out all the time. They can be put into your control system and see the operation. Mr. Himes stated those monitors are in their stacks and (DP) Differential Pressure across the bag house manifold if that goes out of their range, then he receives an email. They are closely monitoring that. It's on the control software and they are expected to react. They will get an email every half hour. Rich gets those emails also so Jeff gets a phone call on the fourth one. Dr. Richards stated there are also visual observation procedures that are not well understood outside of the agency context but both plant operators and agency personnel can use visual techniques to identify a problem. There are standard procedures for doing that and responding to it. There are a lot of those things that have been built in over 40 years. The agencies have not been quiet; they have developed a lot of protective measures which he feels are a quicker response and more directed at the problem where a fence line monitor you know roughly what happened at the end of your property line but you don't know what for weeks and weeks afterwards. Holst asked if in Dr. Richards' opinion if visual monitoring is a necessary part of the equation. Dr. Richards stated it is required in certain areas. They have subpart triple O of what is called New Source Performance Standard (NSPS). They are required on all new facilities to run a visible emission check and then there are also things you can do whenever issues occur. There are two levels of that, a standard method 9 and method 22 version of it. Each of which can be used to identify and respond to a problem. The beauty of that data is you know exactly where you got the issue and you aren't waiting days later. It doesn't persist and you know exactly what you have to address. The things that they have used a lot in plant operation and maintenance programs have more effectiveness than plant fence line monitoring. Its main role was characterizing general conditions of industry and where problems may or may not be. That does a good job of that. For operating a facility, it's a blunt tool that doesn't really give you the kind of timely focused information you need. The data is backed up by a fairly voluminous quality assurance data set because they knew there would be a lot of questions about the data they wanted to be able to have anybody go back through any individual measurement and track it back and have enough data that if they want to go out and do it for themselves,

so be it. They wanted to give them that foundation to just go out and do it. He thinks they will see the same thing they have, just as PCA has seen the same thing and some of the agencies in California have seen the same thing. The QA data is there to help people get some comfort with the data. Sanden stated he has taken more experimental design courses and statistics analysis courses than he cares to remember. He can tell you the study Dr. Richards did, he is to be commended. It's a very high quality study. The co-location of the stacks, that just verifies, the blind analysis, sending the filters in, the third-party company that analyzed the filters had no idea who they were or where the filters came from. It was impeccably done and he has a lot of confidence in his work and is to be commended. Why PM4, when he first read it he didn't think it captured PM2.5 but it does. Dr. Richards stated in the air quality field it's strange to talk about PM4, in an air pollution group, PM4 is not a common term. It's only in the crystalline silica subject area. Occupationally, they talk about nothing but PM4. Sue Galoff, Public Health Director/Health Officer, stated they are here to listen and learn. The comments about the study are echoed by them and they also had two of the toxicologist at the State Health Department look at Dr. Richards' study. They felt it was very well done and had reliable results. They are here to listen and learn and as a resource if there are questions or further information that the committee would like them to help uncover for them. Debbie McClure, Town of Oak Grove, she wanted to also commend the study. She has read a lot of this information prior to coming tonight and happy to see the power point and hear it better explained. She would encourage that the monitoring is something that we keep in place as we go forward with mining within the County. She doesn't know if we need to do it on such an extensive basis since we have apparently a year worth of data. Her own skepticism says she would want to see more than a year but she thinks as we go forward with new mining opportunities, it's a good way to substantiate and validate the efforts that the mining companies are putting into their mitigations. She agrees mitigation control is very good. One question is when we talk about the monitoring in the stacks, what are those readings, what particulate level? Dr. Richards stated you are sending a light beam across the stack and when it does the particulate that is rising up through the stack will scatter light. The loss of the light or what is called the de-continuation of light is opacity. They see a very sensitive indication if there is particulate in there that wasn't previously there. Generally, the monitors will be running zero to 2% opacity which is the limit of the instrument. When they have a bag break, in a bag collector, and suddenly they have dust going out that is going to jump up 30% or 40% and indicators immediately go off if you have had a rise off that baseline value and indicate it. EPA has a requirement to have those monitors in place and very detailed specifications on how they have to run. They are checked on a regular basis so they know that they stay in alignment and they have the proper response. There are checks on the instrument so we can check for drift. They are actually a very reliable instrument. This is about as small a source that they are put on. Mostly they are used for large power plants and cement plants, refineries, etc. They are very expensive instruments. The average opacity monitor or continuous emission monitor might cost anywhere from \$20 to \$50 thousand dollars plus another \$10, \$15 or \$20 thousand more to hook it up. They are about 8 – 10 times what an ambient monitor costs. It's a very sophisticated instrument with more QA requirements than virtually anything they have. It's the primary tool used in the US for monitoring source emissions. You just usually never see it used on such small sources as this. It's very unusual to see such an expensive instrument moved down to such a small source. It's a very good way to check all the enclosed emissions that are picked up through the ventilation system, pulled into the fabric filter, which is a very efficient collector and then emitted. The emissions standards the DNR has promulgated are breathtakingly low. He can't go to any other industry that he works with and see emission requirements as stringent as here. So DNR has certainly been active. Sanden asked for comparison of the MSHA levels that are acceptable within the mine. Dr. Richards stated that is an issue that is changing over time. Right now it's about 100 micrograms per cubic meter with an action level at 50 micrograms per cubic meter, they have to start doing more extensive monitoring and responding. That may change or not. There is a lot of debate going on if they will change that standard or not. Mr. Himes stated generally they go half that for their basis. Sanden stated 50 or 25, 50. Mr. Himes stated if they go to 50, the mine will go to 25. Sanden asked as we start to consider this more in the future and look at things like risk management, in a very general sense, what does this kind of monitoring cost? You've done this for a year or two. He doesn't need an accurate

breakdown, he wondered if they are talking thousands of dollars, tens of thousands of dollars, or millions of dollars to carry on this type of monitoring in the long term. Dr. Richards stated he would give them a few major components so you can see how it adds up. The instruments cost \$10 - \$12 thousand dollars to purchase. They have several instruments on-site already. The accessory equipment that goes with it is probably about another \$5,000. There is a calibrator that has to be recertified each year. There are pumps that you will have to replace and what not. That is the capital cost that doesn't include the costs of installing it; run power out to it and build a platform. There are MSHA standards as to how that platform is built. It's not just building a platform or deck. The filters to analyze for crystalline silica, depending on what lab you use, on average its running anywhere from \$85 to \$120 or \$130 so every day that you do a sample, you have that cost. In addition you have blank filters that have to be analyzed because that is another QA step. Ten percent of the filters that you analyze are blanks that have been charged in the machine, pulled right back out and shipped so you can check the integrity of your entire handling process. So you are going to spend a fair amount to the labs. One of the bigger costs is going to be the labor costs of having someone go out there and change the filter, interrogate the instrument and there is a pretty long list of data he has to write down. They don't trust electronics. They want to see it on paper, a duplicate backup. He will have to spend time to audit the sample every two weeks, do leak checks, every year they will have to do a three-point calibration on it and also there is a requirement for state agencies that they have matched and they have an independent person, which turns out to be them, come in every quarter and do their own audit. They have to pay for them, the troop up here to do that. When all is said and done, they are well into the hundred thousand plus to set up the monitoring network and it can go well beyond that. Some of the studies that he has talked about are substantially above that. Mr. Himes stated that the Maiden Rock study is between \$150,000 to \$200,000 for one year of data. Sanden stated they will certainly have more discussion on this in the coming months. Just to throw out an idea, they have a base line of data showing that they are well below compliance. Maybe for new mines if they don't have the safety protocols that the Maiden Rock mine has, maybe they could initiate a need for monitoring to see if they might be an anomaly. Holst stated this is a lot of data for the lay people to comprehend as opposed to a bunch of guys with funny letters behind their names. Sanden stated they did a good study and it shows that it doesn't seem to be an issue, if he can simplify it to that. Holst stated to the lowest common denominator he came to the same conclusion. That doesn't shirk the committee's responsibility to the community in making sure that every player is as good as the players in this study. Sanden stated he would also say it's very useful to make sure the community is very confident in the committee and that they are keeping an eye on their safety. Even if we expect the outcomes to be favorable, it may still warrant us to require that to show the data and prove it to us. Mr. Himes stated, as you have observed, this study was very extensive over a number of facilities, large body data, well analyzed and the great news is that the air quality in Wisconsin is really, really good. The additional great news is that no single source, particularly mining or agriculture, is contributing to the degradation of the air quality. The industry is going to continue to monitor, a study is starting up at Fairmount Sandtrol Company in Illinois along with some other facilities of a similar scale. They are continuing to build this body of data and watch this as Dr. Richards pointed out from a control standpoint their best tools are the observation, the instant measuring, the visual inspections, stack inspections, looking at if they have dust blowing off the road; that is their best control. In terms of continued monitoring of this type it's historical, after-the-fact, it's a great piece of information to have to analyze but it really doesn't fit well as a required monitoring program to go on a long-term basis. The fence line is too late to use as a control but as they collect their data with the other studies they are glad to continue to share that and bring information forward to the committee. Eric McLeod wanted to follow up with something Dr. Sanden was alluding to as it relates to the permit that they have for the Hager Facility but it's a provision in every CUP that you issue. You have the ability to change conditions in the future if the situation warrants. If data in the future were to suggest that there were a larger concern that you needed to address, you can address it as needed. The reason they are presenting this information is to let the committee know what they have learned. There will be additional information in the future as Jeff said, they would be happy to share with the committee. They have shared it with many others. It's important to them as a company and as an industry it's an important issue. As

future facts arise you can evaluate it and make future decisions. The committee always has that authority. For the time being, they feel pretty good about their track record, the way they have operated their facilities in this County and elsewhere. They hope they can continue to do so, consistent with the conditions that are in the permit. Sanden stated he appreciates them sharing the data because there is a concern out in the community regardless of what they show, they are still on edge.

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

Departmental Update and Future Agenda Items

Rule exception to minimum lot size in the Town of Trenton

Conditional use permit renewal for Rudy Jungwirth

Motion to adjourn at 7:17pm by Aubart/Ross seconded. All in favor. Motion carried. Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, October 15, 2014 – 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: November 5 th & 19 th , December 3 rd & December 17 th , if needed, all in 2014.	Chair
3	Approve minutes of the October 1, 2014 Land Management Committee meeting.	Chair
4	Discuss potential for air quality monitoring at County conditionally permitted Frac Sand Mining/Processing Facilities.	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.

(10/3/14)

PIERCE COUNTY WISCONSIN

DEPARTMENT OF LAND MANAGEMENT & RECORDS

Pierce County Courthouse

414 W. Main Street P.O. BOX 647

Ellsworth, Wisconsin 54011

ZONING OFFICE 715-273-6747

PLANNING OFFICE 715-273-6746

Fax: 715-273-6864



MINUTES - Pierce County Land Management Committee Meeting, October 1, 2014

Present: Jon Aubart, Joe Fetzer, Jeff Holst and Jim Ross

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

Absent: Eric Sanden

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

Next meeting dates: October 15th, November 5th & 19th, all in 2014.

Approve Minutes: **Ross moved to approve the September 17, 2014 Land Management Committee minutes/Aubart seconded. All in favor. Passed with Joe Fetzer not voting because of absence at the last meeting.**

Public hearing to consider and take action on a request for a conditional use permit for a Nursery, in the General Rural Flexible District, pursuant to Pierce County Code Chapter 240-35B(4), for Bryan and Lucinda Reuvers, owners on property located in the NW ¼ of the SW ¼ of Section 9, T25N, R18W, Town of Trenton, Pierce County, WI. Chairperson Fetzer invited Mr. & Mrs.

Reuvers forward: Mr. Reuvers explained they are requesting to change their conditional use permit from a Farm and Home Based Business to a Nursery permit.

Staff Report – Emily Lund: The applicants obtained a permit to run a landscaping/retail home business on January 21, 2005. The business grew beyond the allowable parameters of that permit and the applicant applied for and received a CUP for a Farm & Home Based Business on January 21, 2009. Because the applicants are proposing to exceed the 5,000 sq ft. requirement of the current CUP, the applicants are now requesting approval of a CUP for a Nursery to accommodate their business expansion. The property is located in Section 9, Town of Trenton. The property is zoned General Rural Flexible. A dwelling is located on the property. Adjacent land uses are agricultural and forested. A nursery is conditionally permitted per Pierce County Code (PCC) §240-35B(4). PCC §240-88 defines ‘nursery’ as “a facility or facilities used primarily to raise trees, shrubs, flowers, produce and other plants for sale, of which at least 50% are grown on site. Landscaping and horticultural services may be offered along with the sale of garden products such as rakes, shovels and pots. The sales of garden products shall not occupy more than 25% of the sales area.” Applicants own 30 acres, where 4 acres are the home and nursery; 1 acre for field grown trees; 12 acres are crop production; and 13 acres are wooded. They grow and sell trees, evergreens, shrubs, perennials and bedding plants. 85% of sales are from nursery plants and 15% of sales are miscellaneous items, such as bulk mulch, soils, pots and garden accents. This meets the minimum requirements in the definition. They have a 144 sq ft office, one 2700 sq ft greenhouse and a second 1440 sq ft greenhouse. Applicants have 3 part-time employees and family members help during spring planting. Seasonal hours of operation are April to October, Monday - Saturday 8:30am – 6pm and Sundays 11am – 5pm. Limited hours in November – December for Christmas tree and Holiday planter sales. The applicants have met the off street parking requirements. A portable outhouse is provided during the operating season. Equipment includes a small tractor, trailers, tillage equipment etc. Advertising signs are

located at the driveway entrance (2 ft x 6 ft) and off premise directional signs are located along Hwy 35 at County Road K and the intersection of County Road K and 340th Avenue. Signage is consistent with PCC §240-61F and G. Applicants request expansion for the bedding plant growing area with additional 20ft x 40ft greenhouse. And small portable 12ft x 30ft hoop houses for crop production during spring months. The facility is licensed and inspected annually by DATCP. License numbers are provided. The Town of Trenton recommended approval of this conditional use permit on 9-9-2014. The Town did not reference its comprehensive plan; therefore it is assumed that their plan is silent regarding this request.

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 determined to be not contrary to the above, staff recommends that LMC approve this request with the following conditions:

1. Activities shall be conducted as presented in the application, including hours of operation.
2. Applicants shall work with the Town of Trenton Building Inspector to determine whether commercial plan review and approval is required for the building from Department of Safety & Professional Services.
3. Adequate portable outhouses (1 per 50 people) shall be provided and maintained.
4. Solid waste dumpsters or waste containers shall be located on-site and maintained.
5. Any advertising signs shall comply with the zoning code standards and any necessary permits shall be secured prior to sign installation on or off property.
6. The CUP shall be renewed every 2 years. Renewal may be completed administratively if no compliance issues arise.
7. Applicant understands that expansion or intensification of this use may require modification to this conditional use permit, or potentially, the issuance of a new conditional use permit.

Chairperson Fetzer opened the hearing to the public. No public comment. Public hearing closed. Holst moved to approve the conditional use permit for a Nursery for Bryan and Lucinda Reuvers with conditions #1 - #7, 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/ Ross seconded. Holst stated they are a real class outfit and sell good nursery products. All in favor. Passed.

Discuss take action on modification and possible revocation of a conditional use permit for a campground for John Grabrick (Big Dog Daddy's Roadhouse) located in the General Rural District in Government Lot 3 in the NE ¼ of Section 7, T24N, R17W, Town of Isabelle, Pierce County, WI. Chairperson Fetzer invited Mr. Grabrick forward: Mr. Grabrick apologized for missing the last meeting. There was an incident that involved a staff member getting murdered. He just has some general comments. They have been working diligently to log out/brush out the campground area. They have put in hundreds of hours back there. He knows they are a little bit behind. Survey has been done. They are in the process of a legal modification to the property. The survey shows a variance between the property line and the existing fence line of over 40 years. They are proceeding through the legal system under WI Statutes 893.25. This put them behind on the screening plan. It will change just a little bit, the layout of the campground. The screening plan; they have picked out the vegetation that will go in. Part of the issue is the six campers on site and it has been that way for portion of the summer; two he owns and are for storage/one is a toy hauler that they can drop the tailgate and run a lot of heavy equipment in because they don't have extra buildings onsite. Two are campers that come on weekends and they are employees who stay for free. Two are paid campsites who came from Mr. Sippi's area during the flood. He understands they are over the limit of three which is what they are allowed without the camp permit. If they need to, they can off load the two units that he owns for the winter. The others are moving to Texas that will only leave two campers; one which is an employee and one which is a gentleman who wishes to stay onsite for a little bit longer. He is asking the committee to extend their screening plan to one of the next upcoming

meetings and let them continue to move forward with this project. They are working hard to have a nice working business.

Staff Report – Brad Roy: The applicant received a conditional use permit (CUP) for a campground on his 5 acre parcel on June 4, 2014. The permit required that screening be established between the neighboring residence and that a screening plan be submitted for Land Management Committee for review and approval within 3 months. The screening plan was placed on the September 17, 2014 LMC agenda. Staff contacted the applicant multiple times regarding the required screening plan. No screening plan was received by staff and the applicant was absent from the meeting. The LMC directed staff to place the Campground CUP on the next available LMC agenda for possible revocation. Staff contacted the applicant to inform him of the LMC decision. He stated that he has the screening plan and will bring it to the upcoming meeting. The property also has a commercial bar and a mobile home. At the time this report was developed and as of today, staff did check, there are the six camping units on the property. The zoning code allows camping by no more than 3 camping units to be present on a single parcel without proper permits. The definition of campground is included in the staff report. By definition the site is currently being operated as a “campground”. Conditions 1, 3 and 4 have not been satisfied and therefore the campground cannot legally be in operation. The use is in violation of the conditional use permit. Staff has initiated enforcement actions. Pierce County Code §240-76I states: If an established conditional use is not conducted in conformity with the permit or this chapter, the conditional use permit may be terminated by action of the Land Management Committee. The current conditions are listed in the staff report #1 - #12.

Staff Recommendation: The Land Management Committee should consider whether the applicants failure to comply with established conditions merits revocation pursuant to §240-76I or if the applicant shall be granted additional time to satisfy the requirements.

Ross asked about the screening plan and noted that he didn't understand the connection between the need to go through the legal process of lot lines and having the screening plan in. Couldn't you still get the plan in while that process is being done? It should be relatively close. Mr. Grabrick stated the plan does change because the property line is surveyed versus the fence line of 40 years varies by up to 28 feet. So that moves where the screening plan is actually put in. Ross asked if it is going back. Mr. Grabrick stated it's actually on the side line. The existing fence line of 40 years is here and here is the survey, the campground is on this side so it will vary how it slides from side to side. The screening plan will actually include this particular shrub called a pyramidal arborvitae. They grow up to 20 feet in height. They will start with 6 footers. Ross asked if they have done a soil test to make sure those will grow. Mr. Grabrick stated yes, they have taken care of all of that. They have a quite a variety of vegetation that does grow there already and these will flourish in that soil. Ross asked if they did a PH Balance test. Mr. Grabrick stated yes. Holst asked if he has a plan as of today. Mr. Grabrick stated he does not have a computer generated sketch. Holst asked if he has a plan, a hand sketch, any type of written diagram to show this committee that you have a plan. Mr. Grabrick stated give him five minutes and he could put it on the survey. Holst stated time is money. Aubart asked Mr. Grabrick when he received the survey. Mr. Grabrick stated that it should have a stamp on it. They received it about a week after it was done. Aubart asked if he notified Mr. Roy about the survey and the problems with the screening. Mr. Grabrick stated he doesn't know if they had covered it in one of their phone conversations. Roy stated they had talked about Mr. Grabrick's plans for the legal challenge and how there might be a change to that screening plan depending on how that ended up. We also discussed that something still needs to be presented to the committee by the deadline. It could have been option A, option B type thing. Mr. Grabrick stated he can do that tonight. Option A would be to keep things 10 feet off the surveyed property line and it would stretch for approximately 150 feet to screen the neighboring property because there is heavy vegetation along most of that, it's just to screen the campground from the home. Option B would be to float that back to whatever property line comes out of the legal challenge. It looks like we will be putting in at least 100 of these shrubs when we finally put it in. Aubart stated we currently don't have anything as far as the layout of the campground. Mr. Grabrick stated the layout of the campground was originally put into the CUP when he first came in. It was a hand drawn sketch that was close to scale. It can now be transposed onto

the survey. Aubart stated the current condition #1 states a surveyed layout of the individual campsites as located within the campground. That is what we are looking for is a surveyed layout. We aren't looking for a hand sketch transposed onto this document. This document was completed on August 4, 2014 and it appears that nothing has been communicated to Mr. Roy and if he recalls correctly, the information was that we would have that screening plan at the last meeting. We were given the information that you were going to drop that off. He doesn't know that that is unreasonable at this point. We still have the issue with all the campers there. How many campers were there during the motorcycle run? Mr. Grabrick stated there was the same six. During the motorcycle run there were vendor's trailers that came in. There was a mechanical bull that was transported in the back of a toy hauler. There was a group called Motorcycle Ride to Freedom which brought another trailer along but none of those were camper units. They were just used for transporting equipment. Aubart stated you are telling him tonight that there were six campers there over the course of that weekend. Mr. Grabrick stated correct. There was one that was called a Cyclone that was a toy hauler but that was what they brought the mechanical bull in. It was not used for camping. Aubart stated to Mr. Grabrick that frankly he doesn't believe what he is telling him because he knows better than that. Mr. Grabrick stated what he is asking for is to come to the next meeting with a completed survey. He will have Mr. King take the original sketch and put that to scale on the survey and they will bring that in and hopefully that will satisfy what this committee is looking for. Aubart stated we still have condition #4 that we are already using it as a campground and the internal roads, the camping pads, the water and sanitary improvements shall be constructed and implemented prior to operation of the campground. You don't have any of that. Mr. Grabrick stated that is correct. They are in the process of obtaining the financing that it takes to put that in. It's kind of hard to come up with money when you can't make money. You can't make money when you can't operate the property. He understands where the County is coming from. The people have been using the old campsites as they were. Two of them pay for camping and the rest are either storage or free. That is his mistake for allowing them up there. He wasn't prepared to give a complete screening plan tonight when Mr. Roy and he talked, that wasn't part of what they discussed on the schedule. It is something he can get done by Mr. King in a short amount of time for an upcoming meeting. Holst asked Mr. Grabrick if he was aware of the conditions #1 through #12 on the original CUP. Mr. Grabrick stated yes sir. Holst stated you were aware that you were in violation of some of those conditions, correct? Mr. Grabrick stated by allowing more than three campers, yes sir. Holst stated by not meeting items #1 and #3 and #4. Mr. Grabrick stated yes sir. Holst stated you were aware that you were in violation of your CUP. Mr. Grabrick stated it's very apparent to him at this time, yes. He isn't going to try and BS you with anything. Holst stated a simple telephone call would have gone a long way on the last meeting. Ross stated as a point of reference, he understands the need to make money but we would never allow a temporary permit while somebody builds something out. The process is the process. How that works out with your banks or financiers, we still need that permitting process because otherwise all the work is done and we have no real recourse. We have to go back and solve issues. Mr. Grabrick stated he makes no excuse for it. There are other campgrounds in the area that have been grandfathered in and they get away with murder based on the current rules that he has to follow. Chairperson Fetzer stated that is neither here nor there. Mr. Grabrick stated it is what it is. They still hope to have the services and the pads and roads built before snow flies. They will be meeting with the financiers in the next three weeks for a final decision on their part and once that money is there they will be able to start putting it in. All he is asking for is a little additional time to get the screening plan in. Holst stated that the screening plan is not the issue here today. It's the fact that you are in violation of three of the conditions of your CUP. That is the big issue in his mind, maybe not with the rest of the committee. Chairperson Fetzer stated it's the screening plan; it's the whole works. Mr. Grabrick stated he and Mr. Roy have talked about temporary storage and he guesses that isn't going to work out. The three campers that are not being used for camping, they had talked about shrink wrapping them and just getting a temporary storage permit. Worst case, he will haul them off site to another property that he owns. Aubart asked if we are in compliance with condition #2 even; the location and number of porta-pots shall be delineated on the survey, well we don't have a survey. Pichotta stated basically the way to think about this is, all of these conditions needed to be satisfied before he could establish a modified campground and

by virtue of having more than three campers - by definition he has a campground. That is how he is in violation is by having too many campers there. There was no timeframe associated with several of those conditions other than they had to be done prior to the use of the property as a campground. The time frame associated with the screening; because that is recognition that you have a residential use next to commercial use and the need to mitigate the impacts to the neighboring property are perhaps more instant than the actual establishment of the campground. That is why there is a timeframe associated with the screening plan. That was the committee's position that that was something that needed to be addressed sooner than later given the use next door. Ross stated given the planting seasons as well. Mr. Grabrick stated the particular shrubs prefer to be planted in the spring. Trimming them or doing any maintenance to them at all, according to the botanist, its spring time not fall. Pichotta noted that a ticket has been issued to Mr. Grabrick in regard to the camper issue per the directive of the committee at the last meeting. Aubart asked if there is anything he couldn't do without the conditional use permit; obtain the survey, he can do that without the CUP. Holst stated he can do everything except have more than three campers on his property. Pichotta stated in order for him to have more than three campers present on the property he has to fulfil those conditions. Aubart stated his point is that he can do those things and bring them back and reapply. Pichotta stated yes. Aubart stated if those things are met, he would be more inclined to grant the conditional use permit. We're on the other end of this now. Mr. Grabrick stated he doesn't see any financial institution putting \$80,000 on the line when there is no permit in place to allow that campground to be there once the services are put in. Holst stated he understands that but you should have thought about that 90 days ago sir. It's not our responsibility to look the other way when you knowingly violate what we have asked you to do. Ross stated he concurs with that. He would feel so much better if we would have seen a plan and no more than three campers were ever on there. Those little things would have gone a long way to make that difference. He understands the point as well but a violation is a violation.

Aubart moved to revoke the conditional use permit for a campground for John Grabrick due to his failure to comply with conditions/Holst seconded. All in favor. Passed.

Discuss take action on site plan review 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.

Chairperson Fetzer invited Andy Wieser forward: Mr. Wieser explained that about a year ago the committee approved a conditional use permit for expansion and they finally got all the conditions met except one. They are still waiting for the 23rd of October for their LOMR. He thinks it's just a matter of waiting until that date, he hasn't heard any different. They would like to get approval and they have a building they are going to tear down ahead of that and do some excavation work just to get prepared for the 23rd.

Staff Report – Brad Roy: The applicant received a conditional use permit (CUP) for an expansion of nonconforming structures on January 15, 2014 for the concrete manufacturing facility. The requested expansion will allow the facility to produce larger products that are currently available from other Wieser facilities. The expansion of the existing facility will increase efficiency by allowing incorporation of existing processes such as rebar fabrication, utilization of concrete pumping systems and the extension of overhead cranes. Portions of the facility as well as the expansion area located in the floodplain as mapped in 2011. The applicant pursued a Letter of Map Amendment (LOMA) to remove the lands from the floodplain. The applicants received a Letter of Map Revision (LOMR) from Federal Emergency Management Agency (FEMA), the revision will become effective on October 23, 2014. Site Plan Review is required for all Commercial and Industrial developments. The purpose of the review is to assure site designs which promote compatibility between land uses, create safe and attractive site layouts and structures, provide proper access to streets and transportation, protect property values and contribute to efficient land use in Pierce County. The site is off of Hwy 10 and the property is zoned Industrial. Neighboring land uses are undeveloped woodland and residential. The residential use is to the south of the facility across Hwy 10. The expansion area will be to the west of the existing structure. The applicants will remove a portion of the existing structure and then build the expansion. The height of the structure

will be 43' which will match the existing roof line. The access points off of Hwy 10 will not change. The plan delineates 59 parking spaces with one designated for handicap parking. This satisfies the parking requirements of §240-54 of two spaces plus the peak employee shift for manufacturing facilities. Drainage of the site will also remain unchanged as there will be no increase in the area of impervious surface or a change to the grading of the site. Runoff will continue to flow to the southwest of the site to a grass drainage way in the right-of-way of Hwy 10. Two-way traffic flow will continue unchanged around the facility. A lighting plan has been submitted. The only new lighting will be placed on the expansion structures. The Department Lighting Policy is listed in the staff report. The septic system has been inspected and was determined to be adequately sized for the proposed expansion. The applicant intends to start construction as soon as possible after the LOMR becomes effective on October 23. The CUP requires that DSPS approval for the building expansion shall be submitted to the Land Management Department prior to construction.

Staff Recommendation: Staff recommends the Land Management Committee review the proposed site plan and determine if any changes or modifications to the proposed plan are necessary. The LMC should consider existing and proposed structures, architectural plans, neighboring uses, use of landscaping and open space, parking areas, driveway location, loading and unloading areas, highway access, traffic generation and circulation, lighting, drainage, water and sewer systems and proposed operations. The LMC may impose time schedules for completion of buildings, parking areas, open space uses, drainage and erosion control systems and landscaping and may require appropriate sureties to guarantee that requirements will be completed on schedule.

Holst asked if Mr. Wieser has DSPS approval already. Mr. Wieser stated yes and submitted a copy to Mr. Roy. Holst asked when they intend to have it done. Mr. Wieser stated February. We hope to have it enclosed by the first of the year. Holst stated if we give you a timeframe of May. Mr. Wieser stated they should be good. He stated he thinks the CUP was extended at the time to 18 months. Roy verified that. Mr. Wieser stated we are into almost 12 months, May or June for sure. They should be occupying it by June. Holst stated the fact that we have dealt with the applicant many times over the years; he doesn't think a surety is needed. As long as it meets the conditions on the CUP, he wouldn't have any trouble with it. **Holst moved to approve site plan review as presented for Wieser Concrete Properties LLC/Ross seconded. All in favor. Passed.**

Discuss take action on renewal of a conditional use permit for Nonmetallic Mining for American Materials, agent for Marvin and Mina Gilles, owners 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.
Chairperson Fetzer invited Candy Anderson forward: Ms Anderson, Geologist for American Materials, stated Brad's report was very thorough and they are not proposing any changes and just asking for another two year renewal.

Staff Report – Brad Roy: This nonmetallic mining operation was originally permitted in 1978. American Materials received an updated permit in 1998. All permits have been kept current since then. The operation involves mining dolomite/limestone and subsequent crushing and sizing. The mining site has approximately 9 unreclaimed acres. Access to the mine is off of US Highway 10. The surrounding land uses are farmland and woodland. Overburden is stripped and stored onsite. Extraction is completed with drilling and blasting. All blasting is 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. All appropriate information has been submitted to the Zoning Office. The existing conditions are listed in the staff report #1 - #10.

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 additions or modifications are deemed necessary, staff recommends this CUP be renewed with the following conditions:

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. Applicant agrees that any unforeseen erosion issues shall be addressed to the satisfaction of the county.
9. Applicant shall pay renewal fees.
10. This CUP shall expire in two years.

Holst asked if this is the same site where all that debris washed into the road at one time. Ms Anderson stated yes that was in 1997. She was here way back then. **Holst moved to approve the renewal of the conditional use permit for Nonmetallic Mining for American Materials, agent for Marvin and Mina Gilles, with conditions #1 - #10/Ross seconded. All in favor. Passed.**

Discuss take action on renewal of a conditional use permit for Nonmetallic Mining for Pierce County Highway Department, agent for Gregory Bisel, owner on property located in the W ½ of the NW ¼ of Section 5, T25N, R16W, Town of Salem, Pierce County, WI. Chairperson Fetzer invited Chad Johnson forward: Mr. Johnson, Pierce County Highway Commissioner representing Mr. Bisel. He spoke to him on the phone yesterday and he is aware of the renewal and agreed Mr. Johnson would handle it.

Staff Report – Brad Roy: Mr. Bisel owns a nonmetallic mining operation along Hwy 10. The Pierce County Highway Department is the current operator on the site. In 2008 there was an errant blast which extended the mining area within the setback to USH 10. In February, 2010, the LMC allowed the Hwy Dept to mine within the Hwy 10 setback to remove a portion of the high wall that had become unstable. The mining site is approximately 17 acres in size. Access to the mine is off of US Hwy 10. The active mining area is approximately 6.5 acres. Mineral extraction has extended into the 100 foot setback on the north end of the property line, however this activity had taken place before 1998 and there has been no mineral extraction within the setback since that time. A mining road encircles the outside edge of the mine and crosses the north property line. The Highway Department is in discussions with the property owners about leasing the property. The existing high walls are approximately 100 feet in height. The original plan states that the high walls will be benched to limit the heights to 35 to 50 feet. The original plan states that the mine will be restored to slopes of 3:1. A dry run is present on the property. The mining area has not disturbed the dry run at this point, but future expansion may become an issue. The rock is removed by drilling and blasting. Crushing and processing of the rock takes place onsite. 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 a pre-existing nonconforming use, so a permit is not required on that site. There are no wells on the property; therefore 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 7:30am to 3:30pm Monday through Friday, except in June, July and August; hours of operation shall be 6:00am to 6:00pm. There have been no erosion issues on the south wall facing Hwy 10. A fence has been installed along the north edge of the pit, per condition 5. A groundwater response plan has not been submitted at this time. The applicant is working with the DNR on developing a Storm Water Pollution Prevention Plan and a Spill Pollution Control and Countermeasures Plan. These plans identify potential

sources of storm water pollution and spills of oil-related materials and other chemical and establish controls to minimize any potential impacts to surface or ground water. The water-table elevation is approximately 20 feet below the mine floor. The existing conditions are listed #1 - #14 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 additions or modifications are deemed necessary, staff recommends this CUP be renewed with the following conditions #1 through #13, removing the old condition #5 that required the fence:

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. A groundwater response plan detailing resources used to protect the quality of groundwater beneath and adjacent to the extraction operation and proposed response to encountering groundwater shall be submitted to the Zoning Office. The Zoning Office shall be notified if groundwater is encountered and further operations shall cease until the response plan is implemented.
4. 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 high wall and the potential for land development on the northern adjacent parcel high walls or steep slopes would create unsafe conditions.
5. 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.
6. Applicant shall comply with NR 135 Annual Reclamation Permits.
7. All blasting shall be done by a certified state licensed blaster.
8. Residential property owners located within 1000 feet of mining operations shall be given a two day notice of any planned blasting.
9. 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.
10. Any unforeseen erosion issues shall be addressed to the satisfaction of the Zoning Office or the Land Conservation Department.
11. Applicant shall receive all necessary permits from other agencies.
12. This CU P 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.
13. A renewal fee of \$200.00 plus \$20.00 per acre of expansion shall be paid.

Mr. Johnson stated this construction season they acquired material from the Hwy 10 project and have begun reclamation on the backside of that wall along Hwy 10. It's not to its final shape yet, the contractor is going to shape it yet this late fall. So they have started the reclamation process in an area where they are not going to mine any further. **Holst moved to approve the renewal of the conditional use permit for Nonmetallic Mining for Pierce County Highway Department, agent for Gregory Bisel with conditions #1 - #13/Ross seconded. All in favor. Passed.**

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

Departmental Update and Future Agenda Items

Discussion about air monitoring in conjunction with frac sand mining or processing. There will be folks from the Public Health Department present also.

Motion to adjourn at 6:55pm by Aubart/Ross seconded. All in favor. Motion carried. Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING REVISED AGENDA
Wednesday, October 1, 2014 – 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: October 15 th , November 5 th & 19 th , all in 2014.	Chair
3	Approve minutes of the September 17, 2014 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for a conditional use permit for a Nursery, in the General Rural Flexible District, pursuant to Pierce County Code Chapter 240-35B(4), for Bryan and Lucinda Reuvers, owners on property located in the NW ¼ of the SW ¼ of Section 9, T25N, R18W, Town of Trenton, Pierce County, WI.	Lund
5	Discuss take action on modification and possible revocation of a conditional use permit for a campground for John Grabrick (Big Dog Daddy's Roadhouse) located in the General Rural District in Government Lot 3 in the NE ¼ of Section 7, T24N, R17W, Town of Isabelle, Pierce County, WI.	Roy
6	Discuss take action on site plan review 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
7	Discuss take action on renewal of a conditional use permit for Nonmetallic Mining for American Materials, agent for Marvin and Mina Gilles, owners 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.	Roy
8	Discuss take action on renewal of a conditional use permit for Nonmetallic Mining for Pierce County Highway Department, agent for Gregory Bisel, owner on property located in the W ½ of the NW ¼ of Section 5, T25N, R16W, Town of Salem, Pierce County, WI.	Roy
9	Discuss take action on Travel/Training Requests	Pichotta
10	Future agenda items.	Pichotta
11	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.

(9/19/14)

- **Revised September 23, 2014 @10:13AM.**

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



MINUTES-Pierce County Land Management Committee Meeting, September 17, 2014

Present: Jon Aubart, Jeff Holst, Jim Ross and Eric Sanden

Absent: Joe Fetzer

Others: Brad Roy & Tracie Wold

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

Next meeting dates: October 1st & October 15th, November 5th & 19th all in 2014.

Approve minutes: **Ross moved to approve the September 3, 2014 Land Management Committee minutes/Aubart seconded. All in favor. Passed.**

Discuss take action on a proposed screening plan for a conditionally permitted campground located in the General Rural District for John Grabrick, owner, on property located in Gov't lot 3 in the NE ¼ of Section 7, T24N, R17W, Town of Isabelle, Pierce County, WI. Chairperson Holst asked if Mr. Grabrick was present. Mr. Grabrick was not present.

Staff report-Brad Roy: The applicant received a conditional use permit for a campground on the 5 acre parcel on June 4, 2014. The permit required that screening be established between the neighboring residences and that a screening plan be submitted for Land Management Committee review and approval within 3 months. Staff contacted the applicant multiple times regarding the required screening plan. The applicant stated that the plan was completed and would be delivered prior to the development of this report. At the time this report was prepared and distributed no plan was received. By not submitting the plan within the established timeframe the property is in violation of the CUP. The property also has a commercial bar and a mobile home. Pierce County Code §240-39A.(7) states: Each campground shall be screened by means of vegetative screening, as described in Section 240-31D, along all lot lines. Section 240-31D refers to the Landscaping Policy which was adopted on February 7, 2007. The policy states: 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. The neighbor has presented multiple concerns to the LMC regarding this campground. The current conditions are listed 1-12. At this time, conditions 1, 3 and 4 have not been satisfied and the campground cannot begin operation. The zoning code allows camping by no more than 3 camping units on a property without permits.

Staff Recommendation: The applicant is in violation of the CUP. The LMC should consider whether additional time for submittal of a screening plan is warranted or whether this issue should be placed on a future agenda for possible permit revocation pursuant to §240-76I. Roy stated the letter is from the neighbors, who are present at the meeting. Roy mentioned that up to this time, we still haven't heard from the applicant regarding this issue. Chairperson Holst asked

if we have contacted him multiple times, Roy stated we contacted him before September, asking which agenda he wanted to be on, the first one or this one, and he chose this one. The week leading up to the development of the staff report Roy contacted him letting him know we needed the plan by Monday last week to develop the staff report and by Tuesday we didn't have anything so Roy called him again and he said he would drop it off on either Tuesday afternoon or Wednesday morning. That is the last we have heard from him. Sanden said that with respect to the other issues, cutting down the neighbors trees on their property and more campers than allowed, are these both issues that our office would take up or is that something that the Sheriffs Dept. would be called in for? Roy stated the tree cutting is a trespassing issue but the number of campers is an issue that our office deals with. Mr. Grabrick has been given tickets for it with the most recent being a couple months ago. Being that since the time the tickets were issued, he has gone to the town and gotten the recommendation, he's going through the permitting process for the camp ground, we eased back on enforcement because he is working on bringing the property into compliance. Now this greatly changed our attitude towards it, as he is in violation of his camping permit which isn't in operation yet, but we will start up enforcement action again being that it would start with citations again. Sanden added maybe cease and desist if it gets to that. Sanden also stated for the record that these kinds of issues where we have incompatible land use, we have to tread a very thin line as to trying to satisfy both parties and that is really hard to do, so we operate in good faith. We want to make sure we are not being too onerous in our application of these, but we expect the same good faith in return. The last time he was here we gave him the benefit of the doubt to see how it would go, recognizing that we would need to make it more strict if there were some problems. Sanden has a real problem with that since he doesn't seem to be operating in good faith and that is the crux of what we have to rely upon here. Ross asked how many tickets there were issued. Roy stated four. Two from our office and two from Public Health. Roy stated one ticket for sure was operating a campground without a permit which refers to the number of camping units being utilized, which was more than three. Sanden is concerned that per the code and per our CUP recommendations, the vegetated screen is the result we came up with and in part because the fence was going to be too expensive. And now he is taking away vegetation which we are going to have to have him replace. It doesn't sit well. Aubart asked if we need a motion and then he moved to pull his permit. Holst asked if we could do that on this agenda and Roy said no. Then they suggested we suspend it, but keep writing him tickets in the meantime and Roy agreed (just writing tickets) would be the cleanest way to do it. Since the agenda specifically focuses on the screening plan not the camping operation, we will put it on a future agenda for pulling the permit and we can step up enforcement in the meantime. **Aubart made a motion to put it on the first available future agenda with possible permit revocation/Sanden seconded.** Chairperson Holst asked if there was any further discussion and Sanden thanked the neighbors for providing the pictures as it does help. Kim Peterson mentioned that he is having a flood run rodeo there this weekend and she didn't know if he applied for the necessary permits for that. Chairperson Holst stated he didn't believe he needed to unless he has over 10,000 people for three days and Chairperson Holst didn't think he would reach that threshold, with that being said, we take very seriously our CUP and when the conditions aren't met. It's very rare that they are not met, but we take that very seriously. **All in favor. Passed.**

Discuss take action on the County Recreation Goals and Actions for the Pierce County Outdoor Recreation Plan. Staff Report-Brad Roy: The Mississippi River Regional Planning Commission is updating the Pierce County Outdoor Recreation Plan; the updated plan will be for

2015-2019. The purpose of the plan is to provide guidance information to help develop and improve the County's recreation resources and to make the County and other local municipalities eligible for the DNR grants. A public hearing will be scheduled in the future to adopt the final plan. An important component of the plan is to prioritize the general recreational activities for future development strategies. The next step for the LMC is to include action items the County would like to complete to enhance or improve the outdoor recreation within the county. This can also be considered a "wish list" for the County. Inclusion of a project into the Outdoor Recreation Plan may provide the potential for grant funds which may not otherwise be available. The Parks Committee has established its priorities earlier this year. The general activities included in the Outdoor Recreation Plan should be given a priority of High, Medium or Low to give guidance for future planning. The priorities of the current plan are listed in the staff report. Roy believes the only high priority was under fishing for expanding the parking lot and boat launch on Trenton Island. The Parks Committee discussed this item at the July 14, 2014 meeting. They established the following priorities: they have high and medium priorities looking at the Trimbelle recreation area, the walking trails and the multi-use trail. Also things for the Trenton Island boat launch. Looking at picnic area, some upgrades at Nugget Lake and some medium priority for the shooting range for upgrades.

Staff recommendation: Staff recommends that the Land Management Committee prioritize the general activities of the Outdoor Recreation Plan. Sanden asked about them having "continued planting oaks at Nugget Lake County Park" twice is that to heighten its priority by showing it actually affects more than just one subarea or is that in inadvertent duplications? Roy stated it doesn't heighten it, but thinks it is just to display that the project would help in multiple categories. Sanden feels that we should defer to the park committee on this. The fact that we are talking about the Trimbelle Park and that kind of thing but other than that it seems like more of their jurisdiction. Sanden asked how does it get battled out, we have the RPC giving one set of priorities and then we have the parks committee doing another set, do they just debate it on their own? Chairperson Holst stated the regional planning will do what we tell them. He also stated we provide the list to them and then they update the plan. Sanden asked if we then have to pick which one we prefer and Roy stated we should just work off of the park list and if there is anything additional you would like to see done or something we wanted to move to a higher priority we can make those changes, or if we disagree with the parks committee and want to lower a priority. Chairperson Holst thinks we could suggest to cross off one of the "continue to plant oaks at Nugget Lake Park" but other than that, he doesn't see a lot of problem. He agreed that this is what they have come up with and we should just stamp it and move on. Sanden's only suggestion would be to "plant native prairie grass" should be a higher priority, but he thinks that is a more personal thing and not an interest of the County. Chairperson Holst added that he has seen this in the works for 20 years now and it has evolved into this workable piece. Roy mentioned it is a nice document to have when people have questions on what they can do and where, everything is listed. Town of River Falls and Clifton have talked about putting some projects in this plan, but nothing yet. **Sanden moved to move this forward with using the parks committees' priority list with the modification of the redundancy of "continued planting oaks in Nugget Lake"/Ross seconded. All in favor. Passed.**

Discuss take action on proposed amendments to Pierce County Code Chapter 240 (minor structures, Light Industrial use requirements, etc.). Staff Report-Brad Roy: Through the process of administering the Zoning Code, staff has become aware of issues and inconsistencies

that may warrant a modification of the ordinance. The Zoning Code requires that a Land Use Permit be obtained for accessory structures. §240-32 exempts minor structures from this requirement. There is no definition of minor structures in the code. In the past staff has required that even small storage structures obtain a Land Use Permit for a fee of \$50. In many cases the public assume that these small storage structures do not need a permit and would place them on their property without permits. In these cases staff is required to begin the enforcement process which may take considerable time. Staff believes that the use of these types of small structures is generally insignificant and can reasonably be considered “minor” and exempt from permits. However, setback requirements would still apply. Staff is proposing the following amendment to the Zoning Code. § 240-32. Accessory structures. In the minor structure list it would now read: Minor structures, such as birdhouses, yard light poles, birdbaths, doghouses (housing dogs which are licensed as the personal pets of the residents of the property), tree houses, noncommercial fuel storage tanks and pumps, clothesline poles, lawn ornaments, flagpoles, mailboxes, garbage containers, ice fishing shanties and school bus waiting shelters. Non habitable structures of not more than 100 square feet, that do not have a permanent foundation and can be easily moved and meet applicable setback requirements, are also exempt. Light Industrial uses are required to be conducted indoors. Warehouse and Storage facilities are required to be constructed on concrete slabs. However, seasonal boat and vehicles storage buildings are not required to be on concrete slabs. The language in the current code is confusing and unclear. Staff is proposing the following amendment: To remove the last part...All structures shall be on concrete slabs except seasonal boat and vehicle storage buildings. Removing, “which may be on concrete slaps”.

Staff recommendations: Staff recommends the Land Management Committee review the proposed revisions, and if appropriate, direct staff to schedule a future public hearing to adopt the amendments. Sanden appreciated what LMD is doing. He also suggested that we add a hyphen between the words “non” & “habitable”. **Ross made a motion that we approve as stated and directed staff to schedule a future public hearing/ Sanden seconded. All in favor. Passed.**

Discusses take action on a proposed interdepartmental transfer of budgeted funds from Salaries line item to New Equipment line item and authorize the purchase of 2 new department vehicles. Staff Report-Brad Roy: As you are aware, the Land Management Committee and Department recently eliminated the Surveyor Technician position. Although that position has been vacant, the position’s salary was included in the 2014 Department Budget. Similarly, the Planning Secretary position (now Office Specialist) was vacant for 7 months of 2014. These two vacancies have resulted in approximately \$66,900 that was budgeted for salaries in 2014 not being spent. As part of staff’s discussion with Administration regarding the 2015 budget, it was suggested that an interdepartmental transfer of funds be pursued to utilize these dollars for new vehicles for the Department. Purchase of 2 new vehicles now would eliminate the need to purchase a vehicle in 2015. As you are aware, the Department currently has a 1998 Jeep Cherokee, a 2001 Chevy 1500 HD, and a 2002 Ford F150. All vehicles are showing substantial wear. Staff is proposing to replace the 1998 Jeep and the 2001 Chevy with new (or possibly used) vehicles. The 2002 Ford would continue to be utilized and would likely be proposed to be replaced in 2016 or later. Staff did discuss the potential for leasing vehicles with Administration, per prior LMC directions, but was encouraged to pursue this course of action.

Staff recommendations: Staff recommends the Land Management Committee authorize the

transfer of \$25,000 from 101-1251720-111 (County Surveyor-Salaries) to 101-1251720-812 (County Surveyor-New Equipment); and \$17,000 from 101-1251720-111 (County Surveyor-Salaries) and \$8,000 from 101-1356300-111 (County Planner-Salaries) to 101-1456400-812 (Zoning- New Equipment). Said transfers will enable the purchase of two new Department vehicles. Aubart asked what the cost of leasing was but Roy was not sure. He was told that leasing makes sense on a higher number of vehicles. Aubart asked what the cost difference was of leasing two vehicles verses 10 vehicles and also asked who said it wasn't feasible. Ross stated that it was his understanding that the discussion was part of Pichotta's budget discussion with the Finance Director and the Administrative Coordinator. Chairperson Holst said that he was at the budget meeting and it was stated that we didn't have enough vehicles to pursue it and we ran them so long that it was beneficial for the County to buy them and run them into the ground as opposed to leasing. Aubart asked who ran the numbers and Chairperson Holst said no one that he was aware of. So Aubart asked how do we know it is beneficial. Chairperson Holst said Administration wasn't keen on leasing. Aubart added that the vehicle we are keeping is 12 years old. Ross stated that he thinks we need to collectively look at ways to pool resources, as businesses do it all the time. They bring departments together and say this is how it's going to be, whether it's office supplies or cars. Sanden was wondering if we could make the motion with the caveat that we approve it as it is right now, but we also engage in some County wide plan for looking at leasing. Sanden stated he didn't want to forgo this onetime windfall and let it get lost because it gets taken away from us. **Sanden moved to approve the proposed interdepartmental transfer of budgeted funds from salary lines to new equipment line items and authorize the purchase of two new department vehicles recommending the County considers a long term leasing solution for all the vehicles in the County system/ Ross seconded. All in favor. Passed.**

Discusses take action on Travel/Training requests. Roy stated there are no travel/training requests at this time.

Departmental Update and Future Agenda Items.

Public hearing for a conditional use permit for the Reuvers Nursery in Trenton. They were under a farm and home based business but have run out of room with the 5,000 sq./ft. limit so now they want to go to the nursery designation which doesn't have the space limit.

Site plan for Weiser Concrete in the Town of Salem

CUP renewal of the Gilles mine for American Materials in the Town of Union

CUP renewal of the Bisel mine for the Highway Department in the Town of Salem.

Also, potentially the Grabrick campground CUP.

Motion to adjourn at 6:40pm by Sanden/Ross seconded. All in favor. Motion carried.

Respectfully submitted by T. Wold

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, September 17, 2014 – 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: October 1 st & 15 th , November 5 th & 19 th , all in 2014.	Chair
3	Approve minutes of the September 3, 2014 Land Management Committee meeting.	Chair
4	Discuss take action on a proposed screening plan for a conditionally permitted campground located in the General Rural District for John Grabrick, owner, on property located in Government Lot 3 in the NE ¼ of Section 7, T24N, R17W, Town of Isabelle, Pierce County, WI.	Roy
5	Discuss take action on the County Recreation Goals and Actions for the Pierce County Outdoor Recreation Plan.	Roy
6	Discuss take action on proposed amendments to Pierce County Code Chapter 240 (minor structures, Light Industrial use requirements, etc.)	Roy
7	Discuss take action on a proposed interdepartmental transfer of budgeted funds from Salaries line item to New Equipment line item and authorize the purchase of 2 new department vehicles.	Pichotta
8	Discuss take action on Travel/Training Requests	Pichotta
9	Future agenda items.	Pichotta
10	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.

(9/5/14)

PIERCE COUNTY WISCONSIN

DEPARTMENT OF LAND MANAGEMENT & RECORDS

Pierce County Courthouse

414 W. Main Street P.O. BOX 647

Ellsworth, Wisconsin 54011

ZONING OFFICE 715-273-6747

PLANNING OFFICE 715-273-6746

Fax: 715-273-6864



MINUTES - Pierce County Land Management Committee Meeting, September 3, 2014

Present: Jon Aubart, Joe Fetzer, Jeff Holst, Jim Ross and Eric Sanden

Others: Andy Pichotta, Brad Roy, Emily Lund, Kevin Etherton and Shari Hartung

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

Next meeting dates: September 3rd & 17th, October 1st & 15th, all in 2014.

Approve Minutes: **Ross moved to approve the August 6, 2014 and August 27, 2014 Land Management Committee minutes/Aubart seconded. All in favor. Passed.**

Jeff Holst recused himself from discussion and voting on the first agenda item due to a possible conflict of interest.

Public hearing to consider and take action on a request for a conditional use permit for Nonmetallic Mining in the Industrial District, pursuant to Pierce County Code Chapter 240-37A, and Reclamation Plan, pursuant to Pierce County Code Chapter 241-15A(2)(a), for William F. Holst III, owner on property located in N ½ of the SE ¼ of Section 33, T25N, R18W, Town of Trenton, Pierce County, WI. Chairperson Fetzer invited William Holst forward:

Staff Report – Brad Roy: The applicant is requesting to expand a pre-existing nonmetallic mining operation. This would be an expansion of an existing 110 acre mining operation that has been active since before the Town of Trenton adopted County Zoning. The applicant has acquired adjoining land and now wants to expand the existing mining operation. An expansion onto property that was not part of the original “grandfathered” parcel requires that a conditional use permit be secured prior to any mining. The new property 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 from the area of the proposed expansion. The mining activities proposed to occur on the expansion parcel will be consistent to those occurring on the existing 110 acre mining area. Last year, the LMC and County Board approved a rezone of this and surrounding properties owned by the applicant. The rezone designated most of the property Industrial, but also left a 300’ strip of land along County Road K as General Rural Flexible (GRF). As part of the rezone the Town of Trenton required that a berm was to be constructed within the GRF strip to act as a buffer to future industrial uses for the surrounding landowners. Nonmetallic Mining is conditionally permitted in both the Industrial and General Rural Flexible zoning districts. The site is currently used for agriculture. Surrounding uses include mining, agriculture, industrial uses and higher density residential. The Town of Trenton required the berm that is currently being constructed. Farm structures are currently present on the proposed expansion site but will be demolished when the rental agreement expires. The site is currently flat with the greatest relief at less than 15 feet. The applicant has stripped the topsoil on part of the site, but has not removed any material. The existing mining operation will continue south onto the new property. No operational changes are proposed to occur on the new property. The area will be mined in 100 foot sections from east to west to allow for extraction of sand and

gravel. These sections will begin at the existing mine and continue to the south. There will be no blasting or chemicals used, extraction will be done with front end loaders. The mined materials will be hauled north to the existing mine for processing. Processing there will include crushing, screening, sorting, grading and blending with use of conveyors, screeners, stackers and other equipment. Any washing of the sand will take place in the existing mine. The 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 existing mine. Extractions will go approximately 40 feet below the existing grade. This will result in the elevation of the floor of the pit being at 712' which is only a few feet above the water table. Ground water has been encountered in the adjoining mine. The proposed mining operation will be required to develop and implement a Storm Water Pollution Prevention Plan and a Spill Pollution Control and Countermeasures Plan. These plans will identify potential sources of storm water pollution and spills of oil-related materials and other chemical and establish controls to minimize any potential impacts to surface waters. WDNR regulates and monitors storm water and process water through the WPDES Permits. The WPDES permit ensures that water samples are collected and analyzed to demonstrate that water is not discharged that could negatively impact surface water. The Department's Mining Policy requires that a groundwater response plan detailing resources used to protect the quality of the groundwater beneath and adjacent to the extraction operation shall be required. Pre-testing for nitrates, suspended solids, and dissolved solids must also be conducted for all existing wells within 1000 feet of the proposed extraction operations. 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, at this time, determine if mining below the water table will be economically feasible many years in the future. The entire site, new and existing mining areas, will be internally drained. The applicant intends to operate 24 hours per day, seven days per week. The application did not detail any proposed lighting for the facility. The Department has a policy regarding lighting fixtures and orientation. The application states that mining will not occur within 100 feet of the property lines, which is consistent with the Department's Mining Policy. The Mining Policy also requires that no mining occur within 200 feet of existing residences. The reclamation plan states that the proposed post-mining land use will be industrial uses, which is consistent with the current zoning district. No specific use was listed as any future use will be dependent on market conditions. The topsoil will be striped and stockpiled in the existing mine. The plan states that 4"-6" of topsoil will be redistributed at the time of reclamation to support vegetative growth. All reclaimed slopes will have a 3:1. If a pond is ultimately constructed, a 4:1 slope will be constructed from the final ground surface to a point where it intersects the water table. Due to the mining sequence contemporaneous reclamation is not possible for the site. The reclamation plan states that spruce trees may be planted at the top of the slopes and along the berm. The plan did not state the number or the size of any potential trees. The LMC may want to specify whether or not trees are to be planted and if so, the number and size. The Town of Trenton recommended approval of this request on March 12, 2013, with the justification that nonmetallic mining is already being conducted in this area. It should be noted that substantial time has passed since the Town recommendation was generated. Staff has received calls from concerned neighbors regarding noise, hours of operation and groundwater quality.

Staff Recommendation: Staff recommends the Land Management Committee consider the above and determine whether the proposed use at the proposed location would be contrary to the public interest or would be detrimental or injurious to public health, public safety or the character of the surrounding area. If found to not be contrary to the above, staff recommends the LMC grant this conditional use permit with the following conditions, as well as any additional conditions deemed appropriate by the LMC:

1. Activities shall be conducted consistent with the application unless modified by another condition of approval.
2. Applicant shall follow all recommendations and receive all necessary permits from WI DNR, Department of Safety and Professional Services, MSAH and other agencies if required.
3. 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. If they are not required, applicants shall submit verification from those agencies stating that said plans are not required.

4. A ground water response plan which details resources to be used to protect the quality of ground water beneath and adjacent to the extraction operation, and a proposed response to encountering ground water, shall be provided.
5. Prior to extraction of any material from below the water table the applicant shall present proposed plans to the LMC for review and approval.
6. Applicant agrees that any unforeseen erosion issues that arise shall be addressed to the satisfaction of the county.
7. Applicant shall pay the Nonmetallic Mining fee to the Zoning Office prior to any material extraction from the site.
8. 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.
9. Hours of operation within areas zoned General Rural Flexible (GRF) shall be limited to 6am to 7pm Monday through Friday.
10. 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.
11. Applicant shall obtain all necessary permits for structures, signs or activities not discussed in this plan from the Zoning Office.
12. A new reclamation plan detailing the entire mining area, new and existing shall be submitted within 3 months.
13. Any lighting shall comply with the Land Management Department Policy.
14. Applicant understands that any intensification or expansion of the use will require the issuance of a new Conditional Use Permit.
15. This permit shall expire in two years.

Chairperson Fetzer opened the hearing to the public. Cindy Taube, lives along County Road K, presented pictures to the committee, taken from her driveway showing what is happening across the field. This is a few feet from her mailbox to where the berm is being built. She already hears the current mine and sees the lights. Since Mr. Holst took down part of the back berm she sees and hears the railroad more. She realizes Mr. Holst owns all of that property but it used to be a real scenic field. She is opposed to expanding that mine to within feet of her mailbox. You can hear the tracks of the big machinery very clearly from her driveway. She sees the lights more from the processing equipment as well. Do we need to expand that mine? It's not going to be an economic boon for the area. It doesn't add to the quality of life or the look along County Road K. Granted that is Mr. Holst property, but she questions the need to mine the entire field. Standing on County Road K, you can feel the equipment in the trucks when they are dumping the dirt. Her first wish would be not to expand into that current one but if that is not an option, then she would really like to tighten up hours and the days because it is very visible. She is also very concerned about ground water issue. A couple years ago, she did have her well tested. Ground water is something that once we mess it up, it's tough to fix it. She is not sure of the extent of people in the area that received notice of this hearing. She knows Mrs. Evert has a lot of property in that area and she didn't receive notice. Her concern is that there is only a handful of them that the berm is sitting in their front yard. She realizes that the committee does due diligence about notifying by guidelines. Just because that piece of property can be mined, is it the right thing to do? It really significantly impacts the value of her property. Every day she walks on that County Road. The big trucks are there. You hear and see it. Her feedback is she does not want to expand it and Mr. Holst is well on his way to building that berm and knocking down the back one. Cathie Jo Van Houten, lives on the corner of County Road K, she sees the berm and hears all the noise and everything. She knows the neighbors go to bed at 7:00pm to 7:30pm at night and get up at 5:00am. If it was to start at 6:00am, that wouldn't be too bad because most of them are on their way to work. She agrees that it is a scenic valley that they chose to live in and Mr. Holst has

chosen to mine it and make it look ugly. She doesn't know if he has taken the time to look into selling the property and making a profit off of selling two acre lots like they have up the road. She has her property tax statement and her property value has gone down \$14,000.00. She doesn't know if her property taxes are going to go down or not but it has affected her personal property. Her husband's family has been on that property for more than fifty years and she was hoping her daughters would be on there for another fifty years. In fifty years, even in ten years they are not going to want to be there as well as maybe twenty neighbors. She doesn't feel that her property is going to get valued and then again if Mr. Holst feels he has to continue with it, it is his decision. But for the Town of Trenton, she doesn't think it is the best decision to go ahead with that. Her concerns are with the other field that adjoins that property. It is also his, in the future is he going to want to take that also from the corner of County Road K straight across, and want to mine this? In the past, they have had the bluff committees that have protected the bluffs in that area, the County is mining up above and it's becoming an eye sore on the bluffs themselves. She has no connection to the bluff committees that want to save the bluffs but that is the river road and no one likes driving down the river road anymore. The bicyclists come down County Road K, they choose to take K because it's off of Highway 35. It's less traveled. All these points come up to what is good for the neighbors. Cindy Wittenberg, lives on the corner below Cathy on County Road K. She is in agreement with everything that they are saying. Their property values have also dropped \$19,600.00. It is an eye sore. Her and her husband used to sit out on their deck, look out at the flowers and enjoy the front of their yard and the bluffs but it is nothing but an eye sore. She has COPD and the dust has been really bad. She doesn't think it's right that this can be done and their property has to lose its value like this. Tom Breen, can someone in the room verify that there is going to be what will become an after-the-fact open forum next Tuesday in the Town of Trenton. A forum on this subject, he saw that in the paper this last month. Pichotta stated he is aware that the Town of Trenton is considering adopting some changes to their comprehensive plan. They are also considering a blasting ordinance. They are also considering a nonmetallic mining licensing ordinance and a mining moratorium ordinance - all next Tuesday. It's a public hearing so it's a discussion at the Town Board Meeting. Sharan Wendel, lives directly across the street from this. She bought this property about four years ago and invested over a million dollars into this community in building that property there. One of the reasons she bought it was because there weren't any rules and of course if there weren't any rules for her, then there are no rules for her neighbors. She understands that. She isn't really big into telling people what they can do with private land. However, one thing that she did do is a lot of due diligence in buying that particular property. She tested the ground water carefully. She tested for radon, a lot of environmental things and it came back pristine. Of the concerns she has here, foremost is ground water because once that is in trouble it's hard to recover. She is an engineer by background. It will be great to say that they are going to fix it but those of them that are drinking that ground water may not realize there is a problem until it's a little late. So she is very concerned about ground water testing and she sees that they are proposing testing the wells within a 1000 feet. She believes her well is within the 1000 feet. When she looks at how the ground water runs, she is on the bluff going to the river. She believes all water tries to run to the Mississippi which means it's going to run right through his mining operation before it gets to her house and then the Mississippi. Her second concern is the proposed hours of operation. When she reads back, it says specifically in GRF. But within 300 feet of County Road K, you will only operate between 6:00am and 7:00pm but the mining is still 24/7 on the other side of that berm. Is that correct? That she has a concern with also. Her house is pretty far back from County Road K but even as far as it is back, she can still hear everything going on there. She can hear all the trucks and she didn't realize until one of the neighbors spoke that the trees have been removed because she hears it a lot louder than it used to be. Now she understands because there was a back berm that she wasn't aware of. Her concern for noise is not so much for her but the gentleman across the street, his house is surrounded by that berm. She isn't one to tell people what they can do with their private land but there should be some mitigation if you are going to mine it, to make sure while you are enjoying the rights of your land that you are not negatively impacting the enjoyment of surrounding lands. If you were, she has an issue of running 24/7. That is a big concern. If you do operate 24/7 then there should be some mitigation. She sees there is talk of trees, she wouldn't want to see one foot trees that will

take 40 years to get big enough to block the sound. You can do things with bigger berms, plant it so it's landscaped with trees to mitigate some of that thing but not with young trees, more mature trees. If you are testing the wells, she doesn't know if once a year is sufficient for testing the wells. If it's your drinking water, would you really want to know what's going on with your drinking water? **Public hearing closed.** Sanden asked when the material is extracted and moved off to market, do those trucks run down County Road K? Mr. William Holst stated they have never run trucks down County Road K. The only time they have ever run a truck on that road is if someone is making a delivery. Their exit is on Highway 35. They don't even have an exit to County Road K. Sanden asked if the well testing once per year is part of the DNR permit processing? Roy stated the well testing is our policy. Mr. Holst stated he would like to clarify a couple things for the people. He owns currently 280 acres there that is permitted for sand and gravel operation. It's all zoned Industrial. This berm was a condition that the Town of Trenton placed on them when they had the public hearing there. This wasn't his idea, the Town of Trenton told him to put the berm there. Chairperson Fetzer asked where the berm is, along County Road K? Mr. Holst stated he has some pictures to present. Chairperson Fetzer asked how high the berm is. Mr. Holst stated he thinks it's about seven feet but he hasn't measured it. It's pretty good size. Sanden asked if the Town condition didn't include any plantings. Mr. Holst stated they recommended some trees on top which they plan to do. Ross asked if they specified a size. Mr. Holst stated no, they did not. They didn't specify the size of the berm either but we wanted to make something that was substantial. The other thing everyone is concerned about their ground water. He is not mining below the ground water on this 22 acres, he is just removing the gravel that is dry. He is not in the ground water. He takes it over to his pit that has been there for 30 years. He has been operating there for 30 years. Sanden asked if he or staff could explain the bullet item where it says applicant will explore the possibility of mining below the water table. This decision will need to be made at a future time. Mr. Holst stated yes, and if he decides to do that they need to come back and ask that of the committee. That is not being asked for at this time. Chairperson Fetzer asked Mr. Holst if there is anything else he would like to add. Mr. Holst stated they do not run trucks on County Road K and they are not going to put up any lights on this 22 acres. All that they do is take the material, haul it to their site and screen it there. They don't even do that at night. They are permitted to do it but they don't. The only lights are on the equipment and once they get down the 40 feet, they will be 40 feet below and no one will be able to see anything plus the height of the berm. Sanden asked if it does go below the water table is that considered an expansion and would trigger another review? Roy stated it wouldn't be an expansion and condition #5 would require them to come back before the LMC before they go below. Also, we were not aware of a dust issue so it might be worth noting to put a required Fugitive Dust Plan as a condition as well. Ross asked if the bulk of the noise being heard now is a result of the berm being built. Ms Taube stated she could always hear it and see the lights on the top of the equipment before. Now with the original back hillside with the trees knocked down, it is amplified. She can honestly say she has never seen a truck on County Road K but there is a road built through it where they come over that back berm and are dumping there dirt right there. That front berm isn't going to mitigate the noise. When you took down the mature trees, that will accentuate and you will really hear the noise of the processing down below. Sanden asked Mr. Holst about the original piece that is currently being mined, is that permitted for 24 hours a day. Mr. Holst stated yes, he has been in business there for 30 years and it's grandfathered in. Sanden asked due to the mining sequence, contemporaneous reclamation is not possible at this site and the possibility of this being a 50 year project, does that mean it wouldn't be reclaimed for 50 years? Mr. Holst stated no, this 22 acres, they figured there are two million tons in there and he thinks that would be mined between five and ten years. Then that could be restored as they go. They have to get to the back because they can't keep driving over what they restore. This property is all zoned Industrial and 24 hour use is allowed in the Industrial zone. That is his understanding. Sanden asked when this was last heard by the Town of Trenton? He knows the approval was back in 2013. The berm, was that a more recent decision? Mr. Holst stated no, that was made at the same time. Sanden asked staff if there is any precedent in Pierce County for limiting hours of operation in an Industrial site specifically for mining operations or in general. Pichotta stated he can't remember a case where we have limited hours of operation in an Industrial District. The reality is that we don't have that much Industrial Zoning. Most

towns have been careful about where it is placed. In theory, you could place conditions on use but an Industrial District by definition is intended for a higher intensity uses, those types of uses that generate noise, dust and vibration as well as the potential for 24 hour operation. If you felt it was appropriate, you could limit but he cautions because that is the purpose of the district for these sorts of uses in general. When the Town had that buffer, berm, they were recognizing that. The difficulty is when you have an Industrial District next to a higher density residential development. In an ideal world, you would have a bit more buffer between them versus the proximity that we are seeing here. That makes siting things a little more of a challenge for the committee. Aubart asked if staff have a recommendation in regards to the tree planting on the berm, what would be appropriate. Pichotta stated in the past, we have required Balsam or Spruce or something that retains its needles throughout the year. We have also required larger trees versus smaller trees in cases where they are to provide a fairly instant buffer. Chairperson Fetzer stated typically 8 to 10 feet. Pichotta stated yes, in a couple cases even taller than that. Sanden stated in the past, in some cases, haven't we placed that onus on the applicant and asked them to come back with a screening plan. Pichotta stated we have done it both ways, dictated it as well as asked for a plan. Ross stated staggered trees too. Chairperson Fetzer said yes, in some cases and it actually works very well because it's a lot better barrier. Sanden stated the same could be said for a Fugitive Dust Plan, have the applicant come back with it and we keep tabs on it and if it doesn't work we can adjust it as needed. **Sanden moved to approve the conditional use permit for Nonmetallic Mining for William F. Holst III, due to the fact this is found not 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 - #15, adding #16. A screening plan for the berm shall be submitted within six months. Trees to be utilized shall consist of conifers of no less than 8 feet in height.**

17. A Fugitive Dust Plan shall be submitted to the Land Management Committee for approval. Pichotta asked if he wants those plans submitted prior to the use commencing. Sanden stated we wouldn't have to because we will be seeing this again. So he stated six months for the plan to be submitted, if that is consistent with what we have seen in the past. Pichotta stated that is consistent and it maybe that in this particular case a status report would be appropriate. Sanden added another condition.

18. A status report shall be presented to the Land Management Committee within 12 months of approval/Aubart seconded. Ross stated in any issuance of CUP's, it's important for people to understand that at any time if there are any issues, they can be brought back and reviewed. As Dr. Sanden stated we will keep this under review so it's imperative that we make that point. In one case we had a quarry come back every three months for a while until certain things were satisfied. **All in favor. Passed with Jeff Holst not voting.**

Public hearing to consider and take action on a request for a conditional use permit for Private Outdoor Recreation for Riding Lessons, Boarding and Camps, in the Primary Agriculture District, pursuant to Pierce County Code Chapter 240-39D, for Rochelle Wrisky, owner on property located in the SW ¼ of the NW ¼ of Section 29, T27N, R19W, Town of Clifton, Pierce County, WI.

Chairperson Fetzer invited Rochelle Wrisky forward:

Staff Report – Emily Lund: The applicant owns 20 acres and currently 2.7 acres are used to train horses through horseback riding lessons, boarding and day camps. They propose to expand the use with an indoor arena to enable year-round use. The property is located in Section 29, in the Town of Clifton. The property is zoned Primary Agriculture. A dwelling is not located on the property. Private outdoor recreational uses are conditionally permitted. Surrounding land uses include agriculture and woodlands. The nearest residence is 1,300 ft to the southeast at W11544 Cty Rd MM. The driveway is within an easement and extends 2,200 ft east of 1170th St to the buildings. The name of the business is "Wrisky Ranch". There are 10 – 12 horses maintained at this business. The facility is proposed to be open to customers daily between 6AM to 10PM. Riding lessons are afternoon appointments. Day camps are offered to customers Monday through Friday from 8AM to noon. There is no overnight camping for customers. An annual open house is scheduled for parents to watch their children ride the trained horses. The existing structures include 36' x 88' pole shed and two port-a-hut sheds, which one is used for horses

to take shelter and the other for storage. The applicant proposes to build a 60' x 72' riding arena east of the existing pole shed. The building location is over 100 ft to all property lines. The riding arena will require certification under the commercial building code to address issues such as snow load, wind shear and footings for the safety of occupants. Todd Dolan, All Croix Inspections will address the commercial building criteria. The Public Health Dept licenses such facilities and verifies the drinking water supply is safe. Portable satellite waste containers will be provided (1 per 50 people) and maintained for patrons. Applicant hired Darrel's Septic from River Falls to maintain the portable satellite. Equipment to be used includes a skid steer, tractors, truck and trailer. Solid waste/trash disposal service is provided by Paul's Industrial Garage (PIG). Applicants have 1 employee to assist with instructing clients to train horses. Applicants have liability insurance through Allied Insurance through Croix Insurance, Prescott, WI. Applicants have an on-premise sign incorporated into their landscaping, pictured in the staff report. Off-premise directional signs can be obtained from the Highway Dept or the WI Dept of Transportation depending on the location. Off-street parking per Pierce County Zoning Code Ch 240-54(A) for commercial recreation requires 1 space per 4 patrons. The area allows for at least 25 parking spots. The Clifton Town Board approved this request on 8-5-2014 stating that the public facility is consistent with their comprehensive land use plan.

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

1. Applicant shall also comply with all relevant local and state ordinances and regulations and secure all necessary permits and licenses (e.g. Department of Safety & Professional Services; Department of Public Health).
2. The riding arena shall be commercially rated, approved by DSPS and a copy of the approval submitted to the Department prior to construction.
3. Adequate portable satellite waste stations (1 per 50 people) shall be provided and maintained.
4. Solid waste dumpsters or waste containers shall be located on-site and maintained.
5. The total number of horses maintained on the property is limited to 20 based on the acreage unless adjacent acreage is leased or purchased for additional pasture.
6. Hours of operation shall be 6AM to 10PM, or as otherwise established by LMC.
7. Any advertising signs shall comply with the zoning code standards and any necessary permits shall be secured prior to sign installation on or off property.
8. A copy of liability insurance and any changes to the insurance shall be submitted to the Land Management Department.
9. The CUP shall be renewed every 2 years. Renewal may be completed administratively if no compliance issues arise.
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.

Chairperson Fetzer opened the hearing to the public. No public comment. **Public hearing closed.** Sanden asked what the anticipated maximum patrons are at one time? Ms Wrisky stated the maximum would be the yearly showcase in the fall and would be around 50, the top so far has been around 30 with parents and grandparents. **Holst moved to approve the conditional use permit for a Private Outdoor Recreational for Riding Lessons, Boarding and Camps for Rochelle Wrisky with conditions #1 - #10, due to the fact this is not contrary to the public interest, nor detrimental or injurious to public health, public safety or the character of the surrounding area/Ross seconded. All in favor. Passed.**

Discuss take action on a status report and potential modification of the conditional use permit for a Retreat Center 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. Chairperson Fetzer invited Melissa Deyo and Donald Dufek forward:

Staff Report – Emily Lund: The owners purchased the property on 4-17-12 and received CUP approval on 5-2-12 to change the use of the agriculture barn to a retreat center for country-style weddings and receptions. Many neighbors were in opposition of the change in use, so a status review was conditioned part of the approval. The preparation for the use has taken longer to complete because a few expensive projects were not anticipated. The Town Building Inspector, Todd Dolan reported that on 7-31-2012, the applicants received commercial plan approval from DSPS for a dance hall that was seasonal, unheated and without water sprinklers. As originally proposed, they added a new deck with stairs to the east of the barn and a handicapped accessible ramp to the west. New wiring was added and an air test was completed by the inspector. A mop closet, water fountain and two bathrooms were added within the upper level of the barn, as required by the Uniform Commercial Code (UCC). On 6-4-2012, the Department issued a state sanitary permit to replace the septic system to the residence. On 8-28-2012, the Department issued a state sanitary permit for the retreat center’s septic system. The Department inspected both mound system installations on 10-4-2012. On 9-4-2013, a landscaping plan was presented to screen the parking area from County Road N. The LM C approved CUP modifications with conditions 6-9. The property is located in Section 33, Town of Martell. The property is zoned Primary Agriculture. The property is on County Road N and is 40 acres. The owners have had personal parties at this property, but no commercial weddings have taken place at this time. The bathroom stall dividers need to be added before UCC final inspection. Applicants constructed stairs to the wedding barn and they need to be modified so they are 48 inches wide. The landscaping screening has not been planted on the property per condition 7. Conditions stating, “Closing time to be 9:00pm; No parking on Town or County Roads; and No fireworks allowed,” were inadvertently removed during the last modification to the CUP. Staff believes they should be added. The original permit stated, “Closing time to be 9PM.” Clients are concerned about the early time, Ms Lund stated she doesn’t believe they are getting bookings because of the early time, and they are requesting to modify this condition and to set closing time to be 10PM.

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 additions or modifications are deemed necessary, staff recommends this CUP be renewed with the following conditions (modifications are in bold):

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. Department of Safety & Professional Services (DSPS), Department of Health & Family Services, etc.).
3. Maximum occupancy shall be limited to 150 people, 3 events per week and 1 event per day on Friday, Saturday and Sunday.
4. The maximum capacity of 150 persons will require 50 available parking spaces, with a minimum of one space for handicapped parking.
5. 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.
6. Applicants shall work with Todd Dolan, Martell Building Inspector, to secure final approval from DSPS prior to holding any events.
7. Applicants shall establish 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.
8. A status report shall be made to the Land Management Committee in one year.
9. This conditional use permit shall be renewed every 2 years. Permit may be renewed administratively if no compliance issues arise.
10. **Closing time to be ____ PM.**
11. **No parking on Town or County Roads.**
12. **No fireworks allowed.**

Aubart asked about condition #3, we are saying six events per week with three during the week and one on Friday, Saturday and Sunday? Ms Deyo stated no, just three per week, one on Friday, one on Saturday and one on Sunday. Aubart stated it says three events per week AND one on Friday, Saturday and Sunday. Pichotta stated it isn't artfully worded. Aubart stated the way he reads it, it would be six. Ross stated if you drop the word "and". Sanden asked if the Town of Martell has spoken to staff regarding their feeling on the closing time. Lund stated she hasn't spoken to them recently. The last time she spoke to Eric, he stated there is no one complaining to him. Holst stated we can try the 10PM, he doesn't see this getting out of control. These people have done what we have asked of them. They have done as much as they can and been true to their word. Aubart stated he was thinking 11PM, but on some other things we have had a decibel level. Holst stated 85 decibels at the property line. Aubart asked what the closest residence is. Ms Deyo stated she thinks it's about a quarter mile. Mr. Dufek stated that is where they put the spruce trees. Aubart stated realistically, when you are looking at weddings, that is why he asked if the events are during the week and the weekend, if you are looking at Friday, Saturday and maybe a Sunday you might want it modified earlier. He doesn't think 11PM is unreasonable for those kinds of events. Not that people have to stay that long either. Ross stated there is a lot of competition out there where people can go. Ms Deyo stated she has given a lot of tours and spoken to a lot of people and as soon as she mentions it's a 9PM end time they are hesitant. She stated they had their wedding there and the neighbors didn't even know they had a live band playing. Aubart stated we could do it for 11PM with an 85 decibel reading. Roy stated the way he remembers the decibel reading is it is 80 decibels at the source of the sound and then that ended up being about 50 decibels at the property line. Holst stated you couldn't even talk at the property line. Roy stated he believes normal conversation is 50 – 55 decibels. The way we placed it at Vino in the Valley, for the source of the sound it couldn't go above 80 decibels. Ross stated just leave it out and we could deal with that later. **Aubart moved to approve the status report as presented and modifications to the conditional use permit for a Retreat Center for Melissa Deyo and Donald Dufek with conditions #1 - #12, adding 11PM to condition #10/Sanden added an amendment to condition #3, taking the word "and" out/Ross seconded.** Chairperson Fetzer asked if we need condition #7, Pichotta stated if it's done it could be struck. **All in favor. Passed.**

Discuss take action on update to Pierce County Land Records Modernization Plan. Pichotta reports: Pierce County's Land Information Council recently met to discuss proposed updates to the Land Record Modernization Plan and to review proposed expenditures from the Land Records Modernization Fund and the WLIP grant program. Minor changes were proposed to be made to the plan to reflect progress made since the last update and to establish the need and timeframe for acquisition of new ortho photos and LiDAR. Proposed changes are shown in *bold italics*. Proposed changes to the plan were approved as written by the Council. Also at the meeting, representatives from Pictometry and Ayres Associates each presented proposals for acquiring LiDAR for Pierce County. Each proposal was of a similar cost, but Pictometry's proposal included a 3 year license for their proprietary software that provides a user friendly tool for utilizing the new ortho photos and LiDAR data. The Council unanimously recommended Pictometry's proposal due to the similarity in cost and the additional software component. Andy asked Kevin Etherton, our new GIS Specialist, to attend tonight's meeting to be introduced and to give him an opportunity to present the proposed changes to the Land Records Modernization Plan as he is largely responsible for its implementation. Etherton explained he came from a company called Lawrence Group, which he was with for seventeen years, and they changed their name to NCompass and then changed the name again to GuideK12. He explained that currently all tie sheets have been scanned and indexed and should be available on the County's website by early 2015. They are working with ProWest to get that information on the website and he will be doing some of that in-house as well to save some costs. Etherton went over each of the changes to the plan, noting that new Orthophotography will be acquired in 2015/16. He discussed free GIS data being available on the website, pursuing making GIS data layers available on the PWA web mapping site for download, stating most counties are now doing that. Sanden agreed with him, stating Dakota County used to make you pay for their mapping services and now they have gone to a fee structure where it's all free. Etherton stated it

would save him time, gathering data for requests but stated he thinks we should charge for additional services that require his time. Sanden stated customized mapping. Etherton stated yes. Sanden asked if Pictometry sold them on the Oblique imagery. He thinks Oblique photography is an over kill in Pierce County. If we get built up to a larger extent then maybe Oblique would make sense. Etherton stated he thinks Emergency Services would benefit as well as Zoning. Pichotta stated the cost differential between acquiring LiDar and six inch pixel ortho photos and the cost of getting obliques is the same price. Sanden asked if you got ortho photos and obliques would you have to pay double? Pichotta stated they come together. Holst stated you get twice the product for the same money where as if you get the orthos, the other outfit would charge us over and above the ortho cost for some of the other things. Pichotta stated it's actually cheaper to get the more deluxe package. Holst stated it looked like even he could run the software. **Sanden moved to approve the proposed updates to the Land Records Modernization Plan as presented/Ross seconded. All in favor. Passed.**

Discuss take action on proposed 2015 Land Management Budget. Pichotta reported: The proposed 2015 Budget is 2.8% below what was approved for last year. Holst stated he noticed that the Planning Budget took a jump and the Zoning Budget went down. Pichotta explained that with the restructure of the personnel; Zoning Budget for this year consisted of Zoning Administrator, Asst Zoning Administrator, Code Compliance Officer, a full-time secretarial staff and a part-time secretarial staff and now the two secretarial positions are part of the Planner Budget. Aubart stated that would reflect in the Health Insurance. Pichotta stated yes. County Planner Budget; Salaries went up because two positions were added to it. Health Insurance went up 80%, we have no control over these costs. There is no change to Operational Costs. Total change in the Planning Budget is 49.9%. The Zoning Budget; the Salaries went down almost 30% and Health Insurance by a similar amount. He did make a few changes in the operating side of things; Other Professional Services has been eliminated. He did increase in the Telephone line item because we have regularly exceeded what was budgeted. He increased the Training and Conferences line item slightly. This was a slight overall reduction in operating costs of the Zoning Budget. Note that under New Equipment, he is proposing to purchase a new vehicle. We have a 98 Jeep Cherokee, which has several issues, a 2000 Ford F150 and a 2002 Chevy Silverado all of which are starting to show their age and have some issues. Given that we didn't fill some personnel positions this year, we will be returning about \$94,000.00 to the General Fund. So that might make possible, if the committee was so inclined, we could pursue the unbudgeted expenditure yet this year, utilizing those dollars as that would not have an impact on future budgets. Chairperson Fetzer stated you are looking for a second vehicle. Pichotta stated he should note also that the Sheriff's Department has available a 2009 Ford Expedition that has 139,000 miles, high on miles but is in good shape. The Sheriff stated she will sell that to us for \$8,000.00. Aubart asked if Andy has ever looked into leasing vehicles? Pichotta stated no. Aubart stated Jason has looked into Enterprise Fleet Vehicles. He knows St. Croix County that is what they are doing on all their vehicles now. They turn them over every two to three years. He doesn't know if that is an option. But Jason (in the Sheriff's Department) has done quite a bit of work on that. Holst stated you have a new set of tires every year, oil changes. Aubart stated all the maintenance is included. Ross stated you can modify the vehicles. Aubart stated you can put radios in them. He stated he doesn't know how the numbers work but it may be something you want to check into. Holst stated it would get away from running them into the ground. Chairperson Fetzer stated it would be easy to budget every year. Pichotta stated it would be a fixed monthly payment. He stated he is willing to look into that. Holst asked wasn't it cheaper for the Sheriff's Department? He stated they are used to getting new used vehicles all the time. Aubart stated it was pretty close but you don't have to worry about other issues and if you end up with a problem car, it goes back. Holst stated we would have time to modify this between now and the actual budget, even though we accept the budget tonight we would have the process to go forward for F&P and Full Board time. Aubart stated he was thinking of timeframes and other dollars. Maybe get one this year and another next year to stagger them out. Pichotta stated the next budget is the County Surveyor, as you recall we eliminated the Surveyor Tech position and that is now a one-man division. Salary will go down about 39% and no changes are proposed in the operating side of things. County Planner – GIS, this is also

a one-man division within the department. Personnel has gone up largely due to the previous employee didn't have health insurance and Kevin does, a little increase despite the fact that his salary is a little less. No changes in the operating side of things. Land Information Grant and Land Records Modernization Fund, for budgetary purposes, we are viewing these as the same because they are both used to further the contents of the Land Records Modernization Plan. When someone records a deed in the Register of Deeds Office, \$8.00 goes into a fund which is the Land Records Modernization Fund which is the lower budget on your spreadsheet. What they did with the budget bill last year is increased the amount that each county was guaranteed under this program so it's \$100,000.00 minus whatever you take in and the State will make up the difference. We took in \$51,000.00 in a twelve month period they will give us for 2015, \$49,152.00. Basically, we have \$100,000.00 a year guaranteed whether we retain it or get it from what is submitted to the State by other Counties. The proposed expenditures out of that fund, for the last couple years we have not spent everything that we have taken in, the goal in not spending that was to build up a base to enable us to acquire LiDAR. We have a little room in there so we are proposing expenditures that total \$140,000.00 potentially. We will probably spend somewhat less than that because there are a number of line items that are included that we don't know if we will be getting - that flatbed scanner for the Register of Deeds Office or the receipt printer are examples. This is the third time that has been included in the yearly budget, we are waiting for those to die, then we will replace them but we need to include them because if they are not identified as an expense then we couldn't use those dollars for that. Pichotta went over the potential figures for the Grant and Land Records Fund. It's going to be about \$140,000 maybe a bit less. Once we have acquired LiDAR, the rest of the expenditures should be much smaller than those large outlays. Next is the Park Development Budget. Andy isn't proposing any expenditures but it's almost certain that Parks will be. The last expenditure budget is WI Fund that is a budget that assists folks who meet certain requirements in replacing their sanitary systems. The Revenue budget demonstrates the fees for the last couple of years and what we are anticipating for the next year. The one thing that was a bit surprising was in 2012 we had \$136,000.00 in fees associated with land use permits and last year we only had about \$60,000.00. We did issue quite a few permits but they weren't for things that generate a lot of money. They weren't for new houses, they were for sheds and decks and those sorts of things. He thought he was being conservative in his estimate for 2014 given what we had seen in 2012 but for 2015, he is estimating \$65,000.00 for zoning permits. Everything else is relatively unsurprising. Capital improvements, as you know, he has been bumping out vehicles for the past ten years. It's probably time to replace something. What he is proposing for 2015, 2016 and 2017 is replacing vehicles but if we can do something creative with leasing a vehicle he is all for it. The 3-Year Budget and Staffing Summary, as noted we are down to 8.5 full-time equivalents, he does not see that changing for the foreseeable future and does not see our operating budget changing much although a lease payment would change the operating budget somewhat. Capital improvements might change too. Sanden stated he thinks it represents a good balance and your estimates are right on track even with an increase in health insurance, you were still able to come in 2% below budget. He commends him. **Sanden moved to approve the 2015 Land Management Budget as presented/Ross seconded. All in favor. Passed.** Aubart asked if we would be able to do a modification on the 17th when we meet again. Pichotta stated he thinks we are beyond the timeframe because he has to meet with Administration tomorrow regarding the budget.

Discuss take action on Travel/Training Requests. Pichotta stated there are two travel/training requests one is for Emily to attend the WCZA District meeting on September 11th in Rice Lake. There will be no overnight requirements. The other is for Kevin to attend the GIS/LIS Conference in Rochester, MN October 2nd & 3rd. The cost is \$265.00 and would require a one night stay so a total cost of about \$367.00 which we have in the budget. **Ross moved to approve the travel/training requests for Emily Lund and Kevin Etherton/Aubart seconded. All in favor. Passed.**

Departmental Update and Future Agenda Items

Pichotta stated for the 17th we have three items, discuss take action on a screening plan for a conditional use permit to operate a campground for John Grabrick in the Town of Isabelle.

Discuss take action on County Recreation Goals and Actions for the Pierce County Outdoor Recreation Plan which we are updating this year.

Some potential amendments to the zoning ordinance regarding minor structures; periodically when we see things in the code that we think need tweaking, we will bring some of those forward. One of those is to suggest that a 10ft x 10ft Menards shed as a minor structure and not require a land use permit for it. Some other Counties do that.

Motion to adjourn at 7:42pm by Holst/Ross seconded. All in favor. Motion carried. Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING REVISED AGENDA
Wednesday, September 3, 2014 – 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: September 17 th , October 1 st & 15 th , all in 2014.	Chair
3	Approve minutes of the August 6th & August 27th, 2014 Land Management Committee meetings.	Chair
4	Public hearing to consider and take action on a request for a conditional use permit for Nonmetallic Mining in the Industrial District, pursuant to Pierce County Code Chapter 240-37A, and Reclamation Plan, pursuant to Pierce County Code Chapter 241-15A(2)(a) , 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
5	Public hearing to consider and take action on a request for a conditional use permit for Private Outdoor Recreation for Riding Lessons, Boarding and Camps, in the Primary Agriculture District, pursuant to Pierce County Code Chapter 240-39D, for Rochelle Wrisky, owner on property located in the SW ¼ of the NW ¼ of Section 29, T27N, R19W, Town of Clifton, Pierce County, WI.	Lund
6	Discuss take action on a status report and potential modification of a conditional use permit for a Retreat Center 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, Town of Martell, Pierce County, WI.	Lund
7	Discuss take action on update to Pierce County Land Records Modernization Plan.	Pichotta
8	Discuss take action on proposed 2015 Land Management Budget.	Pichotta
9	Discuss take action on Travel/Training Requests	Pichotta
10	Future agenda items.	Pichotta
11	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.

(8/22/14)

- **Revised August 25, 2014 @3:13pm.**
- **Revised August 27, 2014 @4:25pm.**

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



MINUTES - Pierce County Land Management Committee Meeting, August 27, 2014

Present: Jeff Holst, Pierce County Board Chair

Jon Aubart, Pierce County Supervisor

Dan Reis, Pierce County Supervisor

Bill Schroeder, Pierce County Supervisor

Jim Ross, Pierce County Supervisor

Jim Nordgren, Council President, City of River Falls

Dave Hovel, Mayor, City of Prescott

Gerry DeWolfe, Village President, Village of Ellsworth

Paul Schwebach, Executive Director, Pierce County Economic Development Corporation

Jo Ann Miller, Administrative Coordinator

Andy Pichotta, Director of Land Management

Peggy Nelson, Clerk, Village of Ellsworth

Cindy Polzin, Senior Director of Legislative and Local Affairs, Governor's Office

Chairperson Holst called the meeting to order at 8:30am in the Pierce County Boardroom, Ellsworth, WI.

Committee members participated in a dialogue on issues of interest in Pierce County with Cindy Polzin, Senior Director of Legislative and Local Affairs from the Governor's Office. For informational purposes only, no action taken.

Motion to adjourn at 10:51am by Jim Ross/Jon Aubart seconded. All in favor. Motion carried.

Respectfully submitted by J. Miller

PIERCE COUNTY WISCONSIN

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MINUTES - Pierce County Land Management Committee Meeting, August 6, 2014

Present: Jon Aubart, Joe Fetzer, Jeff Holst, Jim Ross and Eric Sanden

Others: Andy Pichotta, Brad Roy and Shari Hartung

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

Next meeting dates: August 20th, September 3rd & 17th, all in 2014.

Approve Minutes: **Ross moved to approve the July 16, 2014 Land Management Committee minutes/Aubart seconded. All in favor. Passed.**

Discuss take action on a status report for Belle Vinez Winery for Shannon and Angel Zimmerman, owners on property located in part of the SW ¼ of the NW ¼ and part of the SE ¼ of the SW ¼, all in Section 3, T27N, R19W, Town of Clifton, Pierce County, WI. Chairperson Fetzer invited Angel and Joshua Zimmerman forward: Josh Zimmerman stated he will go through the staff report and hit on the activities they have completed to date and some of the upcoming items that are still on the agenda. August of 2013, the CUP was granted. In January 2014 the site plan was approved. They came up with their food and wine subordination plan and also their wine making equipment plan in March 2014. In April they cleared their TTB approvals with the Federal Government. Chairperson Fetzer asked what TTB is. Ms. Zimmerman stated Tax, Tobacco and Trade. Mr. Zimmerman stated that will allow them to be a winery and produce alcohol. June 2014, they received their Wisconsin Winery Permit which allows them to act as a winery in Wisconsin. In July of 2014 the sanitary permit was approved and also received their Clifton Class B Liquor License and their Wisconsin Wastewater Treatment Plan was approved by the State for the winery and lounge and they also received their building permit. To date they are still under construction, a little bit of delays with the weather and waiting on other permits so construction started about two weeks ago with the earth work happening a bit before, but under way now. They are expecting to complete, hopefully, in November 2014. That pushes their grand opening out until May of next year. They don't anticipate having any time this year to open the building up. Some of their upcoming activities that they still need to take care of are their DNR Waste Stream Management Plan. This would be the plan they work with the DNR on for wine waste, etc. Shannon and Josh met with Pete Skorseth last week and developed a plan. They have a verbal agreement and now it's down to the contractors to draw up a formal plan to have agreed upon and signed off by the DNR. Once that happens they will deliver it to the Department of Land Management and this committee. Some other items; fencing around Shannon and Angel's pool. Through January into April and some this fall as well, they will be obtaining their on-site reviews and licenses through the Health Department. They need to obtain a food processing license before they can actually make wine. That application has been submitted this week, anticipating by the fall to have their DNR plan, food processing license where they can begin wine production this fall. Still on track following all the conditions but unfortunately, will not be able to open this year.

Staff Report – Brad Roy: The applicant received a Conditional Use Permit (CUP) to establish "Belle Vinez", a vineyard and winery with incidental food service in August 2013. The applicants also reside on

the 20 acre parcel. The operation is intended to build interest and demand for Belle Vinez brand wine, which is to be produced onsite. Off-sale wine along with various craft and wine related products are also proposed to be sold. The Land Management Committee approved the site plan of the operation on January 15, 2014 as well as a food and wine plan, detailing how the food operations will be incidental and subordinate to winery operations, on March 5, 2014. As stated, construction of the facility just recently started. The original plan was for the construction to begin this spring and for the facilities to be open to the public by July, 2014. The construction and operation timeline was modified due to delays in obtaining necessary permits as well as the weather. The first batch of wine is to be produced this fall. The new proposed opening date will be May 2015. This permit will expire in August 2015, renewal can be granted by the Land Management Committee. As with all CUPs, if unanticipated issues or concerns arise, the permit can be placed on a Land Management Committee agenda for review and potential modification at any time. Applicants went through the activities to date and the upcoming schedule. The existing conditions are also listed #1 - #26 in the staff report.

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

There are also some letters that the Department received. They are in the committees folders. Chairperson Fetzer asked if they plan on selling just the wine that they produce there, is that correct? Mr. Zimmerman stated yes. Chairperson Fetzer asked, no other? Mr. Zimmerman stated no, they do have intentions of importing grape juice to blend with theirs. Yes, all the wine still will be produced on site. Sanden asked if they anticipate producing at least 5,000 gallons this first year? Mr. Zimmerman stated yes. They are targeting 6,000 gallons for the upcoming year with the anticipation of moving to 9,000 gallons in years to follow based on conversations with other local wineries and the demand they have. Sanden asked if he could characterize the progress of the waste stream management plan. Have there been any problems or issues with that process. Mr. Zimmerman stated no problems. The plan they have laid out thus far is for the production shed; adding a separate holding tank there. A non-domestic holding tank, which they will get a septic service agreement and have that pumped out, as well as the solid waste plan with the DNR, at harvest time to bring in a dumpster, which they say is a very common practice, to throw the grape skins, stems all in there and have that hauled off. Sanden asked if that will be completed before May of 2015? Mr. Zimmerman stated yes. We are hoping in the next month or two because they cannot produce wine until that is taken care of and they want to be producing this fall. They are anticipating that in the next month, two months tops. Sanden asked staff, as far as the addition of the viewing room, is that something we need to address? Pichotta stated basically the site plan review which was conducted earlier this year looks at the relationship between the facility and adjoining uses and tries to assure that it is made compatible to the greatest degree possible. We don't typically look at exactly the rooms and how it is configured. It has more to do with the use. It's typically not the level of detail that is gotten into by this committee as far as site plan review goes. Sanden asked if the viewing room isn't anticipated to change the footprint of the building as originally presented. Mr. Zimmerman stated originally they had tables there for guests and they removed some of that size. There will be less guests but there will be a tank or two in there where people can look in there and see the wine making process on a much smaller scale. Sanden stated the short time that he has been on this committee, they have been pretty diligent about trying to help entrepreneurs fit in with their neighborhood. We are not shy about putting on conditions. So far everything that has come before him has been on the up and up. He hopes that relationship continues so we can make sure this is going to fit in nicely with your community. Holst stated as the County, you and your father have been a good to work with. You have kept your word with us. Twenty-six conditions tell him that you will continue to keep your word with us. And hopefully give some satisfaction to your neighbors. In a perfect world we wouldn't need any, today's world we need some.

Holst moved to accept the status report for Belle Vinez Winery for Shannon and Angel Zimmerman, as presented/Sanden seconded. All in favor. Passed.

Discuss take action on a status report, potential renewal and modification of the conditional use permit for a Heavy Industrial Use (Sand Processing Facility) for Muskie Proppant LLC, owner on property located in the South half of Section 7, T25N, R15W, Town of Union, Pierce County, WI. Chairperson Fetzer invited Tim Stauffer, Kenny King and Kevin Accola forward:

Staff Report – Brad Roy: This facility was permitted in 2011 and began full operation in 2012. The facility was originally processing sand from a mining operation located in Pepin County. The operation now also processes sand acquired from a mine in Dunn County. Muskie recently processed sand acquired from a Wieser Concrete owned mine in the Town of Salem as part of a test to determine the quality of that sand and plans to acquire more sand from that site. Sand is trucked to the site, off-loaded, conveyed to a raw sand stockpile, then dried and processed for sale. The facility also has byproduct storage stockpiles, storm water ponds, a high capacity well, process water treatment facilities and elevators for the storage silos. The final product is primarily trucked to St. Paul or Chippewa Falls to be loaded on rail but is also loaded for over-the-road shipping to North Dakota and Montana. The applicants originally planned to return the waste sand (including byproduct) to the Pepin mine to be used in reclamation. This was apparently not clearly stated in the Reclamation Plan approved by Pepin County. Pepin County has not allowed the applicant to return the waste sand at this time. Waste sand continues to be trucked to another mining site in the Town of Trenton to be used for reclamation. The hours of operation are generally five days per week 12 hours per day 6:00am to 6:00pm for the quad axle trucks; semi-trucks hauling are spread out over 20 hours per day. The applicant indicated intent to expand hours of operation to 24 hours per day, seven days per week when volume dictates. Industrial uses within the Industrial District typically have not had hour restrictions due to the purpose and intent of the district. A Fugitive Dust Plan has been submitted. The plan details potential sources, control measures and daily record keeping. Staff had received multiple complaints regarding dust in the facility's first year of operation. Since the last renewal, no complaints have been received. Muskie, along with WISC, will be involved in an upcoming discussion with the LMC regarding Frac sand and the potential need for air monitoring at mining and processing sites. There have been no changes to the storage of byproduct since the last renewal. Waste sand is currently being trucked to Trenton for reclamation purposes. There have been no complaints about engine braking since Condition 6 was added. The applicant has indicated that they are continuing to pursue additional product sources which may result in new travel routes. Staff has contacted the Town of Union Chairman regarding this renewal request; the Town did not have any concerns at this time. The existing conditions are listed #1 - #14 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 and determine if any modifications are necessary. The following conditions are recommended #1 - #13; the only change being removing #14 of the status report every 120 days. Condition #13 remains unchanged that the permit is good for one year, so they will be back again next year. Pichotta stated we added the potential to renew this particular permit at this time. 120 days status report but the renewal would have been next month so rather than have them come back in a month, we wanted to create the opportunity for the committee to actually renew the CUP for them. Aubart asked about the waste sand and how long can you continue to take it to Trenton or is there any conversation about returning it to Pepin County? Mr. King stated conversations continue but they are not getting anywhere. As far as Trenton, reclamation on that property, there are a lot of years they can haul there. Holst stated it took about four years to dig that hole and it will take about 80 to fill it. Aubart stated the other question is that he knows they are hauling a lot to Montana and North Dakota at this time, but trucks lining up along Highway 10, has that been an issue. Mr. King stated they stay on top of it, the trucks pull up and they park on the highway and employees go out and get them off the road right away. Chairperson Fetzer stated from what he sees, and he lives in the area, they are doing a nice job, cleaned up things well, compared to some early issues and everything is going well. He appreciates it and they seem to be good neighbors. Mr. Accola stated they did just receive notice that they have been accepted into the DNR's Green Tier Program. So they are expected, through that program, to maintain compliance with all of their permits and go above and beyond some of the regulations.

Aubart moved to accept the status report and renew the conditional use permit for Mining, Heavy Industrial Use (Sand Processing Facility) for Muskie Proppant LLC, with conditions #1 - #13/Ross seconded. All in favor. Passed

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

Departmental Update and Future Agenda Items

Pichotta stated there is nothing on the agenda for August 20th. He wanted to make the committee aware that Jim Kleinhans has retired and Brad Roy has been hired to replace him.

Motion to adjourn at 6:22pm by Holst/Ross seconded. All in favor. Motion carried. Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING REVISED AGENDA
Wednesday, August 6, 2014 – 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 20 th , September 3 rd & 17 th , all in 2014.	Chair
3	Approve minutes of the July 16, 2014 Land Management Committee meeting.	Chair
4	Discuss take action on a status report for Bellevinez Winery for Shannon and Angel Zimmerman on property located in part of the SW ¼ of the NW ¼ and part of the SE ¼ of the SW ¼, all in Section 3, T27N, R19W, Town of Clifton, Pierce County, WI.	Roy
5	Discuss take action on a status report, potential renewal and modification of the conditional use permit for a Heavy Industrial Use (Sand Processing Facility) for Muskie Proppant LLC, owner on property located in the South half of Section 7, T25N, R15W, Town of Union, Pierce County, WI.	Roy
6	Discuss take action on Travel/Training Requests	Pichotta
7	Future agenda items.	Pichotta
8	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.

(7/25/14)

- **Revised 7-29-14 at 12:26pm.**

PIERCE COUNTY WISCONSIN
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MINUTES - Pierce County Land Management Committee Meeting, July 16, 2014

Present: Jon Aubart, Joe Fetzer, Jeff Holst, Jim Ross and Eric Sanden

Others: Andy Pichotta, Emily Lund and Shari Hartung

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

Next meeting dates: August 6th & 20th, September 3rd & 17th, all in 2014.

Approve Minutes: **Aubart moved to approve the June 18, 2014 Land Management Committee minutes/Ross seconded. All in favor. Motion passed with Jeff Holst abstaining because of absence at the last meeting.**

Public hearing to consider and take action on a request for a Map Amendment (Rezone) from General Rural Flexible 8 to Light Industrial for Lot 5, Certified Survey Map (CSM) V13, P148 and Light Industrial to General Rural Flexible 8 District for Lot 6, Certified Survey Map (CSM) V13, P148 for Daniel and Janice Keller, owners on property located in part of the W ½ of the SE ¼ of Section 3, T26N, R19W, Town of Oak Grove, Pierce County, WI. Chairperson Fetzer invited Daniel & Damian Keller and Larry Murphy forward: Mr. Murphy explained he is here with Toby and Damian Keller. He stated they own Hi-Fold Doors which is located on the subject property and the Keller's are doing some estate planning. Toby currently lives in the house next to the business which is currently on Light Industrial Zoning. If you look at the existing business, part of the building ended up on General Rural Flexible Zoning. At some point they may be selling off the residential house. They are looking at the future of the business and what Toby might do with it with the rest of the family. We went to the Township to get the CSM approved and there are a lot of concerns about the boundary lines so we are going ahead with the zoning process.

Staff Report – Emily Lund: The property is located in Section 3, Town of Oak Grove. The owners had the house and business (Hi-Fold Doors) on Lot 1. The zoning map shows the old lot in gray. The pink lines are the new lot lines. If the zoning map stays the same then the house becomes a nonconforming use and a conditional use permit would be required for any future expansions. The purpose of the rezone would make the zoning map fit with conforming uses. Existing land uses are light industrial, agricultural, residential and forest. Adjacent land uses are agriculture, residential and forested. Adjacent zoning district is General Rural Flexible 8. The list of Pierce County Zoning Code, Purpose and Intent of the zoning districts involved with this rezone is in the staff report. The Town of Oak Grove have their signed form from the Town Chair. The Oak Grove Town Board recommended approval of this rezone request on June 16, 2014, stating “The proposed rezone was a request of the Town Board due to a recent subdivision of the two parcels. If not for the rezoning of the property, the parcels would each be part light industrial, part GRF-8. The rezoning is consistent with Chapter 7, Goal 1, of Oak Grove’s comprehensive plan which supports economic activity that does not detract from the rural way of life. It is also consistent with Chapter 9, Goal 1, Objective 1, which addresses land use conflicts. As it is, the zoning is not accurate and clarifying the inconsistencies will benefit the future users and neighbors of these properties.” 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. Pierce County Land Conservation Department has indicated that the land is not in the Farmland Preservation Program. Soil information is provided in the staff report.

Staff Recommendation: Given that the Town of Oak Grove has recommended approval of this rezone request and has indicated that the rezone is consistent with the goals and objectives of the Town's Comprehensive Plan; staff recommends the LMC approve the request and forward a recommendation to the County Board of Supervisors.

Chairperson Fetzer opened the hearing to the public. No public comment. **Public hearing closed.**
Holst moved to approve the Map Amendment (Rezone) request for Lot 5 & 6 for Daniel and Janice Keller and forward a recommendation to the Pierce County Board of Supervisors/Ross seconded.
All in favor. Passed.

Discuss take action on a request to amend a conditional use permit for an accessory residence in the Agriculture Residential District for Corrine Young, owner on property located in the NE ¼ of the SW ¼ of Section 20, T24N, R15W, Town of Maiden Rock, Pierce County, WI. Chairperson Fetzer invited Ms Young forward: Staff Report – Emily Lund: Ms Lund explained the applicant is requesting an amendment to the conditional use permit for an accessory residence. The applicant obtained a CUP authorizing an accessory residence on 11-5-2008. She complied with the conditions by obtaining a separate address sign and a land use permit. The applicant received approval for CUP renewal on 11-18-2009 because the construction of the apartment above the garage was not complete, the Town Building Inspector needed to complete the final inspection of the structure to ensure it met the Uniform Dwelling Code, and the use was not established within 12 months of CUP issuance. On 7-29-2009, the applicant obtained a land use permit for a home business to also be located above the garage. The use is for an art and science learning center for adults and children. A sign was also permitted for "Running Dog Ranch." Today the applicant is proposing to amend the CUP and transfer the accessory residence use from the room above the garage to a park model manufactured home. The property is located in Section 20, in the Town of Maiden Rock. The property is zoned Agriculture Residential. The applicant owns 28 acres with a house, two barns, a coop, a shed, two storage buildings, a detached garage with a room (currently permitted accessory residence) upstairs and a new, unpermitted 320 sq ft park model manufactured home and proposed deck. Pierce County Code §240-40A allows accessory residences which are accessory to single family homes in the Agriculture Residential District with the issuance of a CUP. There are two definitions from the code listed in the staff report regarding Accessory Residences and Accessory Buildings for your information. The Maiden Rock Town Board recommended approval of the original request on 9-16-2008. The applicant will be required to hire a Wisconsin Licensed Plumber to obtain a reconnection sanitary permit and connect the park model to the existing mound system. The water and electrical have been connected. A portable holding tank for the park model is currently being used. A Land Use Permit for the park model manufactured home will need to be obtained. The mobile home must be newer than 1976 and the structure must be a minimum of 14 feet wide. No renewal is needed for this request.

Staff Recommendation: Staff recommends the Land Management Committee determine whether or not the proposed amendment to this conditional use permit 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 the amendment of this conditional use permit for an accessory residence with the following conditions:

1. The applicant shall hire a Wisconsin Licensed Plumber to obtain a County Sanitary Permit and connect the park model to the existing mound system.
2. The applicant shall obtain a Pierce County Land Use Permit for the park model manufactured home and deck. The manufactured home shall be newer than 1976 and the structure shall be a minimum of 14 feet wide.

3. The applicant shall work with Todd Dolan, the Town of Maiden Rock Building Inspector, to determine whether a Town building permit is needed and to ensure the structure is Uniform Dwelling Code compliant.

Sanden asked if he could be reminded what is the purpose of the accessory residence? Ms Young stated they have instructors come in that are there for more than one day and they can't afford to come if they aren't provided with a place to stay. So basically, they give it to them for free and take a donation if they are able to do that. They are also thinking about possibly offering it to class participants that come and need a place to stay. It will depend on whether an instructor has already asked for it or not. It would be something used mainly in the summer, too cold to use in the winter. They have family that come and will want to use it. Sanden asked what park model refers too. Lund stated it's smaller than a mobile home and put on running gear and it still has the amenities for a small livable space. Ms Young stated it's got a full bedroom, a bathroom, a kitchen, dining room, living room, it's like a home. Pichotta stated it's kind of like an RV that's not meant to be hauled around. It's nicer than what is typical. Holst stated that is why they would have to attach the deck to make it over 14 feet wide, because normally they are eight or ten feet wide. The deck would make it comply with our code. Ms Young stated this is about twelve feet wide by itself. **Holst moved to approve the amended conditional use permit for an accessory residence for Corrine Young 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 - #3/Ross seconded. All in favor. Passed**

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

Departmental Update and Future Agenda Items

Status report for Shannon Zimmerman and his winery in the Town of Clifton.

Status report and potential modification of a CUP for Muskie Proppant for their processing facility on Hwy 10 in the Town of Union.

Sanden asked Andy what happened to the Red Wing Airport status report. Pichotta stated we will get Rick Moskwa in here; he wasn't available for this meeting. He was available for the one we cancelled but given that was the only item we didn't feel it was prudent to hold a meeting just simply for that.

Motion to adjourn at 6:16pm by Ross/Aubart seconded. All in favor. Motion carried. Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING REVISED AGENDA
Wednesday, July 16, 2014 – 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 6 th & 20 th , September 3 rd & 17 th , all in 2014.	Chair
3	Approve minutes of the June 18, 2014 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for a Map Amendment (Rezone) from General Rural Flexible 8 to Light Industrial District for Lot 5, Certified Survey Map (CSM) V13, P148 and Light Industrial to General Rural Flexible 8 District for Lot 6, Certified Survey Map (CSM) V13, P148 for Daniel and Janice Keller, owners on property located in part of the W ½ of the SE ¼ of Section 3, T26N, R19W, Town of Oak Grove, Pierce County, WI.	Lund
5	Discuss take action on a request for renewal of a conditional use permit for Heavy Industrial Use (Sand Processing Facility) in the Industrial District for Wisconsin Industrial Sand Company, agent for William F. Holst III, owner on property located in Sections 28, 33 & 34, all in T25N, R18W, Town of Trenton, Pierce County, WI.	Roy
6	Discuss take action on a request to amend a conditional use permit for an accessory residence in the Agriculture Residential District for Corrine Young, owner on property located in the NE ¼ of the SW ¼ of Section 20, T24N, R15W, Town of Maiden Rock, Pierce County, WI.	Lund
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.

(7/3/14)

***Revised July 10, 2014 @ 11:01am.**

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MINUTES - Pierce County Land Management Committee Meeting, June 18, 2014

Present: Jon Aubart, Joe Fetzer, Jim Ross and Eric Sanden

Others: Andy Pichotta, Brad Roy and Shari Hartung

Absent: Jeff Holst

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

Next meeting dates: July 2nd & 16th, August 6th & 20th, all in 2014.

Approve Minutes: **Ross moved to amend the June 18, 2014 minutes to clarify at the top of the third page that “Michael” Holst is the applicant /Sanden seconded. All in favor. Motion passed.**

Discuss take action on a request for Site Plan Review and Height Exemptions for the Diamond Bluff Wash Plant in the Industrial District for Wisconsin Industrial Sand Company, owner on property located on the west 10 acres of the SE ¼ of the NW ¼ of Section 12, T25N, R19W, Town of Diamond Bluff, Pierce County, WI. Chairperson Fetzer invited Justin Hegarty and Mike Murphy forward: Mr. Murphy is the Plant Superintendent at the Hager City location and Mr. Hegarty is from GZA, Geo Environmental, he is an Environmental Engineer who helped design the site layout. Mr. Murphy stated they have both reviewed the staff report and would like to have Brad read the report.

Staff Report – Brad Roy: WISC is seeking Site Plan Review of the recently permitted wash plant in the Town of Diamond Bluff. The washed sand will be trucked to the WISC dry plant in Hager City. New construction will include the new wash plant building, conveyors, load out tank building and maintenance building. An existing residence will be converted into an office. The wash plant will remove clays and fine material from the sand. The mined sand will be conveyed to a scalp screen to remove coarse sand and water will be added creating slurry. From there the slurry will go to another scalp screen to remove more coarse material. The material will then be pumped to the wash plant through a slurry pipe. The wash sand is conveyed to storage bins. Trucks will be loaded inside a new load out tank building. The process, when fully implemented, has been designed so that the sand will not be exposed to the open-air. The site has received Conditional Use Permits for Nonmetallic Mining, Heavy Industrial Uses and Filling and Grading in the Shoreland Area and Wetland District. A height exemption pursuant to Pierce County Code §240-29D is also being requested. Various structures are proposed which are greater than the 35 foot height limitation established in the Zoning Code. The property is zoned Industrial. Adjacent land uses are agriculture, low-density residential and undeveloped areas. Site Plan Review is required for all Commercial and Industrial developments. The purpose of the review is to assure site designs which promote compatibility between land uses, create safe and attractive site layouts and structures, provide proper access to streets and transportation, protect property values and contribute to efficient land use in Pierce County. Access to the mine entrance site is off of 1005th St. The road will need significant upgrades if the proposed facility is approved. The applicant and the Town of Diamond Bluff have discussed a road agreement for 1005th St. No formal agreement has been made at this time. The applicant submitted a conceptual request to the WisDOT regarding the Hwy 35/1005th St. intersection. WisDOT

recommends that the intersection be upgraded to the B1 class. This will widen the intersection to allow trucks to enter and exit simultaneously and create a 200' right turn lane on northbound Hwy 35. Haul trucks will enter the site on 1005th St. and enter the Load Out Building and make a continuous forward loop back to 1005th St. This action should reduce the need for backup alarms at the facility. The road and area around the structures will be paved. A Fugitive Dust Plan has been developed for the operation. The plan details the measures to be taken to reduce roadway dust from temporary stockpiles and roadways during periods of dry or windy conditions. The plan details the use of a watering truck and potentially a sweeper for roadways and water cannons for any stockpiles. Initially there may be some temporary storage of mined sand as the adits to the mine are being constructed. After mining operations are in full production, outside storage of sand will not be needed. Construction is estimated to take two to three years. The proposed hours of operation of the plant are 24 hours per day, seven days per week. Front end loaders, trucks, mining equipment and conveyors will be routinely operated outside of the mine. The site has 36 parking spaces with two spaces reserved for handicap parking. Pierce County Code §240-54 requires one space per employee during the peak shift as well as 2 spaces for manufacturing/trade contractor establishments. The peak shift at the plant will have 22 employees. Restrooms are to be located in the Office Building. The applicants have designated an area for a new septic system, but final location will be determined after soil testing. A lighting plan for the site was developed and depicted on the attached documents. The lighting is intended to stay onsite in the working areas. MSHA regulates lighting and may require modifications to the plan. WISC is proposing multiple structures greater than 35 feet. Pierce County Code §240-29D states that industrial and commercial structure heights may be granted exemptions by the Land Management Committee, provided that all required setbacks and yards are increased by not less than one foot for each foot the structure exceeds 35 feet. The structures and heights that the applicant is seeking an exemption are:

Wet Plant Building 95'

Load Out Tank Building 95'

Pierce County Code §240-23 does not specify a rear or side yard setback in the industrial district. However, to grant the exemption described in §240-29D the structures must be a minimum of 60 feet from the property lines. The structures will be over 200 feet from the east property line. The Load Out Tank Building is 77 feet from the west property line and the Wet Plant Building is 60 feet from the west property line. The applicants will leave as much of the hillside undisturbed as possible. Stabilization and vegetation practices will be implemented at the disturbed areas. The exact location of the mine entrances cannot be determined at this time. The soil of the hillside will have to be removed to the bedrock to allow geologists to examine the rock and decide where the entrances shall be located. The submitted documents are based on the information that the applicants have at this time. Prior to construction the applicants will obtain a WDNR General Stormwater Permit for Construction Activities which will include the erosion control Best Management Practices (BMPs). The BMPs will follow the Conservation Practice Standards provided by WDNR. Stormwater issues regarding drainage, pond design and wetlands were discussed in detail at the Filling and Grading public hearing on May 21, 2014. No advertising signs have been proposed at this time.

Staff Recommendation: Staff recommends the Land Management Committee review the proposed plans, considering; existing and proposed structures, neighboring uses, use of landscaping and open space, parking areas, driveway location, loading and unloading areas, access, traffic generation and circulation, lighting, drainage, etc. to determine whether there are modifications that would result in a site design that would better promote compatibility between land uses, create safe and attractive site layouts, protect property values and contribute to efficient land use in Pierce County. The following conditions also recommended:

1. A permit for a new septic system shall be obtained prior to any construction of structures or use of the office.
2. All structures proposed to exceed 35' in height may be constructed as long as zoning code provisions are not violated.

Sanden asked Brad about bullet #2 on page 2, was there a misprint, “mined sand as the exits to the mine”? Roy stated no, it was written “edits” it is supposed to be “adits”. Mr. Hegarty stated it’s a word for portal into the mine. Sanden asked to be refreshed about the road agreement with the Town of Diamond Bluff, was that a condition of the original permit? Roy stated yes. Sanden asked if the buildings are in the floodplain. Roy stated no. Sanden asked if the proposed building is 60 feet back from the property line. Roy stated yes. Ruth Wood asked about the setback, it states that the building must be set back one foot for each additional foot in height. What is the required setback? Pichotta stated there are no setbacks specified in the Industrial District. You are allowed to be 35 feet at the property line. Pichotta noted that it used to be that the Land Management Committee could grant height exemptions between 35 feet and 60 feet through this same mechanism. The approval of something above 60 feet actually required the issuance of a Variance by the Board of Adjustment. In order to qualify for a Variance from the Board of Adjustment there needs to be unique property limitations and hardship can’t be self-created. There is specific criteria for variances. The Board of Adjustment struggled with issuing variances because those standards were difficult to apply to a circumstance like this. So the inclusion of language in the zoning code which had to be brought in front of the County Board for approval was actually at the request of the Board of Adjustment. Ms Wood asked if processing would be possible without having a 95 foot structure. Mr. Murphy stated it does take a 95 foot structure in order to complete the process because it’s a top down process. Ms Wood asked what the purpose of height limits in the code was. She assumed it was primarily aesthetic. Is that basically the intention? Pichotta stated yes that is basically the intention. A height exemption can only be granted for a commercial or industrial structure. We included commercial structures largely because the State dictated that counties and municipalities can no longer have much to say about cellphone towers so we included commercial structures as well. The way that the State had dictated it, you could put a cellphone tower on a very small lot and the reality was that it could fall on other people’s properties. That is why we included commercial structures. Ross asked about page 2, the peak shift of the plant will be 22 employees. Are you saying that 22 employees total or on site at that time? Mr. Murphy stated that is what it said. He thought there were 36 employees. Roy stated there are 36 parking spaces. Mr. Murphy stated 22 employees comparing it to Bay City. Bay City has around 16 employees at peak. So 22 might be during the development stage of the mine and it may back off from there. He can’t see it exceeding 22, it definitely won’t exceed 36. Roy stated it was 30 or so total employees for the whole project, he remembers from the other meetings. Sanden asked about lighting at the top of this tower or lighting on anything above 35 feet? Mr. Murphy stated it will depend on MSHA regulations. At the existing facilities they keep lighting as low as possible. There is really no reason to have anything that high. They just need to illuminate the ground surface. He wouldn’t anticipate anything being at that height unless MSHA saw a need for it. Sometimes if you have catwalks that go up the outside of the building or have a bucket elevator, there may be a switch light but it wouldn’t be on all the time. Sanden asked if the lighting would have a cowling so it would be directional lighting. Mr. Murphy stated yes.

Sanden moved to approve the request for site plan review as presented and height exemption for Wisconsin Industrial Sand Company with conditions #1 - #2/Ross seconded. All in favor. Passed.

Discuss take action on proposed amendments to the Land Management Department Staffing Plan.

Pichotta Reports: Staff is proposing several changes to the Staffing Plans associated with the Land Management Department. The Surveyor Tech position has been eliminated from the Surveyor Staffing Plan and an Office Manager/Clerical Staffing Plan has been created which contains the newly created Office Manager position as well as the former Planning Secretary and PT Zoning Secretary positions. It should be noted that most secretarial positions in the County have now been renamed as “Office Specialists.” In looking through these sheets - zoning is much the same as it was although the secretarial positions that fell within that division have now been moved to a separate sheet. The Zoning Administrator position will change as Jim Kleinhans has indicated his intention to retire and his last day in the office will be July 25, 2014. Chairperson Fetzer asked how many years he has been with the Zoning Department. Pichotta stated twenty years. The Office Manager/Clerical staffing plan - as you may note

the secretarial positions have been renamed the Office Specialist and Part-time Office Specialist. Then Planning will largely remain the same except the Planning Secretary has been moved, that would include himself and the GIS Specialist, Rand Kluegel who is retiring effective July 7, 2014. We will be hiring there too. Pichotta noted that two vacancies have been advertised: one for a fulltime Office Specialist and the other for GIS Specialist. The deadline for both is June 25th. We are doing screening that week. Interviews are two weeks later. GIS interviews are on Monday, July 7, 2014 and the Office Specialist will be on July 8th. The County Surveyor Tech position has been eliminated. He has modified the GIS Specialist position to note that one of their duties is to assist the County Surveyor in his statutorily required duties as County Surveyor. If a live body is needed to go out in the field, that would be the default person. The reason for doing that, with better equipment most surveyor crews are now one person. One person can adequately do it with the technology that is available. The reason we might need another body out there is safety issues. Like if we have Louie doing some work on a highway where it can be a safety issue due to traffic, also Louie occasionally has to do work on the meander lines on the Mississippi River and Pichotta would prefer that he not be out in a boat by himself trying to locate monuments. Those are the proposed changes to his staffing plan and will be a part of the budget that you will be seeing again quite soon. Aubart asked what they approved the last time when the committee talked. Pichotta stated as far as the position names, he had suggested call the clerical positions something along the lines of Administrative Assistants or Land Management Secretaries and there had been some resistance to that. The recommendation from this committee was to call them Land Management Secretaries and shortly after that he learned that through the Carlson/Dettman study, there was a recommendation to change all secretaries within the County to the classification of Office Specialist.

Staff Recommendation: Staff recommends the Land Management Committee review the attached draft Staffing Plans to determine whether changes or clarifications are necessary. If no changes are needed, staff recommends the Staffing Plans be approved as written.

Aubart moved to approve the proposed amendments to the Land Management Staffing Plans as presented/Ross seconded. All in favor. Passed.

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

Departmental Update and Future Agenda Items

Pichotta stated we had one item for the first meeting in July that was to have the gentleman from Red Wing Airport come in but given that there are no other agenda items, he recommends not meeting on July 2nd. Just for your information, we haven't formally been served but the Town of Oak Grove met on Monday night and it is his understanding that they intend to challenge the decision to approve the conditional use permit for the Oak Grove expansion that occurred several weeks back. Chairperson Fetzer asked if this comes back in front of us or goes right to circuit court? Pichotta stated it goes to circuit court where the judge reviews the record associated with the decision and determines whether the committee followed the correct theory of law, exercised their judgment or imposed their will. He basically ensures that the decision meets legal muster. A review of the materials is also done, basically to look to see if there was information presented that supports the judgment even if there was sufficient material to justify a different judgment. The courts don't substitute their judgment for the committee's judgment, it's just based on a determination as to whether proper procedures was followed. Chairperson Fetzer asked if our attorneys have looked at this. Pichotta stated this action is not unexpected, but formal review by our attorney had not yet happened as we have not seen their argument. Sanden asked Andy to keep the committee up to date.

Ruth Wood stated she read most of the minutes on that discussion and she thought another issue that the Chairman of Oak Grove spoke and she seemed quite upset that the conditional use permit might be granted when the terms were specific that the use had to be underway in a year. She asked if that has

anything to do with the suit. Pichotta stated yes, it almost surely does. Pichotta encouraged Ms Wood to stick around for a few minutes after the meeting to have a short discussion.

Motion to adjourn at 6:30pm by Sanden/Aubart seconded. All in favor. Motion carried.
Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, June 18, 2014 – 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 2 nd & 16 th , August 6 th & 20 th , all in 2014.	Chair
3	Approve minutes of the June 4, 2014 Land Management Committee meeting.	Chair
4	Discuss take action on a request for Site Plan Review and Height Exemptions for the Diamond Bluff Wash Plant in the Industrial District for Wisconsin Industrial Sand Company, owner on property located on the West 10 acres of the SE ¼ of the NW ¼ of Section 12, T25N, R19W, Town of Diamond Bluff, Pierce County, WI.	Roy
5	Discuss take action on proposed amendments to the Land Management Department Staffing Plan.	Pichotta
6	Discuss take action on Travel/Training Requests	Pichotta
7	Future agenda items.	Pichotta
8	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.

(6/6/14)

PIERCE COUNTY WISCONSIN

DEPARTMENT OF LAND MANAGEMENT & RECORDS

Pierce County Courthouse

414 W. Main Street P.O. BOX 647

Ellsworth, Wisconsin 54011

ZONING OFFICE 715-273-6747

PLANNING OFFICE 715-273-6746

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MINUTES - Pierce County Land Management Committee Meeting, June 4, 2014

Present: Jon Aubart, Joe Fetzer, Jeff Holst, Jim Ross and Eric Sanden

Others: Andy Pichotta, Jim Kleinhans, Emily Lund and Shari Hartung

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

Next meeting dates: June 18th, July 2nd & 16th, August 6th & 20th, all in 2014.

Approve Minutes: **Ross moved to approve the May 21, 2014 LMC minutes/Sanden seconded. All in favor. Motion passed with Holst not voting due to his absence from the last meeting.**

Public hearing to consider and take action on a request for a conditional use permit for a Farm and Home Based Business for Bruce Andrews Seamless Gutters in the Agriculture Residential District pursuant to Pierce County Code Chapter 240-36D, for Bruce Andrews, owner on property located in the SE ¼ of the SE ¼ of Section 4, T24N, R16W, Town of Maiden Rock, Pierce County, WI.

Chairperson Fetzer invited Mr. Andrews forward:

Staff Report – Emily Lund: The property is located in Section 4, Town of Maiden Rock. The applicant contacted the Department office and informed staff he was operating a seamless gutter and metal roofing business. He wanted to construct a new building for business storage. Staff found that a CUP was not in the property file. Attached to the staff report is the letter communicating with him. Section 240-36D allows farm and home based businesses accessory to permitted single-family residences shall be permitted by a conditional use permit in agricultural districts, subject to the following:

1. The farm and home based business shall be conducted by the owner of the dwelling unit. No more than eight persons not residing on the site may be employed in the business.
2. If located in the dwelling unit, the farm and home based 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.

The 6.6 acre property is located in the Agriculture Residential zoning district. The applicant owns Bruce Andrews Seamless Gutters. The company was established 14 years ago and has operated at this site since the business began. Residential is the other land use on this property. Adjacent uses are agricultural and forested. The applicant lives on-site and operates his business out of a 400 sq ft office/storage area in the house basement and 1,120 sq ft material storage area in half of the detached garage. The sales and installation work is primarily performed off-site. Phone calls, accounting, billing and storage are completed on-site. Within the next 12 months, the applicant intends to build a 24' x 54' (1,296 sq ft) shed for personal storage. He proposes to move his office out of his basement and have that in the other half of the existing detached garage, which would be a total 2,240 sq ft for the business area. He plans on adding a bathroom in the detached garage and connecting to the existing conventional septic system. The

applicant shall obtain a Land Use Permit from the Department's office for a new personal storage building. A State Sanitary Permit shall be obtained by applicant's hired Wisconsin Licensed Plumber. The applicant currently has 7 full-time employees. The busy season for them is from April to November weather dependent, but is usually year around. Standard working hours are Monday through Friday 7AM to 6PM. Shipment delivery (Semi, UPS, etc) is occasional Monday through Friday. Bathroom facilities are provided in the basement of the home. The residential septic system is supported by a 3 bedroom conventional septic system. No advertisement signs are wanted at this time. One business vehicle is left outside and 2 vehicles are stored inside the garage. Applicants have P.I.G. contracted on a weekly basis for trash pick-up. The owner keeps metal to recycle. During the on-site visit, staff verified that the aluminum recycling pile is out of public view. Pierce County Code (PCC) §240-54A requires 2 off-street parking spaces for contractor establishments. PCC §240-54I requires handicapped parking spaces should include 2 percent of the total spaces created, with the minimum of one space. There are 3 employee parking spaces in front (west side) of the home and 1 handicapped parking space is available by the basement office entrance. The Maiden Rock Town Board recommended approval of this request on 6-8-2014. The Town justified their approval by stating, "No concerns. Been in business and has had no calls on any problems at the Township."

Staff Recommendation: Staff recommends the Land Management Committee determine whether or not 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, including hours of operation.
2. The business shall be conducted by the owner of the dwelling unit.
3. No more than 8 persons not residing on-site shall be employed at the site at any given time.
4. The entire business area shall not exceed 5,000 square feet.
5. There shall be at least 2 parking spaces, with a minimum of one space for handicapped parking.
6. If the applicant constructs an advertising sign on-site in the future, he shall obtain a Land Use Permit form the Department's office at that time.
7. Applicants shall work with Todd Dolan, Maiden Rock Building Inspector, to determine whether or not commercial plan review and approval is required from Department of Safety & Professional Services.
8. A land use permit shall be obtained for all future structures prior to construction. Applicant shall also comply with all relevant local and state ordinances and regulations and secure all necessary permits and licenses (e.g. Department of Safety & Professional Services (DSPS), etc.).
9. This conditional use permit shall be renewed every 2 years. Permit may be renewed administratively if no compliance issues arise.
10. 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.

Chairperson Fetzer opened the hearing to the public. No public comment. **Public hearing closed.** Aubart asked when the letter went out. Lund stated December 18, 2013. Pichotta asked Emily about the date in the staff report it says 6-8-2014 for the Town of Maiden Rock's recommendation. Lund stated that actually occurred on January 8, 2014. **Holst moved to approve the conditional use permit for a Farm and Home Based Business for Bruce Andrews Seamless Gutters with conditions #1 - #10, due to the fact this is not found to be contrary to the public interest, nor detrimental or injurious to the public health, public safety or the character of the surrounding area/Ross seconded. All in favor. Passed.**

Public hearing to consider and take action on a request for a conditional use permit for Filling and Grading in the Floodplain District and Shoreland Area, pursuant to Pierce County Code Chapter 240-41E, for Michael Holst, owner on property located in the SE ¼ of the SW ¼ of Section 21, T26N, R18W, Town of Trimble, Pierce County, WI. Chairperson Fetzer invited Mr. Holst

forward: Jeff Holst recused himself from discussion and voting because of possible conflict of interest but wishes to retain his right to speak as an individual. Mr. Michael Holst explained he has worked close with Jim and Emily on this project. There are three jobs he would like to do; repair a driveway that goes through the floodway back to his quarry and some fields. That driveway has been there for a long time and it functions fine but when it floods, there is some damage so he wants to repair that. He would like to pour cement in the driveway, grade, riprap both sides of the driveway and seed down about an acre. That will be part of the grass that they will mow and keep a heavy sod patch there. There are two other ones, one crossing in the back end of his property that goes to a farm field and he has NRCS plans on that. One other little corner, shown on the aerial map, crossing the creek; the corner is eroding into the field. He would like to slope it to a 3:1 or 4:1 slope and riprap it to the normal high water line. All these spots are 100ft to 120ft long either side. He would like to get it done before it gets too hot and dry for seed to grow. This is three jobs and he is a one-man show. He would like to have a couple done by the 15th of September on account of the trout. If he doesn't finish, he would ask for an extension.

Staff Report – Jim Kleinhans: Mr. Holst has these projects that he just described. They are in the Spring Creek, directly upstream from the Trimbelle River. Trout water so we have to be extra cautious and careful with how the work is done. Land Conservation and NRCS designed these practices and they will be doing construction checks on the projects. We'll make sure they go according to plan. He thinks Jeff and Dennis Fritz are making sure they are done appropriately. Mr. Holst stated that Dennis worked with him real close on all this stuff, now he is gone so Jeff is going to slip in there and take over. Kleinhans stated this is an area that has generated some erosion so it's been a hit for the Trimbelle River so it's a good thing Mike has decided to do this to stabilize the area. There are three different components listed on the first page of the staff report. He provided the filling and grading conditions out of our Shoreland Code and its floodplain too so we have to think about hydraulic analysis but there are elevations associated with the plan. It does not appear to raise water level on adjoining property. They are staying pretty close to the existing grades on the reconstruction of the existing road and for the riprap, Mike has applied for a State permit from the Department of Natural Resources and has received that. There are some timelines for completion of the work: September 15th would be a cutoff. Then no earlier than May 15th because they are trout streams so he has to abide by those things to protect the trout populations. The seeding recommendations were put into the plans and they are pretty consistent. Each phase of the project involves about 120 feet of horizontal distance along the streams. The Trimbelle Town Board recommended approval of this conditional use permit during their May 13, 2014 meeting stating the project will reduce erosion and sedimentation and no specific concerns were suggested provided the plan is followed.

Staff Recommendation: Staff recommends the Land Management Committee determine whether the proposed use at the proposed location would be contrary to the public interest or would be detrimental or injurious to public health, public safety or character of the surrounding area. If found to be not contrary to the above, staff recommends the LMC grant this conditional use permit with the following conditions:

1. Seeding shall be completed in a timely fashion to establish suitable ground cover by September 15, 2014.
2. Operation and management for all erosion control elements as presented be followed to the satisfaction of the County until after all re-graded areas are stabilized.
3. The applicant shall notify the County of any changes to the construction plans for review and approval by Land Management staff.
4. Excess materials from the various construction activities shall not be placed in the floodplain.
5. The project shall be completed within 12 months of approval or a permit extension be requested.
6. State permit conditions shall be adhered to for construction.
7. Vegetation removal in the near shore area shall be minimized to adhere to Section 240-46 or other allowance by the LMC.

If you look at this section, typically you can't clear cut any 33 feet in every 100 feet along a stream and 35 feet inland. With some of these projects for river restoration, there is a lot of vegetation removed. What he

saw on the site is a lot of box elder and he thinks Mike will try to protect any good species that are there. We should think about how many trees are removed on our different segments of the stream.

8. Notify Land Management Department staff for compliance checks upon completion of each phase of this request. And he would like to add Land Conservation Department staff since they will do the construction checks to verify the design.
9. Driveway development in the project area shall not extend above adjacent land grades so as not to impair flood water flows.

Chairperson Fetzer opened the hearing to the public. No public comment. Public hearing closed.

Ross asked Jim to explain his statement about condition #7. Kleinhans stated if you look at the top of the second page of the staff report, vegetation and cutting 35 feet inland. Paragraph two says; an alternative to Subsection B(1), a special cutting plan allowing greater cutting may be permitted by this committee upon issuance of a conditional use permit. Which is why we are here but the application for such permit shall include a sketch of the lot location of parking, topography of the land, existing vegetation, proposed cutting and proposed replanting. What it boils down to is the Land Management Committee can allow a greater degree of cutting with a conditional use permit and call for additional planting. So some of this might be more where you have vegetation removal and you would want to maintain a buffer between a residential property or if there is a real sensitive area where you have soil conditions where they would erode a lot. In this case we don't have an adjacent residential use that is going to see this. The screening buffer is not an issue. He thinks it's more for a stream side protection and cover for the critters that migrate through the area. It's Mike's property, he's the contractor and he's not going to do anything that's going to cause him more work and have to patch it up. If you go to some of these sites where John Sauer comes out and does work on the streams, he widens it out and takes all the vegetation away from the stream and then they come back and plant some. It doesn't look like it did before. They remove a lot of undesirable species if you consider box elder undesirable. You try to promote better trees in the area. Mr. Holst stated he marked off some oak trees and some maple trees and he has gone around them but those box elders are really hard to grade with those things hanging over. He figures on leaving a green buffer strip. He isn't going to plant corn right up to the creek. He will leave 50 to 60 feet that is going to be green, clover and grasses; probably mow it once a year. So it's a filter strip. If the creek floods, and it will, then it catches the silt in that filter strip and it comes right back. He has another spot where he has been doing that for twenty years since he's lived there. He is concerned about the trees and there isn't an abundance of good trees but there are a few oaks and maples. He will plant some trees maybe but he wants to leave that strip. Sanden asked if the box elders are right on the stream? Mr. Holst stated for the most part they are hanging. Every time it floods, it floods under them and then they tip over. The grass won't grow under them. Sanden stated his concern is being a cold water stream for trout, that does also provide shade and keeps that a cold water stream. If you do remove all the trees along that strip it could actually heat it up. These are probably spring fed so it's probably not that big a deal but maybe that should be thought of. Mr. Holst stated there are some big black willow and some big cottonwood trees that he isn't going to touch because they have a pretty good root system but the box elders really raise heck with the grading and the erosion. Every tree that is worth saving, he will save it. If they riprap that and narrow that stream down the water is moving faster so it's going to stay cooler too. **Sanden moved to approve the conditional use permit for Filling and Grading Floodplain District and Shoreland Area for Michael Holst with conditions #1 - #9, amending #8 to add "and Land Conservation Department staff," 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/Ross seconded. All in favor. Passed with Holst not voting.**

Discuss take action on a deferred conditional use permit application to operate a campground in the General Rural District pursuant to Pierce County Code Chapter 240-39A, for John Grabrick, owner on property located in Government Lot 3 in the NE ¼ of Section 7, T24N, R17W, Town of Isabelle, Pierce County, WI. Chairperson Fetzer invited Mr. Grabrick forward. Mr. Grabrick explained they put the gloves on and went at it at the Town of Isabelle and it took about two and a half

hours to knock out the agreement that you have listed as Campground Rules. After a very long discussion with the neighborhood and the board members, they are proposing a campground with 42 sites total and we agreed that we would do 33 for this year. The services would be put in for the other nine and then next year when we take a look at this again they will turn it on for the other nine. They have a lot of infrastructure that needs to go in. Right now they are just in brushing out, taking out the dead trees and then they will have the surveyor come in and do a complete survey of what the campground looks like and make sure that everything is where it needs to be. We'll take out any trees that are in the way of camp pads but they will replant because they are taking out a lot of scrub trees. There are about 30 or 40 trees that are tipped over, rotted up. It's not a nice area back there. They have one point of contention that seems to be coming up; that is the next door neighbors, the Peterson's. She sent in another letter today. She brings up the bar property and the volleyball courts. They are in the process of trimming trees over there and putting up a five foot high orange plastic snow fence. They don't want people getting hurt on the volleyball courts and they are trying to stop the ball from going onto her property as she has requested. To put any kind of a hard fence there, if someone is chasing down a ball, they don't want to have anyone smashing into a wood wall and breaking a shoulder. They are trying to do what they can to appease their neighbor. She is asking for the moon and they are trying to do what fits in the budget. Sanden stated he thought the last time Mr. Grabrick had said he was going to be making a vegetative fence along the side. Mr. Grabrick stated along the campground they are doing a vegetative screening but what she is bringing up in her letter is the volleyball courts up front, which is not associated with the campground and they are here on the campground. They are trying to take care of both issues. As they get into this brushing out, there is a lot of sumac, a lot of black locust. He is meeting next week with the DNR and discuss the property line along the State owned land and they are going to take a look at his backyard as well and tell him what they think about the trees they are taking out. They have a program right now to eliminate all the black locust so they are bringing out a spray to use so the shoots don't keep coming up. They are going to take a ten foot strip along the State land and brush out on their side of the fence line so that they can keep the locust out of the campground. They are also going to go through and eliminate the thirty some years of garbage that have accumulated, just to be good neighbors and clean it up.

Staff Report – Jim Kleinhans: John was here on May 7, 2014 to request a conditional use permit where the committee deferred action. This went back to the Town of Isabelle for clarification on some of their issues. You have an attached document that spells out what the Town thought for some of their issues for campground rules. This is a five acre parcel in the General Rural zoning district along 135th Avenue. The improvements there include bar, mobile home and sanitary dump station. John is requesting a campground. Jim has listed the 16 items in the staff report, out of the County Code that are pertinent to campground requests. Also the section on landscape buffer for tree requirements and screening are listed on page 2. He included quite a bit of information that relates to the licensing by the Public Health Department for the committees information and for the applicant so he knows what's expected to run a campground with all amenities. Mr. Grabrick is requesting approval for 42 individual campsites plus a general tent site area in the middle of a five acre parcel. The tent sites are not defined. The County Ordinance talks about a defined area with a minimum square footage so it was kind of hard to recommend that tent site area without more defined lineal representation. They County Code requires two off-street parking places per campsite and John provided a typical campsite diagram that provides two parking spaces on each campsite, with an additional parking area that would accommodate approximately 50 vehicles behind the bar. That would allow for overflow parking. The Town of Isabelle Supervisors revisited this conditional use permit request during their May 19th meeting and clarified the campground rules that are attached. The Health Department inspections in the past determined compliance issues with electric, plumbing and water supply system, sanitary dump station and solid waste issues that will need to be corrected before John operates his campground. The property will need to be surveyed to verify side yard setbacks are met. The 50 foot setback is based on the zoning code requirements. Again the discussion about vegetative screening between the campground and the adjoining property, the owner has requested a fence and the committee has discussed some sort of a living fence but we should think about our vegetative screening that was adopted to protect some nonresidential development from adjacent

residential uses. The application states the water and electrical will be upgraded this spring. As far as he knows, Mr. Grabrick hasn't started any upgrades besides trimming trees. The water and electrical improvements will require some review by different agencies like the Department of Health to make sure they are up to snuff.

Staff Recommendation: Staff recommends the Land Management Committee determine whether or not 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 not to be contrary to the above, staff recommends the Land Management Committee approve this conditional use permit for a campground with the following conditions:

1. A surveyed layout of the individual campsites as located within the campground shall be provided to Land Management Department staff to verify side yard setbacks and minimum campsite dimension requirements, per DHS 178.11 prior to campground operation.
2. The location and number of porta-pots shall be delineated on the survey consistent with the requirements of DHS 178.09. Plans for the required improvements to the sanitary dump station and the holding tank, as well as associated service contracts and contact information shall be submitted to the Land Management Department.
3. Screening shall be established between the campground and the adjacent residential use. Screening shall consist of _____ and shall be implemented prior to operation of the campground. Staff shall be contacted to verify establishment prior to operation.
4. Internal roads, camping pads, and water and sanitary improvements shall be constructed or implemented prior to operation of the campground. All necessary permits shall be obtained.
5. All campground advertising signage shall comply with the Pierce County Zoning Code.
6. The total number of campsites available shall be limited to _____. Additional sites may be authorized by the LMC upon renewal.
7. A campground management plan, consistent with the provisions of PCC 240-39 and the Town of Isabelle document titled "Campground Rules", shall be implemented. The "Campground Rules" shall be implemented as written unless specifically modified by another condition of this CUP.
8. The vehicle access route shall be modified to allow for continuous travel to the campground overload parking area to minimize congestion.
9. This permit shall be reviewed for renewal by the LMC in 12 months to ensure that all required improvements are completed and conditions are met and to verify that the use has been established.
10. A land use permit shall be obtained for all future structures prior to construction. Applicant shall also comply with all relevant local and state ordinances and regulations and secure all necessary permits and licenses (e.g. Department of Safety & Professional Services (DSPS), Department of Health-DHS standards etc).
11. The proposed undefined tent sites (located in the middle of the defined sites) shall not be utilized for that purpose until consistent with applicable zoning and public health standards and authorized by the LMC.
12. Applicant understands that expansion or intensification of this use will require issuance of a new conditional use permit. If the applicant has questions as to what constitutes an expansion or intensification, Land Management staff should be contacted.

Sanden stated this came up in a previous issue, for condition #3 are you looking for language adequate to provide complete screening or are you looking for specific trees and placement? Kleinhans stated as the section reads, and it was a policy adopted several years ago, native vegetation shall be utilized whenever practical. Vegetative screening buffers shall be maintained in good condition. Different trees provide different benefits. If we put in evergreens they are going to provide a little bit of sound protection and more of an understory than if we recommend hardwoods, you tend to get a canopy. He recommends that we do some sort of screening that has alternating spruce. Around the airport we used black spruce, some cedars and a mixture to provide visual screening for the airport. Sometime the applicant can provide what he would like to see on his property. We haven't looked at anything. If not, you can work something out

now. The neighbor wanted some sort of a hard fence for security so the committee can think about that as well. A hard fence would be a security fence typically eight foot high. If we go with a vegetative buffer, we want to make sure that those trees are watered. That is a sandy area down there. Make sure drought tolerant species are utilized, if you get enough of a tree to begin with to establish some kind of buffer, not that they use seedlings. Sanden stated he thought black spruce need pretty wet conditions. Would white spruce be a better choice? Kleinhans stated either one but they used some of those at the airport. Holst asked if those were the ones that died. Kleinhans stated he isn't going to plant near as many as the airport planted and they transplanted some of the cedars over there also. Our buffer requirement talks about native vegetation. Holst stated maybe if you get some buckthorn over there it will act as a buffer and also as a deterrent. Kleinhans stated we are talking about noninvasive species too. Something desirable, something he wants on his property and something the neighbors can look at too, something that will provide a reasonable screen in a reasonable amount of time. This committee has done that before. Two rows alternating seems to work well. Holst asked what the linear depth of the lot is. Mr. Grabrick stated it's quite deep. Holst asked if it is a 40 deep. Kleinhans stated no, it's only five acres. Ross stated he thought it was 550 feet for the campground part. Mr. Grabrick stated that what their intention is, is to have a landscape company come out once they get the brush and the trees cleared. To look into vegetation that will grow there. They have some long-needle pines that are growing already. They might look at some more pines, put in some cedars, something that they can manicure and sculpt when they are done. They would like to put a nice row in there one to two deep, very similar to matching what's on the neighboring property. They have a similar screening on their property. They want to put something in that is nice. A hard fence especially an eight foot high fence is going to look like a prison. They are looking for something natural for people that want to come camping. He knows there have been some security concerns with the neighbor, but that was before they bought their property. He has checked with the Sheriff, once they started activity there, all that activity went away. They haven't seen any of that since they moved on the property. For example, he thinks they are worried about noise. The campers that they have coming in are not going to be noisy. They worry because we have a sign out front that says welcome bikers. On Saturday they had 440 bikers come in on the Make-a-Wish Biker Run. They had no complaints. They were some of the best customers they have ever had. Sanden stated we could ask for security fence later if any problems do arise. Ross asked Mr. Grabrick if he has talked to any landscapers yet. Mr. Grabrick stated he has talked specifically with a landscape architect that is a friend of his. He has agreed to come do some drawings once they decide what species they want to put in. He stated they are on a sugar sand site and it's hard to keep water on the surface so they need something that is going to grow in that environment. If it gets to be a concern over time, they will do something along the border where the houses are. He thinks that is their biggest concern that they don't want to look out at the campground. The campground is going to be behind them. He stated they want to make this a nice campsite. It's not one that they want to bring in the Hell's Angels or the Outlaws and turn it into a biker camp. They want a nice campground. Kleinhans stated if you look at the map that Rand generated, roughly a third of that property on the west side is vegetated already. Kleinhans said he has a pretty good established buffer for part of the campground right now. It's just that small area between the volleyball courts and the existing tree line that we should think about. The entire length of the lot is 600 feet long so maybe there is only 100 feet. Holst stated maybe we could ask for site plan review in three months, he would have an idea of what he wants to do and we would have an idea of what might grow there besides steel fence posts and security fence. Chairperson Fetzer stated he would think as a neighbor, he understands the security issues, but he wouldn't want to see a wall up either and having some nice trees might do it. Holst stated he had a neighbor that put up a 14 foot high pole barn steel fence for a security fence. Good fences make good neighbors. He understands what you are trying to accomplish with your natural environment. But he also understands that when you come back here every 12 months and at a later date we might say we want a fence. That will be an incentive for you to be a better neighbor. For them to be a better neighbor to you too. Sanden stated he would like to hear what the landscape architect has in mind and let them be the judge. Holst stated down there, just about everything you put there is going to die. It takes a tremendous amount of dedication to keep something alive. Mr. Grabrick said if

they need to they can actually bring in materials. He knows one of the sand pits is looking for a place to dump some of their fines. They could build a berm out of that. That supposedly will grow things. If they have too, they will put something else on there. This will take them the better part of the summer just to build this campground. By the time they get done brushing, cutting trees and located the services a lot of this is being done by him. He will hire the appropriate individuals as needed, where they need to have a license. Right now they have the old campground that has services but they are very inadequate. The first thing they are going to do is retool the dump station, put new concrete on top of it with the proper slope. Ultimately they have in plans to have hard sewer connections to all 42 sites which means they won't really need the dump station anymore but it will still be there. The tent site itself, it's not that they want to put tents all over all summer long, but they want a general tent area that they can come back with and get a special permit for some of the events that will be held during the course of the year. When motorcycles come in and they come in with tents, they don't always have a thousand square feet, they put the tents side to side so you can put more bodies in there. That takes a special permit. **Holst moved to approve the conditional use permit request for a campground for John Grabrick with conditions #1 - #12, modifying #3 to state Screening shall be established between the campground and the adjacent residential use. A screening plan shall be submitted for Land Management Committee review and approval within 3 months and #6 will read limited to 33, 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/Sanden seconded.** Chairperson Fetzer asked if this will come back in front of the committee in a year? Holst stated three months. Pichotta said the way it was stated a screening plan in 3 months. Chairperson Fetzer said in one year for the conditional use permit. Pichotta stated in a year it will go before the Town to make a recommendation for the remaining nine sites. Holst said it may be advantageous for the applicant if we change that to nine months and that would give him the entire next season if we enlarged it by the other. Ross stated you could get started earlier, John. Holst stated by that time everybody should know how good a neighbor you are or are not. Mr. Grabrick stated that will get them in before the start of camp season next year. Holst stated he gets going in the spring and could put people in there Memorial Day instead of 4th of July. Sanden said you are amending condition #9 from 12 to 9 months. Yes, he will second that. **All in favor. Passed.**

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

Departmental Update and Future Agenda Items

WISC Site Plan Review and Height Exemptions for the Diamond Bluff Wash Plant.

Discuss take action on proposed amendments to staffing positions.

Motion to adjourn at 6:55pm by Holst/Ross seconded. All in favor. Motion carried. Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, June 4, 2014 – 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: June 18 th , July 2 nd & 16 th , August 6 th & 20 th , all in 2014.	Chair
3	Approve minutes of the May 21, 2014 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for a conditional use permit for a Farm and Home Based Business for Bruce Andrews Seamless Gutters in the Agriculture Residential District pursuant to Pierce County Code Chapter 240-36D, for Bruce Andrews, owner on property located in the SE ¼ of the SE ¼ of Section 4, T24N, R16W, Town of Maiden Rock, Pierce County, WI.	Lund
5	Public hearing to consider and take action on a request for a conditional use permit for Filling and Grading in the Floodplain District and Shoreland Area, pursuant to Pierce County Code Chapter 240-41E, for Michael Holst, owner on property located in the SE ¼ of the SW ¼ of Section 21, T26N, R18W, Town of Trimble, Pierce County, WI.	Kleinhans
6	Discuss take action on a deferred conditional use permit application to operate a campground in the General Rural District pursuant to Pierce County Code Chapter 240-39A, for John Grabrick, owner on property located in Government Lot 3 in the NE ¼ of Section 7, T24N, R17W, Town of Isabelle, Pierce County, WI.	Kleinhans
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.

(5/22/14)

PIERCE COUNTY WISCONSIN

DEPARTMENT OF LAND MANAGEMENT & RECORDS

Pierce County Courthouse

414 W. Main Street P.O. BOX 647

Ellsworth, Wisconsin 54011

ZONING OFFICE 715-273-6747

PLANNING OFFICE 715-273-6746

Fax: 715-273-6864



MINUTES - Pierce County Land Management Committee Meeting, May 21, 2014

Present: Jon Aubart, Joe Fetzer, Jim Ross and Eric Sanden

Others: Andy Pichotta, Jim Kleinhans, Emily Lund, Brad Roy and Shari Hartung

Absent: Jeff Holst

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

Next meeting dates: June 4th & 18th, July 2nd & 16th, all in 2014.

Approve Minutes: **Sanden moved to approve the May 7, 2014 LMC minutes/Aubart seconded. All in favor. Passed with Chairperson Fetzer not voting because of absence at the last meeting.**

Public hearing to consider and take action on a request for a conditional use permit for a Farm and Home Based Business for an electrical business (Matt's Electric) in the General Rural Flexible District pursuant to Pierce County Code Chapter 240-36D, for Matthew Feuerhelm, owner on property located in the SW ¼ of the NW ¼ of Section 14, T26N, R17W, Town of Ellsworth, Pierce County, WI. Chairperson Fetzer invited Matt Feuerhelm forward. Mr. Feuerhelm explained he has been in business since 2001 and didn't realize he needed a conditional use permit. He runs a small operation and usually has six employees maximum.

Staff Report – Emily Lund: The property is located in Section 14, Town of Ellsworth. Staff received complaints from the public and investigated their validity. Staff found that a CUP was not in the property file. The 15.38 acre property is located in the General Rural Flexible zoning district. The applicant owns Matt's Electric Inc. The company was established on 10/1/2001 and operated at this site since the business began. Other land uses on this property are residential and agricultural. The agricultural land is rented out. Adjacent uses are agricultural, woodland and residential. The applicant lives in the home on-site and operates his business out of a 30ft x 60ft (1800 sq ft) pole shed, which is used for storage and product fabrication. There are (2) 8ft x 49ft (384 sq ft each) semi-trailers for business material storage. The work is primarily performed off-site. Some minor fabrication (less than 10%) is performed on-site. Currently there are no plans for other buildings or expansions of the business. The applicant intends to build a personal residential 3-car garage within the next 5 years at which time a Land Use Permit needs to be obtained from the Department's office. The applicants currently have 4 full-time and 1 part-time employees. The busy season for them is from May to mid-November weather dependent. If the season is really busy, they may have 2 more full-time employees. Standard working hours are Monday through Friday and sometimes Saturday during the busy season. They work from 7am to 5pm and also provide emergency after hour service. Shipment delivery (UPS, FedEx, Speedy Delivery, etc) is on a daily basis Monday through Friday. Bathroom facilities are on-site. The applicant owns a chemical toilet (satellite) that was purchased and is currently serviced by Johnson Sanitation. It is seldom used and is located outside the pole shed. The bathroom inside the house is more often used and accessible to all employees. The residential septic system is supported by a 3 bedroom mound septic system. The applicant proposes one on-site advertising sign that is 4ft x 8ft (32 sq ft) that will say the company name and telephone

number. The employees take their business trucks home with them on a daily basis. Applicants have P.I.G. contracted on a weekly basis for trash pick-up. River City Metals picks up a separate scrap metal dumpster as needed. Lamps are recycled on a regular basis to various companies. Cardboard is recycled as needed. Pierce County Code 240-54(A) requires 2 off-street parking spaces for contractor establishments and the property has more than 2 parking spots available. PCC 240-54(I) requires handicapped parking spaces should include 2 percent of the total spaces created, with the minimum of one space. There are 10 employee parking spaces, 8 business trucks parking spaces and 1 handicapped parking space is available. The Town Board of Ellsworth recommended approval of this request on 11-4-2013 and a copy is included in the staff report. The Town justified their approval by stating, "The Town's Comprehensive Plan, Chapter 9, identifies land use which would be commercial as this business is a specialty contractor or personal service business and is consistent with the desired character of the town."

Staff Recommendation: Staff recommends the Land Management Committee determine whether or not 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 not to be contrary to the above, staff recommends the Land Management Committee approve this conditional use permit for a farm and home based business with the following conditions:

1. Activities shall be conducted as presented in the application, including hours of operation.
2. The business shall be conducted by the owner of the dwelling unit.
3. No more than 8 persons not residing on-site shall be employed at the site at any given time.
4. The entire business area shall not exceed 5,000 square feet.
5. There shall be at least 2 parking spaces, with a minimum of one space for handicapped parking.
6. The advertising sign shall not exceed 32 square feet, comply with the zoning code standards and signs shall be located outside of road right-of-way.
7. Applicants shall work with Todd Dolan, Ellsworth Building Inspector, to determine whether or not commercial plan review and approval is required from Department of Safety & Professional Services.
8. A land use permit shall be obtained for all future structures prior to construction. Applicant shall also comply with all relevant local and state ordinances and regulations and secure all necessary permits and licenses (e.g. Department of Safety & Professional Services (DSPS), etc.)
9. This conditional use permit shall be renewed every 2 years. Permit may be renewed administratively if no compliance issues arise.
10. 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.

Chairperson Fetzer opened the hearing to the public. No public comment. Public hearing closed.

Sanden asked about deliveries, are there any semis? Mr. Feuerhelm stated he has a short semi deliver once or twice a week. Big trailers deliver once every couple months. Sanden asked staff about the complaints received. Lund stated someone wanted to bring in an electrical business out to a subdivision and because the zoning district was rural residential and it wasn't agricultural district, it didn't allow them to bring this establishment there so they made a complaint about Matt's Electric, saying they didn't have a permit so she had to check the validity. Sanden stated it had nothing to do with his operation. Lund stated nothing personal to him.

Sanden moved to approve the conditional use permit request for a Farm & Home Based Business for Matt's Electric with conditions #1 - #10, 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/Ross seconded. All in favor. Passed.

Public hearing to consider and take action on a request for a conditional use permit for a Nonmetallic Mining Operation in the General Rural Flexible 8 District pursuant to Pierce County Code Chapter 240-37A and Reclamation Plan hearing, pursuant to Pierce County Code Chapter 241-15A(2)(a), for Wisconsin Industrial Sand Company, 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. Chairperson Fetzer invited Wisconsin Industrial Sand Company forward: Jeff Himes explained WISC is requesting approval for a conditional use permit to operate an underground mine in the Town of Oak Grove. Their overall plan is to develop a mine in the towns of Diamond Bluff and Oak Grove, build a wash plant in Diamond Bluff which will supply wash sand to the Hager City drying and screening facility. The properties included in this application are a part of this mine. This will be an underground mine essentially the same as the Bay City and Maiden Rock mines. The type of mining is underground room and pillar, intersecting tunnels on their grid system. The tunnels will be around 25 x 25 typical overburden thickness is 170 to 200 feet thick. Bay City and Maiden Rock mines which are currently operating have been running since 1910 and 1920. The process will be exactly the same as the other two mines, drilling and blasting, loading the sand from the faces, screening, washing, processing the sand, draining it and hauling the washed sand to the Hager City Facility. It should be pointed out that the washing process is in Diamond Bluff. The Oak Grove portion is going to be just the underground operation and nothing other than that. On the surface, we will be including some ventilation shafts to provide fresh air to the mining operation and we may include portals to add ventilation and safe access and escape ways. This is all the same as the Bay City and Maiden Rock mines. The reason they are pursuing this project and the benefits to WISC in bringing this operation into production is to provide more sand production capability to provide a growing market in the industrial business and benefits to the community are construction jobs while they build and develop the facility and also 20 – 30 additional jobs at the mine, also additional jobs at the Hager Plant when it is expanded. Fairmont has added 133 jobs to the region since we started working in this area ten years ago. Impacts, generally they consider dust, noise, trucks, lights, in this case the entire operation is underground in the Town of Oak Grove. There will be no dust issues. Everything is operating underground other than some vibration from blasting. Some moderate noise from the ventilation shafts will be no noise issues. They aren't running production trucks on the Town Roads. Lighting will not be an issue. All the trucking will be in Diamond Bluff and Trenton Townships, not in Oak Grove. In conclusion, the proposed mine provides jobs, very low impact in the Town of Oak Grove. It will not interfere with any current surface activities. We believe the proposal is consistent with the Town Comprehensive Plan. It does not detract from the rural way of life. It supports the continued operation of farms. We are operating successfully with the conditional use permits we have at Bay City and Maiden Rock. We are requesting a similar conditional use permit with similar conditions for this operation in Oak Grove. Sanden just wanted to be clear; you said no truck traffic, how does the sand get transported from this mine to its ultimate destination? Mr. Himes stated the sand is dug by front-end loader at the face underground, hauled to the screening apparatus to take out the big chunks and then it's basically slurried at that point and then pumped to the wash plant in Diamond Bluff Township. All underground.

Staff Report – Brad Roy: WISC is seeking an expansion of the Diamond Bluff underground mine which was permitted by the LMC in 2012. At that time the applicants indicated that they intended to expand the mine into the Town of Oak Grove, pending a recommendation from the town. The applicant has now secured a recommendation and is requesting an expansion of the mining area into the Town of Oak Grove. The proposed expansion would extend the mining tunnels; above ground disturbance would be limited to ventilation shafts and potentially a secondary exit. The mined materials will be screened, trucked and conveyed in the tunnels and eventually pumped through a slurry pipe to a wash plant in the Town of Diamond Bluff. The washed sand will be trucked from Diamond Bluff to the dry plant in Hager City. Mining operations will be similar to those in the WISC Maiden Rock and Bay City mines. Mining is not expected to commence in the Town of Oak Grove for 10 years or more. It has been suggested that the fact that “mining” has not physically commenced at the permitted mine site in the Town of Diamond Bluff means that the “use” has not been established and consideration of a conditional use permit to authorize expansion of the mining area is not appropriate at this time. Pierce County code 240-76(G) states: “Expiration. 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 of the permit, the permit shall expire at the end of the time limit.” The LMC, at the required 1 year status

report on August 7, 2013 by WISC, found that “action” had commenced at the Diamond Bluff site within 12 months and that the “use” had been established. Given this determination by the LMC, it is appropriate to now consider a request from WISC to authorize additional areas for future mining activity. Many uses require that substantial engineering and design be completed prior to any construction or site disturbance occurring. Additionally, some uses, such as mining, require permits from multiple agencies and levels of government and can require even longer timeframes to be fully operational. Given this, it is not reasonable to expect a particular use to be fully established and operational within 12 months. It is for this reason that Pierce County Code uses the standard of “action has commenced to establish the use” when considering whether a use has been established. It should also be noted that the fact that mining is proposed to take place in two different townships does not impact the status of the mine as a single project from a County Zoning perspective as both towns have adopted County Zoning. A Reclamation Plan has also been submitted for the proposed above ground disturbance and will be discussed. No formal action is required for the Reclamation Plan. Proposed expansion parcels are located in Sections 25, 33, 34, 35 and 36, all in T26N, R19W, Town of Oak Grove. The property is zoned General Rural Flexible 8. The proposed expansion encompasses 27 parcels totaling approximately 985 acres. The primary use of the land is agriculture, forested and undeveloped. The proposed underground mining would not cause a change to the current uses. Adjacent land uses include agriculture, forested, undeveloped, a commercial orchard, residential, and a platted residential land division (zoned Rural Residential-12). The application included the commercial orchard property which is zoned Light Industrial. Nonmetallic mining is not an allowable use in the Light Industrial District. The entire mining process takes place underground using room and pillar mining. The sandstone will be mined in parallel tunnels approximately 30-foot wide separated by 70-foot wide sandstone pillars. The mining is accomplished by drilling and blasting. In the tunnels, the mined sand will be trucked and conveyed to a scalp screen to remove coarse sand and water will be added creating slurry. From there the slurry will go to another scalp screen to remove more coarse material. The material will then be pumped to the wash plant through a slurry pipe. Water is supplied by two high capacity wells which are to be located in the Town of Diamond Bluff. High capacity wells are permitted by the WDNR. The wash water will be recycled using a closed-loop sand dewatering system. The applicants have not indicated any intention for a high capacity well to be located in the Town of Oak Grove. The washed sand in Diamond Bluff is trucked offsite to a processing facility in Hager City. The haul route in the operation plan does not detail any production traffic within the Town of Oak Grove. A ventilation shaft may be needed in the future to provide clean air to the underground mine. The exact location of any potential shafts cannot be determined at this time. They are typically located on flat, easily accessible, leased property with access paths for maintenance and monitoring. The applicants have also indicated that a secondary access portal may be necessary in the Oak Grove mining area. It would be intended as a secondary access and also for emergencies and not for production. The location of any access portal cannot be determined at this time. Groundwater elevation in the mining area is mapped at approximately 720 to 800 feet mean sea level. The lower level of the mined sand is approximately 60-80 feet above the groundwater table. The applicant is proposing to operate the facility 24 hours a day, seven days a week with up to 22 employees. WDNR regulates and monitors discharge water through the WPDES Permits. The WPDES permit ensures that water samples are collected and analyzed to demonstrate that water is not discharged that could negatively impact surface water. The permit will include the erosion control Best Management Practices (BMPs) which will follow the Conservation Practice Standards provided by WDNR. The mining operation is required to develop and implement a Storm Water Pollution Prevention Plan and a Spill Pollution Control and Countermeasures Plan. These plans 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 or ground water. A Fugitive Dust Plan has been developed for the operation. The plan details the measure to be taken to reduce roadway dust from stockpiles and roadways during periods of dry or windy conditions. The wash plant will remove clays and fine material from the sand. The clays and fines go to thickener tanks which use flocculants and then to a filter press or plate press. The press will remove the water and create a cake of clay and fine material which will be placed back in the mining tunnels. The use of flocculants in the

dewatering process has caused concerns from the general public regarding the possible contamination of groundwater. The use of flocculants is permitted by the WI DNR which monitors the type and limits the amount used. The flocculants will remain with the clay and fine materials and be placed back in the mining tunnels, where it will degrade. The WDNR Bureau of Air Management permits and monitors emissions of nonmetallic mining and processing operations. Their jurisdiction ranges from extraction to shipment. Concerns have been raised about the health effects of silica dust. New information regarding the potential impacts of silica dust is emerging as well as methods for mitigating the dust. WISC has submitted information regarding the air monitoring done by WISC, the DNR as well as the mining industry. A discussion as to whether additional air monitoring is warranted will take place at an upcoming LMC meeting. Wisconsin Department of Safety and Professional Services (DSPS) establishes uniform limits on permissible levels of blasting to reasonably assure that blasting does not cause injury, damage or unreasonable annoyance to persons or property outside any controlled blasting site area. SPS 370 addresses “unreasonable annoyance” as well as injury and damage to persons or property by requiring a pre-blasting survey, adherence to established blasting schedules, use of seismographs meeting minimum specifications and control of adverse effects. WISC will use controlled blasting techniques to minimize ground vibrations and seismographs to measure and document the resulting ground vibrations. WISC will offer pre-blasting surveys to residents or owners of dwellings or other structures and respond to claims of impacts. WISC will develop a blasting schedule with consistent times. Surrounding landowners will be given the option of having notices sent to them via phone, text or email before any blasting. Pierce County has, through its adopted comprehensive plan, acknowledged that the responsibility for accomplishing planning objectives set forth in comprehensive plans developed by towns subject to county zoning lies jointly with the Town and Pierce County. The County further establishes “that it will seek to further each Town’s planning goals and objectives when considering the establishment of conditionally permitted uses.” The County’s plan states that “the county will consider adherence to the goals, objectives, and policies of an adopted or amended comprehensive plan to be consistent with the public interest for decisions relating to that governmental unit or municipality.” (Pierce County Comprehensive Plan page 13) The Town of Oak Grove recommended denial of this request on April 21, 2014. The recommendation is based on the Oak Grove Comprehensive Plan, Chapter 9 – All Conditional Uses: *Goal 2*, “Ensure that the proposed conditional use will be compatible with surrounding land uses that exist when the proposed use commences.” *Objective 1*, “To consider and review proposed conditional uses that will commence within a reasonable time of the Town’s consideration of the conditional use permit application.” *Policy 1*, “Town will generally not recommend approval of a conditional use permit application if the proposed conditional use is not expected to commence in the Town within 12 months of the issuance of the conditional use permit.” The Land Management Committee, on October 17, 2012, adopted a Policy titled “LMC action when a Town Recommendation is purported to adhere to an adopted Town comprehensive plan but appears to be unsupported by said plan.” The policy states that in cases where a Town provides a Town Recommendation that purports to be consistent with that Town’s adopted comprehensive plan, but upon review appears to be unsupported by that plan, the Land Management Committee shall, after holding a public hearing, defer action on the conditional use permit request and shall refer the issue back to the Town for additional consideration and clarification. Staff has reviewed the Town of Oak Grove’s recommendation and believes that it is supported by the Town of Oak Grove Comprehensive Plan. Pierce County Nonmetallic Mining Policy establishes setbacks for mining operations to be 100 feet from property lines and 200 feet from residences. Due to the proximity of adjacent higher density residential (Rural Residential-12), staff suggests that a larger setback to the RR-12 Zoning district should be considered. The Rural Residential – 12 Zoning District is established to provide for residential subdivision development in predominantly rural areas not suited for agricultural uses, served by on-site absorption sanitary systems and private wells. The District is intended to protect residential development from incompatible uses. An increased setback would also be consistent with the guidelines established in the Oak Grove Comprehensive Plan. The Town of Oak Grove Comprehensive Plan discusses nonmetallic mining in detail, however, that guidance was not referenced in their recommendation regarding this request.

- A Reclamation Plan was developed for the mining operation.
 - The structures, vents and ramp are to be removed.
 - Mine openings are to be closed in accordance with agreements to be determined with the WDNR and to allow continued ingress and egress of bats.
 - The flat areas will be returned to a condition for potential agricultural use.
 - The sloped areas will be seeded with natural grasses.
 - The final land use will be dependent on future land use trends.

The existing conditions are listed #1 through #24 in the staff report.

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 this CUP for an expansion of a nonmetallic mining operation be granted with the following conditions, additions and changes are shown in bold:

1. Applicant shall submit verification of lease agreements before mining is conducted.
2. Comprehensive water testing will be conducted annually for residential wells located within the boundaries of the mined area. 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, two times each year. Test results and the base line data tests shall be provided to the Department of Land Management.
3. A 100-foot buffer shall be maintained from the active mining to the boundaries of non-leased properties. Mining under a leased property shall be a minimum of 100' from any well. A 200-foot buffer shall be maintained around structures. **Mining shall not encroach within 400 feet of a Rural Residential zoning district.**
4. Any intensification of use or change in approved plans will require the issuance of an amended conditional use permit.
5. A map of mining activity and areas of future expansion shall be provided to the Zoning Office annually.
6. Applicant agrees that any erosion issues that arise shall be addressed to the satisfaction of the county.
7. Verification of an agreement with the Wisconsin DOT shall be submitted before mining extends under Hwy 35.
8. WISC shall develop a plan to respond to damage claims to wells or structures by surrounding land owners. WISC shall offer pre-blasting surveys to residents or owners of dwellings or other structures within 1500 feet (or as established by the **applicable** Town) and shall respond to claims of impacts/damage.
9. A groundwater response plan, including accurate determinations of the groundwater level and which details resources to be used to protect the quality of groundwater beneath and adjacent to the extraction operation, and a proposed response to encountering groundwater, shall be provided. Groundwater elevation shall be monitored annually and the results submitted to the Zoning Office.
10. Engineering analysis shall be conducted to demonstrate slope stability for the reclamation of the mine entrance area. Reclamation shall be according to submitted plans and shall be completed within one year of ceasing mining operations.
11. A formal road agreement for **1005th St.** with the Town of Diamond Bluff shall be established and provided to the Zoning Office prior to any site disturbance. **Road agreements shall be established with the appropriate municipality prior to any use of Town or County roads.**
12. Applicant shall obtain all necessary permits for the proposed development within the Floodplain and Shoreland area.
13. Applicant shall pay the Nonmetallic Mining fee to the Zoning Office prior to site disturbance.
14. The financial assurance for reclamation shall be reviewed and approved by Corporation Counsel before mining commences.

15. WISC will 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 from such emissions.
16. The operator shall provide notice to the County of any orders to cease and desist from MSHA.
17. All loaded trucks shall be tarped in a manner acceptable with the Town of Diamond Bluff.
18. 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. If they are not required, applicants shall submit verification from those agencies stating that the plans are not required.
19. Applicant shall implement Fugitive Dust Plan as presented. Modifications to the Fugitive Dust Plan may be required by the LMC if warranted.
20. Applicant shall identify blasting frequency and all blasting shall be done by a certified state licensed blaster. Notification to all surrounding landowners within 1500 feet shall be given notice of the blasting schedule. Blasting shall be restricted to six days a week.
21. Applicant shall follow all recommendations and receive all necessary permits from WI DNR, Department of Safety and Professional Services, WisDOT, MSHA and other agencies if required.
22. Applicant shall obtain all necessary permits for structures or signs not discussed in this plan from the Zoning Office.
23. An annual audit, detailing mining activities to date and demonstrating adherence to approved conditions shall be submitted to Pierce County Land Management Department by January 31st.
24. This permit shall expire in two years. Applicant shall come before the LMC for a status report in one year.
25. **Reclamation shall be according to submitted plans and shall be completed within one year of ceasing mining operations.**
26. **Any polyacrylamide flocculants must be used consistent with WI DNR permit requirements.**
27. **Prior to beginning any mining activity within the Town of Oak Grove the applicant shall request to be placed on the agenda of the Oak Grove Town Board to review uses occurring in proximity to parcels authorized for mining. Concern raised by the Town shall be presented to LMC for review and potential CUP modification.**
28. **No ventilation shafts shall be developed until after such time as the proposed location is reviewed by the applicable Town and approved by the LMC.**
29. **Any secondary access portal shall require issuance of a Conditional Use Permit for an expansion of this use.**
30. **Mining shall not occur on/under property zoned Light Industrial.**

Chariperson Fetzer stated he will now defer to Andy Pichotta. Mr. Pichotta stated that the committee should have in their folders a copy of a Memo from him with the subject Town Recommendations and the Public Interest. There are copies available on the table. Pichotta proceeded to read the memo. According to Perce County Code 240-76 a conditional use permit (CUP) is required for the following:

- Establishment of each use permitted as a conditional use,
- An addition to, or expansion of, a nonconforming structure,
- Expansion or intensification of a nonconforming use,
- Expansion of a use permitted as a conditional use.

Pierce County has, through its adopted comprehensive plan, acknowledged that the responsibility for accomplishing planning goals and objectives set forth in comprehensive plans developed by towns subject to county zoning lies jointly with the Town and Pierce County. The County further establishes “that it will seek to further each Town’s planning goals and objectives when considering the establishment of conditionally permitted uses.” The County’s comprehensive plan states that “the county will consider adherence to the goals, objectives, and policies of an adopted or amended comprehensive plan to be consistent with the public interest for decisions relating to that governmental unit or municipality.” (Pierce County Comprehensive Plan, page 13). In order for a Conditional Use Permit application to be considered complete, Pierce County requires that a Town Recommendation Form be submitted along with

other required materials. The Town Recommendation Form enables a town to provide input and make recommendations regarding the potential issuance of Conditional Use Permits. As noted above, a recommendation that is tied to the planning goals and objectives of adopted comprehensive plan is to be considered to be consistent with the “public interest” for that municipality. The term “public interest” is defined at the bottom of the second page. A Town Recommendation is required as part of a Conditional Use Permit application whether a town has adopted a comprehensive plan or not. Pierce County Zoning Code (Chapter 240) states that “the Land Management Committee shall review each conditional use permit application for compliance with all requirements applicable to that specific use and to all other relevant provisions of this chapter. In approving conditional uses, the Land Management Committee also shall determine that the proposed use at the proposed location will not be contrary to the public interest and will not be detrimental or injurious to the public health, public safety or character of the surrounding area.” (Emphasis added.) From a practical perspective, when a town cites goals, objectives, and/or policies in their recommendation regarding a proposed conditionally permitted use, the Land Management Committee must seek to ensure that any decision made, or condition placed, will not be contrary (see #1 below) to the long term or intermediate end that the goal and/or objective cited is intended to accomplish. A policy, if one is cited, should be viewed as the town’s recommendation as to how that particular goal or objective could or should be accomplished. It may be that a variety of strategies or required conditions could be employed to accomplish the cited goal or objective and it is the Land Management Committee’s responsibility to ensure that any condition placed is reasonable and meets a legitimate regulatory purpose (see #2 below). It must be noted that the Land Management Committee is ultimately responsible for decisions regarding the issuance of a conditional use permit and said decisions are appealable by any aggrieved party. Pierce County, in creating a mechanism through which a town is able to further the goals and objectives of their comprehensive plan, did not relinquish its authority or responsibility in making discretionary decisions regarding the issuance of conditional use permits. Decisions regarding approval or denial of a proposed use or the establishment of conditions must still be made based on the standards contained in Chapter 240-76 of the Zoning Code. Approval continues to be based on a determination by the Land Management Committee that “the proposed use in the proposed location will not be contrary to the public interest and will not be detrimental or injurious to the public health, public safety or character of the surrounding area.” Conditions placed must be reasonable and relate to a legitimate regulatory purpose, such as public health, safety, welfare or protection of the public interest. Persons aggrieved by conditional use permit decisions issued by the Land Management Committee may, within 30 days of filing of each such decision in the office of the Zoning Administrator, file a certiorari review action with the Pierce County Circuit Court.

- (1) Public Interest – 1. The general welfare of the public that warrants recognition and protection.
2. Something in which the public as a whole has a stake; est., an interest that justifies governmental regulation. (Black’s Law Dictionary Seventh Edition)
Contrary – Opposite in character or nature. (Webster’s Third New International Dictionary)
- (2) Conditions established as part of the issuance of a conditional use permit are generally legal and acceptable if they meet the following tests:
Essential Nexus Test: The limitation must be designed to remedy a harm to public interests or to address a need for public services likely to result from the proposed development.
Rough Proportionality Test: The limitation must be commensurate with the extent of the resulting harm or need for services.

Chairperson Fetzer opened the hearing to the public. Sarah Palodichuk, Town Chair, Town of Oak Grove, Andy, thank you for summarizing a lot of what she had to say in this Memo. It’s a little hard to process the end part of it having not seen it before. She assumes everyone on the committee has read the Towns Recommendation in whole. To be clear, our recommendation to deny this application is about the zoning issue here and the securing of zoning on a piece of land indefinitely. They are open to the discussion of mining in Oak Grove and they are open to the discussion of WISC mining in Oak Grove. We feel that this particular request is premature. Therefore, we recommended denial of the request. As a side note, on the first page of the staff report, starting in the third paragraph, it states that it has been

suggested that the fact that mining is not physically commenced. That was not their suggestion. That is not the point they were trying to make at all. She doesn't think anyone in Oak Grove disputes the fact that there have been actions taken in Diamond Bluff. She was at the meeting when the committee renewed their permit in 2013. She knows they have said that there have been actions taken. That is not their point of discussion at all. So those paragraphs are not what they are talking about. What they are talking about is if you look at Pierce County Code 240-76A and it talks about an expansion needing its own conditional use permit. Nowhere does it say that Section G that talks about expiration does not apply to expansions as well as the initial conditional use permit. More specifically, this conditional use permit is a brand new conditional use permit in the Town of Oak Grove. Their comprehensive plan says that they generally will not recommend approval of a conditional use permit if use is not to begin in 12 months. So on both levels, Oak Grove Comprehensive Plan and the Pierce County Code, she believes this is an inappropriate, premature, unripe issue. Back to Andy's Memo, they did rely on the two different documents that Pierce County has sent out most recently, the policy adopted 10-17-2012 where she and fellow Board Member Debbie McClure attended where it says like Andy had said, the Town Recommendation shall be considered to be consistent with the public interest for the town and also with 240-76E(1) where it says that, Andy quoted it, where it says that the decision you make shall not be contrary to the public interest. Based on those two things alone, she feels that this committee is compelled to deny this application. If you choose not to do so, she respectfully requests that you read an express finding of justification for not following your own policy into the record. Her last point, if you do choose to set aside their recommendation of denial. They specifically asked staff if we would have the opportunity to submit a revised recommendation if our rationale was deemed inadequate to support their recommendation. She knows that the Land Management staff has said that it is consistent with their comprehensive plan but if you feel it lacks adequacy then they respectfully request that you send it back to us. He knows better than to just repeat something she heard in a conversation, because she has learned the hard way about that, but she did meet with Andy Pichotta and with their town attorney and asked about that and had made sure they had established the correct procedure. Also she is in an awkward position as Town Chair because she did have that conversation and herself and the town attorney told the Planning Commission that information as well. And to have her Planning Commission rely on her word that we would have a chance to submit further recommendation if theirs was inadequate is a huge responsibility in her town. Not only did the planning commission rely on the information she was given but the town board did as well. She feels like their recommendation was given appropriately that it is clear that their recommendation of denial is in the public interest and that they would like the committee to follow that recommendation. Alternatively if you choose not to follow that recommendation, they would request that you send it back to them for further recommendation. She could spend 25 minutes going through every page of the document that was just handed to her. If this decision is going to be finalized tonight and you intend to approve it as it is written, then later in the meeting she would like it if you would give her the 20 minutes to go through page by page because she does have notations page by page which as Town Chair it's probably appropriate for her to present to the committee. She has said her process portion of what she has to say but if there is going to be further conversation without having it be sent back to the town, she would appreciate being able to share the substantive portion. Thank you. Jerry Turley, Estates of Diamond Bluff, if you look on the back page you can see that the proposed mining area butts right up to a number of our properties. We have had a lot of discussions on whether the setbacks are enough to protect our properties and wells and septic tanks. These setbacks they don't think are anywhere near adequate to protect us from continuous blasting over decades. It talks in here about there will be a plan to address damages. He would like to see something specific on what damages are going to be so that if they have to replace a well or septic tank that there will be a fund set aside so they don't have to go in court to be readdressed for the damages, because there is no way as individual homeowners they could battle with a big company like that. If there could be a fund set aside to handle that, that would be administered by a third party, it would alleviate a lot of their concerns. If you look at the map, on the proposed parcels on the right hand side, it has the boundary going right up to 435th Ave. There is a coulee that runs there and there is an easement trail that runs down to Smith's Landing. He wants to know specifically why that

easement trail is included. Does somebody intend to make that into a road? He can't see any reason why a mine 200 feet underground needs to include that easement as part of the parcel. Roy stated as part of the application, you look at the whole parcel so that parcel includes that portion up to the road. Roy can't imagine with setbacks that that is a mineable portion of that parcel but since it is part of the whole parcel, it is included on the map. Mr. Turley stated what he thinks he is hearing is that it's included and he isn't hearing a specific reason that it's not going to be included on the mining operation like a new exit. Roy explained a new exit would have to go back to Town and also this committee. Mr. Turley stated he understands it would go back to the Town but the Town has already recommended not to approve it and I think everybody here knows which direction that is headed, sounds like the Town's recommendation is going to be overruled. That doesn't carry much weight. Pichotta stated when you factor in setbacks; that pierce simply couldn't be used for anything. It just is a reflection of one of the applicant's property lines. It's the simple reason that that is included. Mr. Turley asked if there is any way that this is approved that it could be amended that that section of the trail and easement would not be used for mining operations? Pichotta stated he doesn't think that an amendment would be required based on the existing conditions that are recommended, mining could not occur within 400 or 500 feet from there. Mr. Turley stated reading through this, a lot of the verbiage is what he would refer to as weasel words, that don't actually mean anything in a court of law so that if anybody ever contested this, he doesn't think it would hold up at all. Pichotta stated he respectfully disagrees. Cindy Jensen, lives in Oak Grove in the Estates of Diamond Bluff, she would like to refer to the staff report on page 4, she just wanted to state that the bullet that talks about the recommendation by the staff that they suggest a larger setback because of the Rural Residential 12 Zoning District, she doesn't see anything in the recommendation that addresses that but it sounds like staff has recommended that and she suggests and agree with that. Chairperson Fetzer stated we bumped it up to 400 feet. Pichotta stated that is in condition #3. Ms Jensen also agrees with the recommendation that Sarah has made from the Town Board. She doesn't understand why a permit is given for parts of Oak Grove when in fact this permit is going to expire in two years but we are stating that there is going to be no mining in Oak Grove for eight to ten years. She is not sure why we are approving a permit and doesn't understand why that is necessary. Burt Levy, resident of the Town of Oak Grove, he fully agrees with the position of the Town of Oak Grove in regard to the mining CUP application by WISC. He has been very involved with the updating of their Comprehensive Plan and the crafting of a fair ordinance in regards to non-metallic mining. I have researched many of the issues (legal, environmental, economic and social) and sat through innumerable Town meetings where we were under the guidance of our Town attorney, Cedar Corp and others who were in constant contact with the County Land Management Office. Under the advice of the county and our consultants, we arrived at the Plan and Ordinance that are stated in the Town's response that you have before you. A response that is both fair and legal. As stated in the Town Recommendation, Oak Grove has no idea when WISC might cross the border from Diamond Bluff to Oak Grove. It could be 5, 10 or 80 years or never. This is a patently unfair encumbrance on future land use and casts a shadow on the evaluation of any nearby properties. The argument that this CUP is an extension of an existing mine totally disregards the fact that individual applications for any CUP have to be made to all townships involved. There are no extensions of any project into an adjacent municipality unless that municipality also approves it. The logical conclusion of WISC's insistence that this is an expansion would negate any necessity of a CUP application to any adjacent municipality that they or anyone else wanted to expand in to. That is, since we were granted a CUP in "X" Township we are automatically granted a CUP in "Y" Township. That's absurd. In that the Town of Oak Grove has exercised due diligence along with extensive time and money to comply with all state and county provisions concerning this matter, your finding must be to uphold the decision by the Town Board of Oak Grove to reject the CUP at this time on the basis stated. Tom Breen, Oak Grove, Aspen Creek Development, he too wants to speak in support of their Town Recommendation. He wants to speak to the lingo in the approval about this conditional use permit proposal is not contrary to public interest, not detrimental or injurious to the public health or public safety or detrimental to the character of the surrounding area. That is what it is not in your mind if you pass this. What he would like to know is what you think are the benefits for the 40,000 plus residents for Pierce County if this mine advances into

Oak Grove. Can any of the board or zoning staff please give us some positive comments on what is to the good besides 22 jobs and monetary gain for two or three families who are selling the rights to their property? Debbie McClure, Supervisor in the Town of Oak Grove, over the last two years she thinks she has been here almost as often as Sarah has and as often as the WISC people have. Looking at all of the different conditional use permits that have been passed, she recalls back when we were looking back at the initial one, she has notes from August 1, 2012. At that time there were a number of people from Oak Grove that attended the meeting and maybe two or three people that were here from Diamond Bluff. Whether it was overtly said or not, during that time period, it was clear communication to her and to some of the others that were here that that conditional use permit had to do with Diamond Bluff and that Oak Grove would have their day another day. What she is reading in this, now that we are talking expansion, is that maybe Oak Grove should have been considered at that time when we were saying that this is not something we want to be part of, at that point. She agrees with what Burt and Tom were saying with why even ask us for a conditional use permit if this was all going to be put together as one, it's basically a formality for the Town. The Town has spent thousands and thousands of dollars to have lawyers and consultants to go through this. It certainly would be a waste of our money and time and the efforts of Jerry and Gene that put this all together. They worked very diligently on the ordinance. She doesn't see anywhere in here that the ordinance is referenced as one of the conditions. She doesn't know that it necessarily has to be but she would like to make sure they are understanding that any conditional use permit issued now or five years from now would be subject to the ordinance or an agreement of those terms of the ordinance with the mining company, primarily because they have their own set of setbacks, they have their own descriptions of the types of activities, they have their own blasting schedules, things like that. If they are just going to be lumped in with Diamond Bluff that's not really a fair statement for them to come back with a conditional use permit of their own, a recommendation. Again, she supports the work of the previous board and she knows it's the board that she is on that is making this recommendation. Again, not anti-mining, not that they don't want to talk about it; they don't want to talk about it now, she doesn't think that we talked to Diamond Bluff ten or twelve or twenty years ago about this particular mine. She is sure it would have been considered premature if they were talking about that fifteen years ago in Diamond Bluff about a conditional use permit. She thinks it's premature now. Verna Seleski, lives in the Estates of Diamond Bluff, her property is one of those that will be adjacent to you proposed mine. She just wants to support what her township board has come up with and she hopes you take into consideration all the time and effort they put into coming up with their recommendation. It wasn't done overnight, it took a long time to come to this decision and it wasn't done easily. Please really take a long, hard look at it and weigh it heavily. Brent Glass, lives in Diamond Bluff Estates, he wants to show support to the Town of Oak Grove and the decision that they made in regards to the permit and part of what he is taking a look at is, he recently moved into that development. Obviously, as most everybody knows, that development has had a tough time taking off in regards to the recent economic times. When you are looking at doing a conditional use permit, maybe the mine isn't going to start for ten years, but if you do pass a conditional use permit he thinks that is going to have a direct effect on that community and those empty lots they currently have. As well as the effect on the road that they currently have that is not up to County standards. He just hopes you take that into account when you are looking at something that obviously can come back at a later time. He attended one of the town meetings and he got up and he probably wasn't the most popular person because he got up said he wasn't anti-mining but he is pro-common sense. What can we do in taking a look here what potentially passing this conditional use permit may have influences that is not really seen here tonight within that development. Jan Amberson, lives in Oak Grove, they have been here for about eleven years so they participated in full with the last Oak Grove Board on rewriting our rules and regulations and comprehensive plan. She is here to support the current boards wanting to delay the comprehensive plan until there actually is an appropriate time for it. Based on data from the US Geological survey, sand used for frac sand mining has increase from 3 tons in 2005, and for decades before that, to an estimated 30 – 40 million tons in 2011 and it's continued to increase to now. She mentions this to remind us how dramatically the industry has changed in the past nine years. We have no way of knowing what the industry will look like in another ten years. The sand mining boom may

continue or it may collapse do to forces we cannot foresee. Likewise, Oak Grove has changed substantially since they moved here eleven years ago. She attended most of the meetings as the previous town board worked for a year with our advisors to update our comprehensive plan and write a nonmetallic mining ordinance to accommodate the changes. Oak Grove will continue to change also. Consequently, we cannot know today what Oak Grove will need or support ten years from now or what WISC will need or support for that matter. Consideration of any CUP should only occur within a year of when it would be needed. Dennis Donath, lives in Oak Grove, has lived there for 29 years and he also represents Pierce County on the Mississippi Parkway Commission that has to do with the Great River Road. He has sat through many town meetings during the development of the comprehensive plan and ordinance. He thinks they did a fine job and he fully supports the action of the town in denying the CUP. Michael MacGregor, Supervisor of Oak Grove, reiterate that the past planning commission and the town board members, both past and present, have worked very hard on this CUP and they came to the right decision in postponing this until actual within a 12 month timeframe with doing something with that property. He thinks they all met together with the lawyers and came to a very good decision and he respects what they decided. Mindy Allsop, Oak Grove Township, she also agrees with the recommendation of the township and they are their elected officials and they respect their decisions and she believes they have the public interest at heart and that it is very important to them. She would just like to agree with the recommendation. Pichotta stated there is an email that he received late in the day from Mark McClure that was included in front of each committee member. Chairperson Fetzer asked Pichotta to read it. Pichotta read: Hello Mr. Pichotta, I am a resident of Oak Grove Township and cannot attend tonight's meeting. I would like to offer my opinion for the board to consider. I have attended the public meetings with the Oak Grove Planning Commission and the Oak Grove Town Board for 2 years regarding WISC and the Town Ordinance. I agree with and support the town's recommendation to deny the CUP at this time for WISC. The Oak Grove Town Board and residents have had several public meetings to come to this decision and I support the decision. I have not talked with anyone who is for a conditional use permit for WISC. One reason I moved out this way was to hopefully get away from local governments who do not honor the majority of the people's wishes. I believe that it is in the public interest to not have a land use in place now that won't actually be used for many years and at that time may not be compatible with the surrounding land. Thank you. Kathy Breen, Oak Grove, she supports the denial of the CUP at this time in Oak Grove. Sarah Palodichuk, Town of Oak Gove Chair, in the Town Recommendation form on the 2nd page, they did make mention of the nonmetallic mining section of their comprehensive plan, her intent was to show that in case things did go the way that they did tonight, that that is a reservation of us being able to clarify our position on those things. Ms Palodichuk stated that she wants the opportunity to be able to clarify their recommendation, she wants you to look to those things and see that they did note that. Chairperson Fetzer stated that with you being the town chair, you have every right to go through that. Ms Palodichuk asked every right to go through what? Chairperson Fetzer stated your recommendation. Ms Palodichuk stated she will do that, she doesn't feel that she has had enough time in the past 24 hours since she got this staff report to present anything but her personal opinion. It makes more sense for her community to be able to have these plan commission members here and to have their input into this. It is not her place to sit here and unilaterally say that this is the essence of what our town has said but since you have requested that, she will. Chairperson Fetzer stated that he thinks that it is important and if you have something to say, it needs to be said. Ms Palodichuk stated she knows but this recommendation that you have is written out, it's well thought out, it's edited, it has been proofread by their lawyer to make sure she makes sense and well Jeff and Eric have heard me talk plenty and she thinks they would appreciate her written word more than her spoken word. It puts her in a situation where she is reading something into the record commenting on a staff report rather than formally responding to it. Ross stated maybe he misunderstood something, he didn't hear a request coming from the Chairman, Ross thought you wanted to say something more as well. Ross stated that the Chairman wanted to give you that opportunity if that was an opportunity you wished to have. Ms Palodichuk stated, Thank you Mr. Ross, what she said is, she would like to have that opportunity if they aren't going to be given the opportunity to review this. She was told by the Land Management staff that they would be able to review this if their recommendation wasn't taken. That is

what she was told, that is what she is relying on, that is what these gentlemen are relying on and Ms McClure is. So if we are not having the opportunity to formally review the recommendation, then she would like to comment on it. So if you can let her know if after a motion is made, if she can have the chance to comment on it, she would appreciate it. Chairperson Fetzer stated typically public comment time is now. Ms Palodichuk stated she is well aware of that but she is relying on information that she was given and this isn't a he-said she-said situation. You can tell by the words. You guys know darn well that if she wasn't told that, you would have probably a ten page document from me. You guys know that. So are we going to be given the opportunity to review it again if you choose to deny our recommendation? Pichotta stated that as far as the assertion that he promised you that you would have the opportunity to review it again, his recollection is a bit different than yours. You called him, first you talked to Brad, he wouldn't give you an answer, so you called me and I recited to you line and verse the policy relating to LMC action when a town recommendation is purported to adhere to adopted town comprehensive plan but appears unsupported by said plan. You asked for an assurance that we would kick it back to you if we did not accept, or if the committee didn't like your recommendation. I told you it wasn't about the committee liking your recommendation, it was whether or not you submit a recommendation that purports to be consistent with your comp plan and if we look at the comp plan and we can't see the correlation, you could rest assured that it would, in all likelihood, be kicked back to you, per that policy. Ms Palodichuk stated she does recall that phone call and at that time Pichotta told her that the Land Management Committee would be the ones to decide, that you can't force them to follow their policy that they would be the ones to choose to follow the policy. That is what she was told at that time in that phone call. But prior to that she also sat down with you, with the town attorney and had the same discussion and he relayed the same discussion to our planning commission that she had that they would be guaranteed another time to look at it. Pichotta stated he disagreed and would not have guaranteed that because he can't guarantee committee action. Ms Palodichuk stated she shouldn't have used the word guaranteed, that they could be assured that, she doesn't know how to get around the fact that they were relying on the policy adopted on October 17th and that it (the issue) would be sent back to the town. This goes back to Mr. Kosin and the heliport issue and everything else. This is the precise reason, in her opinion, why that policy was adopted. Is because they felt like they had that before Andy's memo was sent, they had in black and white you shall find our opinion in the public interest, you shall not act contrary to public interest, that was the black and white and we should have assurance with that. They would like to address numerous issues including protection of property values, setbacks and recommendations associated with their town ordinance. She knows it is not his job at all to enforce their town ordinance but just like in the Valley Vineyard issue where you refer in your conditional use permit to our Special Events Ordinance, we would like here reference to our Nonmetallic Mining Ordinance. We were told that, and she will not use assured or guaranteed or anything like that, in their understanding that if their recommendation was not deemed adequate for the committee that it would get sent back to them. She very intentionally reserved those issues. She articulated them for the committee because she has, the whole town has, very clear direction on those issues. She is not going to address setbacks specifically but as an example, you have the 400 foot setback. That is contrary to their comprehensive plan. These are the things that they deserve to be able to address and they are willing to address. We were told we would have a second chance to address, although that is your decision as a committee to abide by that policy. You know her intent. She believes you know her intent. She has been here enough and spoken to you enough that you know she would never send this document to you like this with one argument mentioning the alternatives. She would have sent a list of five alternative arguments. At this time she is asking the committee if they want to hear her personal opinion on every recommendation that you made, then Ms McClure's personal opinion on every recommendation that you made and Mr. Johnson and Mr. Chase and maybe Mr. Kosin as our County Board Representative. Mr. Kosin stated maybe not. Ms Palodichuk stated she just wanted to include him. If this is their only chance to talk, it's not the right way to do things. Ross stated as he looks at this recommendation, and just for the sake of discussion, it says the town would generally not recommend approval of the CUP application if the proposed conditional use is not expected to commence in the town within 12 months of issuance of the conditional use permit. That is what was sent to us. He

thinks there are some operative words in there, generally being one of them but what he hears coming out of the Town of Oak Grove and the Planning Commission is that is what you were centering on. Is that true as to why you didn't recommend approval? Ms Palodichuk stated it is and she agrees that generally is operative but she gave the committee a discussion of the word generally. Ross stated, no he understands but you are saying there are more reasons than that but this is what was sent to us as to why you do not recommend approval. Is he understanding this correctly? Ms Palodichuk stated that is their primary argument but in her discussion generally, she shows that they have been willing to sit down and work on recommendations. The fact that they have made an effort to work on recommendations with the mine, she thinks shows the committee that they would be more than willing to submit recommendations unilaterally. Roy stated there was the concern about specifically referencing the town ordinance. It would be his position that condition #21 would be applied to that instance. Ms Palodichuk stated she would like a more specific reference than that and she would like the other recommendations to at least address, not everything in the ordinance is appropriate to this group, obviously. That is the whole point of having an ordinance that would be separate but there are some very specific things in the ordinance that they would like pulled out as well as a reference to their Nonmetallic Mining Ordinance. Pichotta stated as far as making adherence to the Town's ordinance a condition of approval - what we don't want to do is get in a position where if the town were to administer their ordinance in an unreasonable way, or do something that was unlawful, where compliance with our permit is in jeopardy or they violate a condition where we don't have control over that other process. Given that that is an independently administered ordinance, we don't have any control over how it is administered and if they are found to be in violation of it - he doesn't know that we want to be in a de facto way requiring that they adhere to an ordinance that we have no control over. Ms Palodichuk stated she doesn't disagree with his position but except that you do reference their Special Events ordinance which you and I both think is written pretty poorly, in Valley Vineyard. That is not the precedence of this group. Although like she said, the opinion you just gave her may be the best way of handling it but she would like time to discuss it. She hears what he is saying very clearly. John Kinneman, they own 240 acres on E and 35, between himself and his sisters. He asked if anyone has done an environmental impact study on that whole fragile area? Pichotta asked what fragile area are you referring to? Mr. Kinneman stated on page 2 of the staff report, groundwater elevation is mapped at approximately 800 feet above sea level. Do you know what the elevation is there? Do you? Roy stated we have a topographic map which shows the elevations. Pichotta noted that generally a public hearing is an opportunity for the public to comment not for one to shout questions at staff. Kinneman said who do I ask? This is my first meeting. Pichotta stated perhaps we should move along from the public hearing and give the hydro geologist an opportunity to speak. Mr. Kinneman stated so no one has done an environmental impact study. Chairperson Fetzer stated he is sure someone knows what the mean sea level is. Right in front of him, he does not have it. Mr. Kinneman asked what the groundwater level is at E and 35? It's at zero, when they did Hwy 35, they hit a spring there. Do you realize how fragile that whole area is? Has anybody looked into this? Chairperson Fetzer stated that would be a question for the applicant. Mr. Kinneman stated it says they are going to dig 60 to 80 feet above the groundwater level, OK. Now is that where they are going to stop? That's not a question. Are they going to stop at 60 feet? Or are they going to go 300 or 400 feet? Where are they going to get the water to wash the sand? Is that coming out of the Mississippi? Or is it coming out of the Jordan vein? Now the sludge from the mining operation; where does that go; back in the mine? Chairperson Fetzer stated typically yes. Mr. Kinneman stated that whole area is called the Wind River Valley. That is so fragile an area. It is not like Maiden Rock. It is not like Pepin because they are mining right on the bluffs, right by the river. So the impact there is not any comparison to Diamond Bluff and Oak Grove. There is actually no comparison. You have probably in that one area, how far do they plan on mining? Chairperson Fetzer stated probably in the proposed area. Mr. Kinneman asked if they knew how many valleys are in that one area. Probably 20 or 30. Mr. Kinneman stated to do a study on that one area would take years to see if it's feasible and environmentally friendly. You could never pass that in a year. It would take so long just to see, the depth of this, it took ten years to get a gravel pit passed in Canon Falls. Because they were going down 300 feet, cause they were worried about the water table. Like he said on 35 when they came through and redid the road, they opened

up a spring and he has a pond east of Hwy E, so far he has spent \$8000 dollars redoing that pond. He has no idea what they are going to do in that area. It's not just digging through and making a pit, there is no way. Cause you got water seepage, once you open up these holes, it's going to be costly running. There is no way they could stop that, it'd be impossible. Where are the studies? You have all this information but he has no amount of the water that is being used, where the sludge is going. He hasn't seen anything on that. Chairperson Fetzer stated he is sure WISC will answer that, sir. Ms Palodichuk again asked if the committee could give her some direction as to the expectation that the Oak Grove Plan Commission and Board have that based on your policies it would be sent back to them for review if they decided not to accept their recommendation of denial. Chairperson Fetzer stated once we get done, we will get to that. Chairperson Fetzer asked for any further comment. Erin Bauman, lives in the Estates of Diamond Bluff, she just wants to say that she supports everything that Sarah has to say. Chairperson Fetzer asked for any more public comment. Ms Allsop just wants to know why you wouldn't go along with the recommendation of the Town Board. If they have all the facts and stuff supporting their view on it, she doesn't understand why the committee would rush through this and approve that when you have all these people here stating why we don't agree with it. The Town Board spent all this time on their recommendation and like she said about the heliport, that was the reason it was denied. That is all water under the bridge. That is why they wanted to set this up so everything was supported, why would you not respect their recommendation? Chairperson Fetzer asked for any more public comment. **Chairperson Fetzer closed the public hearing.** Jeff Himes stated they will go through these in the order that they were stated. Mr. Turley's comments on the setbacks and blasting; they believe even the 400 foot setback is excessive, they are mining at 100 and 200 foot setbacks at the moment very successfully without causing damage. They are using quite technical blasting techniques to control ground vibration and the energy that goes into the ground. They monitor with seismographs to ensure the vibration created by blasting does not cause damage to structures, certainly concrete or septic systems or wells. They believe what they are operating under currently is more than adequate to address that issue. The question on the damage plan, they have submitted damage plan to the Town and also to the County which covers the issue if damage is caused the process they go through to mitigate that. He would point to their past performance in the mines they are operating. They have not had issues with damage from blasting, damaged wells or damage to structures. Mr. Breen's comments on what are the benefits to Pierce County. Mr. Breen interrupted stating that he asked the board or staff to answer that, you guys he doesn't want to hear from. Mr. Himes stated the issue came up on addressing this portion of the project as an expansion. They would take the position that it is not an expansion. It was submitted at the same time as the application in Diamond Bluff as a combined project. This shouldn't be viewed as an expansion. It's one project. Mr. Kinneman's comments will be addressed by Mr. Krumenacher. Mark Krumenacher stated that it is evident that this is the first meeting you were at, based on some of the comments, it would appear that you might be under the impression that this is an aboveground, surface quarry and not an underground mine that is going to be mining approximately 25 to 30 foot thick layer of sand 200 feet below the ground surface. The mine entry is going to be in Diamond Bluff Township and through tunnels that are about 30 feet by 30 feet, seventy feet apart, they will continue underground. That is the way the mining is going to proceed. All of the questions, do you know the groundwater elevation, the ground elevation, how fragile the area is, the hydro geology and the issues of potential concern for this underground mine were addressed in the application that was submitted over two years ago and every one of the questions that you asked were answered, responded to, addressed in that application package. The application was provided in electronic format to the County and is available as a pdf that you can obtain and read yourself. Eric McLeod, stated he will be very brief and wants to offer a few comments about some of the legal issues that are presented here and he provided the committee with a detailed letter so he won't repeat the information that was included in that letter to the committee but he provided some of the background on where they have been in this process and where we are now in light of the nature of the recommendation that has been made by the town. He thinks the starting point in this process and the analysis that the Land Management Committee needs to undertake is the fact that this is a lawful use of land in this particular zoning district. It is a conditionally permitted use but it's a lawful use. The obligation of the Land Management Committee is to make a

determination as to whether or not this would be contrary to the public interest. That is a determination that you make every time you address a conditional use permit application and make a decision. The public interest is not whether or not certain members of the community don't want a particular use of land to occur. That is not the public interest. The public interest is something that focuses on the effects, the impacts, the issues of health, safety, welfare that may arise based on certain aspects of a particular proposed use. It's not a referendum on whether or not a particular lawful use of land should be allowed. That is frustrating for folks who live in the area because many of them, despite what some have said, do not want mining in their community. We can't debate that opinion. We are not here to try to persuade them that they should want mining in their community. Our opinion is that much of their opposition is based on a misunderstanding of what mining entails but again we're not going to have that debate here and we don't think that is a productive use of this time. The bottom line is that we go back to the first principal which is this is a lawful use of this land and the question for the committee to address is whether or not this is contrary to the public interest. He thinks Andy Pichotta provided a very nice summary of what that analysis is supposed to look like. He makes reference to the Essential Nexus Test and Rough Proportionality Test. What do those things mean? They relate to whether or not there need to be conditions to mitigate against certain impacts so as to protect folks in the surrounding area. That is what conditions are all about. There are a number of conditions that are already applied to the existing CUP. There are several conditions that have been proposed to be added to the existing CUP. The question is, do those conditions accomplish the mitigation of any potential impacts that could negatively affect health, safety, welfare of the folks in the community. That is the issue here. It's not the procedure of whether or not their recommendation is proper or not or whether they should have some additional opportunity to address those proposed conditions. This committee needs to make a decision. The reason why it needs to make a decision is because they have been at this process for more than two years. With all due respect to the Town Chair who says they deserve more time to address the substance of what is being proposed here. The substance of which has part of a conditional use permit that you issued a year ago. But that they need more time to address the substance of what's being proposed here in this process, we think is unfair to the folks whose property is the subject of the CUP and to Fairmont Minerals, Wisconsin Industrial Sand, who have been very patient over a course of two years to seek a decision by this committee as to a particular use of land; a use of land that is lawfully allowed in this particular zoning district. So we think it is incumbent upon the committee to make a decision based on the process that they have had up to this date, based on the laws that govern this process and they ask that the committee make a decision tonight. One thing that he wants to touch on because it hasn't been specifically referenced but is alluded to in the staff report, there is something that is called the Diminishing Asset Rule. That is something that members of this committee may have heard about. This is something that he talked to the Town Chair and the Town's lawyer about at some length and it is something that was simply dismissed by the Town and the Town lawyer as being irrelevant to their decision. When there is a mine permitted, all contiguous land is part of that mine and any activity anywhere on that contiguous property makes all the other property to be deemed in use. The point being that the essence of mining is the extraction of minerals from all of the property. It's not a use that occurs on one little corner. That isn't going to expand naturally. Mining expands naturally, that is the nature of the use. So when you start, the law says, Supreme Court Authority says, if you start mining on one part of this property, that is part of the larger permitted mine, all of the property is in use. The idea that we are not going to be mining in the Town of Oak Grove within a year is irrelevant to the question about whether the land is in use as a matter of law. That is why the staff report has it right. They will have satisfied that requirement in the ordinance as well as the Town's Recommendation that is based on their comp plan. They will be satisfying the requirement that they will be in use within twelve months. It will be in use based on a legal principal called the Diminishing Asset Rule. That was explained quite clearly but it was dismissed, it was rejected. That is the Town's prerogative. If it wants to take the position that it did and it wants to make a recommendation that this should be denied as premature because we won't be operating in the Town within twelve months. But it has an impact on the property owners who have been waiting for two years and Wisconsin Industrial Sand who has been waiting for two years for a decision from this committee. The idea that they should get one

sort of a test shot across the bow to see if this would be successful, if it's not successful they ought to have another 90 day period, 6 month period, we don't know how long it would be to make a further recommendation that they had an opportunity to make over the course of the last two years and certainly since December when we made a formal request that this process take place and we actually get the Town to take some action. They appreciate the frustration of the folks in the Town who don't want mining. That is something they can't convince them of otherwise. At the same time it's a lawful use, it is not contrary to the public interest. It may be controversial but that does not mean that there is a basis to deny this or delay it any further. They think the committee should move forward and make a decision. Sanden asked about the Essential Nexus Test and the Rough Proportionality Test, there was a third prong with the Supreme Court Case and that was the Ripeness Test. Does the last statement that you made about the contiguous nature of mining and expansive nature, is that in your professional opinion, address the Ripeness Test. What he has been hearing from the Township apart from the other things, is this CUP request is premature. Does that reflect at all on the Ripeness Test? Mr. McLeod stated he thinks what the Town's position is that ... Ms Palodichuk interrupted stating that she would prefer he not characterize the Town position. Mr. McLeod stated the Town, in writing, recommended this be denied on the basis that we would not engage in mining activity within the Town within twelve months. He doesn't think that is characterizing the Town's recommendation, he thinks that is clearly what it says. Their position that WISC's application isn't ripe is directly contrary to the Diminishing Asset Rule which he just tried to explain. If we just keep it very simple, if we have 100 acres in the Town of Diamond Bluff and 100 acres in the Town of Oak Grove, Wisconsin Industrial Sand has control over those 200 acres and it wants to permit a mine on those 200 acres. It's going to start somewhere. In this case, it's going to start in the Town of Diamond Bluff. But the law says that once it begins mining anywhere within that 200 acres, all 200 acres are deemed to be in use. That's a legal principle. We're not actually mining in the Town of Oak Grove once we start in the Town of Diamond Bluff. But the law presumes we are making use of all the land because mining depends upon their ability to continue to expand from one location and continue to extract minerals from the entire area. The ripeness issue goes to whether or not they can apply for a CUP if that 100 acres in the Town of Oak Grove will not be mined or in use within twelve months. As a legal matter, it is presumed that that land is in use within twelve months so long as they are taking action in the Town of Diamond Bluff. That is what the ripeness issue involves, whether or not we are entitled to permit all of this property based on the overall mine plan. The difficulty in addressing the issue and explaining what all this means is the fact that they have land that is in two different townships. But there is one zoning authority, Pierce County Zoning Code that governs everything that is on the table here, both the permitted property in the Town of Diamond Bluff but also the property that is at issue today in the Town of Oak Grove. Once there is an approval for all of this property, it doesn't matter. He appreciates the folks in the Town of Oak Grove don't like that conclusion but as a legal matter it doesn't matter that some of the land is in Diamond Bluff and some is in Oak Grove. Once the land is permitted as a single mine, all land is deemed in use once any of it is being used. That's the ripeness issue. When he addresses the Essential Nexus Test and the Rough Proportionality Test, those are legal principles you are supposed to use when determining what types of conditions you think are appropriate to apply to this particular use. Not every use, some uses may be less intensive, some may be smaller in nature and so forth. When you are determining what conditions you are going to apply, if any, the law doesn't presume that any conditions were necessarily be required in a CUP. But when you are determining what conditions should be included in a CUP, it's a reasonable test. What's the concern you are trying to prevent against and what's reasonably necessary to prevent it. The conditions that exist in the current CUP, they have shown, quite clearly, have been effective in preventing the kinds of concerns that you would have about an industrial activity. The question that they raised with the Town, as part of this process, is what conditions that are currently stated in the Diamond Bluff piece of this, the permit that was issued last year, which again are very consistent with the other CUP's that they have for the other properties in Pierce County. What about those conditions are inadequate in the opinion of Oak Grove, to protect the Town of Oak Grove against whatever they perceive as the concerns that they have got. What additional conditions do you need, what about these conditions is inadequate? The response was, based on a misguided opinion,

was not well we think this is inadequate, we need this additional condition, it was we want to just say no and we need a legal way in which to do that. Their lawyer advised them that they could say no on the basis of this twelve month rule. Sanden asked so then the condition going up to a 400 foot setback, if it was recommended to go to 4 miles, that would then fail that Proportionality Test. Mr McLeod stated he thinks that is absolutely right. Sanden asked to the layman driving past this site, given that the access will be underground, the material that is pumped out will be underground, but for the vent shafts, what would he see as he is driving past this property? Would there be any change to the landscape on the surface? Would there be any alteration to the stormwater movement? What would he see from that location? Mr. Himes stated other than the vent shafts and the potential portal for a secondary access for escape, you would see nothing. It would be a farm or woods, whatever it is now. Sanden asked about the impact of the blasting if he lived nearby. Mr. Himes stated depending on the distance from the blasting, what you may feel is a vibration similar to a door slamming in the house or some vibration; a train going by. They measure that with seismographs to make sure that the blasting is of such frequency and amplitude that it's not going to cause damage or undue nuisance or any other negative impacts. Sanden asked as far as the groundwater, as you mentioned, this was covered quite extensively in the earlier phases of this process but it might not hurt to repeat that. Is there anything more unique about this location than we addressed in Diamond Bluff from the standpoint of groundwater? Mr. Krumenacher, from a standpoint of groundwater, no, the mining horizon is approximately fixed near the top of the Jordan Sandstone. The top of the Jordan Sandstone is at approximate elevation 800 feet. Where the mine portal is going to go in Diamond Bluff, the Wind River, what you see as a water body, the Wind River is the surface expression of groundwater. So that is the groundwater table at elevation about 750 feet. It's much less than 800 feet. The mine will start in that bluff about 50 or so feet above the water table. The mining horizon will stay relatively horizontal through the bluffs. The groundwater table may rise up and approach the mining horizon which is roughly 770 to 800 or 780 to 810. The top elevation moves a little bit. But the mine for the most part will stay above the water table. If they find that the water table further away from the coulees is up into that mining horizon, it makes mining extremely difficult if not impossible. The ground would be saturated and they can't operate in it, it would not really act like quick sand but it would be pretty similar. Sanden asked does the permitting process take on extra precautions at that point? Mr. Krumenacher stated no, the same precautions are in place the only difference might be if the groundwater table rises up and it's in the bottom portion of the mining horizon, they might be able to dewater that with horizontal or vertical wells and discharge that water elsewhere in the mine where the water table isn't so high. But in the existing two mines, they have not had to do that across large scale mining horizons. There are isolated areas near the tops of ridges where they have gotten very close to the groundwater table and they wanted to set a foundation for a grizzly which is where the start of the process is. They had to dewater a little bit but that was only to lower the water table maybe five feet. It's not a major action. As far as precautions go, the precautionary measures that they take in the underground mine are the same whether the water table is two feet or two hundred feet. The methods are the same. Sanden asked if the fluctuation of groundwater table is that a seasonable event? Mr. Krumenacher stated the groundwater table fluctuates seasonally a few feet, not a lot. Again if you look at surface water, rivers and streams like Wind River and the Mississippi River and big lakes, the surface water is a surface expression of the groundwater. It is groundwater there just isn't any ground over it. As you go away up in elevation away from that surface water, the water table also rises, so the water table surface actually mimics the ground surface topography. So if Wind River Valley is actually elevation 750 and the high ground on 35 is elevation 1000, there is 250 feet there. The water table will rise to some extent. It doesn't rise one for one but it roughly mimics the topography. Sanden asked if he could characterize the difference at this site as versus the Diamond Bluff site when it comes to things like groundwater. Mr. Krumenacher stated no, there is no difference. The Oak Grove portion of the mine is the same from a hydro geologic perspective, which is groundwater, from a surface water basin perspective. The only difference is an artificial political boundary between Diamond Bluff and Oak Grove. There is no physical difference. Sanden stated one of the issues is property values. Roy stated we've investigated this type of mining in general to find there is nothing conclusive that we could come up with. You can find a half a dozen appraisers who say it has a negative

affect and you can find a half a dozen who say it has no affect at all. Sanden stated that does refresh his memory. It was more of a general study. Ms Palodichuk asked if she could respond to Eric McLeod's comments about their personal conversation. Chairperson Fetzer stated yes. Ms Palodichuk stated that she didn't mention any of that because their lawyer had advised them that is private conversation to sit down with the four of us. She does not recall the Diminishing Assets conversation that he is referencing so she would appreciate it if the committee would disregard any characterization of her response. She does agree with the things he said about the Diminishing Assets Rule. She thinks that is the most important part of their recommendation of denial is that they have told us that they will take care of the details later, for right now we just need the zoning to secure the leases. That is what precisely locks in that zoning and that is the concern that the Town of Oak Grove has. As far as the Diminishing Assets Rule applying to this particular mine, in the Wisconsin Town's Association is that, are you familiar with Senate Bill 632 but it did not get voted on by the Senate this past session, but it was an attempt to codify the Diminishing Assets Rule. So right now the Diminishing Assets Rule is a court decision and it is not statutory. The Diminishing Assets Rule was developed with smaller gravel pits that go from 40 acres to maybe 80 acres. If you run out of that 40 you can acquire the land to keep going with your gravel pit. It has never been used to apply to a mine that is 3,000 acres. And that same conversation when she asked them about their reserves in Maiden Rock and Bay City, they said that they had similar amounts of reserves, let's assume 2500, a similar amount of reserves in those two places, and Mr. Himes response was, Sarah, we will take all the land we can get. If there is something available around Maiden Rock, we'll take it. That is the concern here. She put the numbers in the Town Recommendation Form but she will revisit them for the committees benefit. In Maiden Rock they have mined 533 acres mined in the past approximately 100 years of which eleven years they have said that they have mined approximately half of that so let's say 300 acres to be generous. In Bay City, they have mined 240 total acres in the past 100 years, the past seven years they have owned the mine, they mined approximately half of that, say 150 to be generous. If you take that out to about 22 or 25, maybe 27 acre average because they won't give us the rate of mining to know when to expect them in Oak Grove, it could be 80 years before they go through the Diamond Bluff land that they have. Now that is their rate of mining that they are giving me. You are asking us to secure that zoning presumably under the Diminishing Assets Rule for 80 years. This is the heart of the problem and she is very glad that he mentioned it. Granted they can just dig a tunnel to Oak Grove, that is the lay of the land. Mark has said before in different meetings would indicate that they would come up to Oak Grove sooner. When you look at it, it is a move to keep that land from competitors. It possibly could be better for our residents who have minable land in Oak Grove to not allow WISC to secure it because a competitor could come in and mine it at some point. There is that possibility there. The other thing is that she is extremely offended that he suggests that they are just looking for a way to say no. She is the most frugal Town Chair you will ever see in the meetings; she would not waste lawyer money, certainly not a few hours of it on a fake negotiation with the gentlemen seated at the table there. She made a good faith effort to sit down with them; to discuss issues to be told that I'm just looking for a way to say no is ridiculous. She has put hundreds of hours into this and there is no way she would waste her time if she just wanted to say no. If she just wanted to say no, she would have found a way to do it a year ago. But she was not Town Chair then. She ran for this position so she could work with the mine and find a way. She sat down with all these people here that live in the Estates of Diamond Bluff and said you need to be prepared that mining is coming to Oak Grove and you need to be prepared to sit down and say this is what we can live with and this is what we can't. We sent a resident went down to visit the mine to say we want to talk about the good neighbor policy, we want to get something in writing to talk through these things. They have made every effort and to be characterized differently is very offensive. Whether or not that application has been before our board for the past two years is heavily disputed and every time it's mentioned it makes her cringe. She would like the board to tell her, Jeff says it is permitted as a single mine, Andy says it's an expansion. The code says that it would be an expansion that has its own conditional use permit. Pichotta stated he disagrees, that if it's an expansion, it's an expansion of the existing use. It's all encompassed on one CUP. When you authorize an expansion, one CUP replaces the previous CUP and includes the expanded use. Ms Palodichuk stated so the code is incorrect there or my

reading of the code is incorrect? Pichotta responded that her reading of the code is incorrect. Ms Palodichuk stated if he would read the code so he can see what it says for himself, she would appreciate it. Property values issue, she is not qualified to talk about the property values but the feeling of their planning commission is not only concerned for the property values that are there but for the future development of Estates of Diamond Bluff. There is a lot of trouble there. There is probably a hundred open lots. If there is a sand mine right next door, that land becomes less lucrative. Aubart asked Sarah, what you are saying is that your recommendation is consistent with the Oak Grove's Comprehensive Plan. So you would agree with staff's assessment that your recommendation is supported by your comprehensive plan? Ms Palodichuk stated she believes their recommendation is supported by their comprehensive plan. Ross asked Mr. Breen to repeat his question for the committee. Mr. Breen asked the committee or zoning staff if you could state the benefits of the Oak Grove residents and those of Pierce County of 40,000 plus, most of those aren't going to be rewarded with monetary gain or get a job at this mine, what will be the positives to the community out of this mine. Ross stated industry. He also chairs the Industrial Development Committee for the County working with the Economic Development Corporation and other committees on the County. There are a number of ways that you can better a community and one is a legal use of land in this case as we do have with farming and other operations. There is a number of things that we would look at in time that might disrupt the area in a different way; the topography or taking prime farmland or something like that but he doesn't want to speak on behalf of his colleagues. When he looks at industry overall; if it is a legal use and it is a good use of land, to him that weighs very heavily into that, a decision along with other industries that have come in to this region. We do have a responsibility as a community as a whole to find different ways to utilize resources, create jobs and do a number of things. We have had just as much opposition towards wineries too. Sometimes people just see it differently. He hopes to answer his question, he looks at the overall picture of what we do as a County and try to find ways to best benefit it. Mr. Breen wants to respond that what he has read, the farmland is not what it used to be once you mine under it, in terms of what it can produce with reclamation effort. He fears for the small business people on Hwy 35 with trucks on the roadway in regard to loss of jobs and loss of income, and tax base. Ross stated his answer to him is he has traveled all over the world and taken cruises, all kinds of good stuff. They pull into a harbor, he has no more idea than a goat about the numbers of all the containers that were shipped or rail traffic. He does remember the beaches he went to and different things, as people would remember their view of Lake Pepin and the Scenic Drive. As a general rule he wouldn't know whether a truck went by once or a hundred times. We have rail traffic estimated at 54 trains a day, we do utilize our roads, we utilize our rivers, we utilize them for lots of different things and there are ways to make good uses of all of it so that everybody benefits. He owns a business along 35 and he has seen no negative impacts of trucking. That is all he can tell you about that. Chairperson Fetzer stated as far as farmland, he does have friends, other farmers, he farms, that sand mine goes under and they have seen no negative effects on their crops. **Aubart moved to approve the conditional use permit for expansion of underground nonmetallic mining operation for WISC with conditions #1 - #30 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, amending condition #3 removing the 400 foot setback to Rural Residential Zoning District that was added in there and he would amend #11 the language "Road agreements shall be established with the appropriate municipality prior to any production use of Town or County roads."/**Ross **seconded.** Chairperson Fetzer questioned the removal of the 400 foot setback, stating he feels it's a good idea to keep that setback, Aubart stated he doesn't necessarily disagree but based on Sarah's comments that they (the Town) wanted to establish those setbacks, they can certainly do that and we can amend the CUP if they come back with that recommendation at a renewal or otherwise bring it forward. They may want 500 feet but he doesn't know the justification for that so that is his thought to maintain what the committee has required in the past. Ross agreed. **All in favor. Motion passed.**

Public hearing to consider and take action on a request for a conditional use permit for Filling and Grading in the Shoreland Area and Floodplain District, pursuant to Pierce County Code Chapter

240-41E, for Wisconsin Industrial Sand Company, agent for Steven Burmood, owner on property located on the West 10 acres of the SE ¼ of the NW ¼ of Section 12, T25N, R19W, Town of Diamond Bluff, Pierce County, WI. Chairperson Fetzer invited Wisconsin Industrial Sand Company: Mr. Himes stated staff has done a good job of covering this topic in the staff report.

Staff Report – Jim Kleinhans: This is a conditional use permit for filling and grading in the Shoreland/Wetland Area and Floodplain Districts. There was a map provided by the department that illustrates where the different districts of regulation are based on different colored lines for shoreland/floodplain and shading for the various wetlands on our map in that area. They are requesting the filling and grading permit for the development of the portals and the buildings and surrounding amenities for the operation of the nonmetallic mine. As you can see from the map, the development is directly adjacent to the Wind River Floodplain. Some of it is in, for instance the stormwater pond, which he will get into. There is some specific review and approval required for this type of request. There are multiple components to the project that require review and approval that include things like the truck turn around area which will be filled, the road from 1005th going down Hwy 35, the road going up to the portals, construction of the stormwater detention basin and all soil erosion control elements to prevent unauthorized discharge of sediment into the Wind River and adjacent wetlands. GZA Geo Environmental provided the study, design and supporting information for the road alignment, stormwater conveyance systems and the infiltration /retention basin needed to support the development. Under the code, Shoreland/Wetland areas designated on the wetland inventory map and in the Shoreland/Wetland areas have some restrictions. But they do allow for maintenance, repair, replacement and reconstruction of existing town and County highways. If you look at the plans that were submitted, the road will be expanded because it is currently a single, a fairly narrow road that will be developed in order to allow for truck traffic in and out of the facility. The Wetlands in the area are on the Wind River side and on the north side of the road; it proceeds fairly steeply into the bluff area. The road development will focus primarily on the hilly side to the north. The filling and grading of the zoning code in the Shoreland/Wetland Area, within 300 feet of navigable water is required for various square foot disturbances on various slopes. There are areas of flat and areas of 12% to 20% and areas of excessive of 20% grade on this plan that need to be reviewed. Because we are dealing with the floodplain a hydraulic analysis is required for determining if there is a restriction to floodwaters or raising the floodwater on adjacent properties. If there is an increase in floodwater, based on the development, the permit would have to be denied or some sort of mitigation efforts would have to be made to determine what the floodplain impact is. Reconstruction of State Hwy 35 begins with a 300 foot shoreland setback area impacts the intersection of Hwy 35 and 1005th Street where a new type of intersection is proposed. A type B1 to allow for a turning lane for trucks traveling north on Hwy 35, the culvert that is underneath the road will be replaced by a 63 inch diameter arched steel culvert. Channelized surface flow extends up Hwy 35 to the north quite a ways. Plus additional surface water flow will be brought in from the reconstruction of the road from going toward the mine portals. The road, 1005th Street, is currently owned by the town, operated by the town. The road reconstruction will have to be approved through the town at some point. The road plans were modified after staff had a chance to review the plans proposed by GZA. We sat down with the Land Conservation Director and modified a number of elements to be more consistent with best management practice standards. Those plans are what were presented to you. So this plan has been modified a bit in the last couple months to be more consistent with standards and Land Conservation Department protocol. The filling and grading area going up to the mine portal which is probably the steepest area of grading that is proposed would be regulated up to elevation 744 within that 300 feet. There are some areas on this development for the road where surface water flows exceeded the standard of five feet per second so we are asking that the ditches and the tire berms be beefed up a little bit in those areas to prevent surface waters from eroding the site that could cause an impact to the Wind River. This area on the map is probably the steepest area and the closest proximity to the Wind River. So we want to make sure we have due diligence in the design, the application and the maintenance of best management practices in this area. Development area in a proposed wet plant building, loadout tank and maintenance building and office parking lot, traffic circulation; this will substantially increase the amount of

impervious area and increase surface water flow runoff rates. The proposed stormwater retention basin is designed to collect the stormwater from this area, treat the water with infiltration into the surrounding area and allow for some surface water runoff from the detention basin during periods of extreme runoff or possibly frozen conditions. The stormwater detention basin has a three phase discharge element proposed. One with waters that will not infiltrate into the ground, some will flow through an overflow pipe or some will flow over the top of the basin if discharge rates are extremely high. But this system was engineered to encourage infiltration into the groundwater so not all of that material will be flowing directly into the Wind River. The sedimentation basin was designed to allow for maintenance with a skid steer where there is a ramp flowing down directly south of the traffic turnaround area. So the area can be maintained and sediment removed from the site so it does not discharge into the Wind River. There are mapped wetlands adjacent to the project that will require delineation and that will occur when ground conditions are more favorable. It was very difficult during the winter to identify that. The wetland maps are somewhat general as you can see from the map provided by this department. Additional permits will be required for the project from the Department of Natural Resources. Those permits have not been pursued at this point. They are going to work through the County application process first but eventually a Chapter 30 permit and WPDS Permit will be required under NR 151. Town of Diamond Bluff recommended approval of this conditional use permit on January 9, 2014. The basis for your decision here is how the best management practices are designed, applied and maintained.

Staff Recommendation: Staff recommends that Land Management Committee determine whether the proposed use at the proposed location would be contrary to the public interest or 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 LMC grant this conditional use permit with the following conditions:

1. Reconstruction of 1005th Street must meet Town of Diamond Bluff approval.
2. Applicant shall conduct a wetland delineation for the area impacted by the expansion of 1005th Street and the stormwater retention basin to determine whether these improvements encroach on the adjacent wetlands. Any potential wetland encroachment must meet WI DNR and Army Corp of Engineers approval.
3. Hydraulic analysis shall be approved by WI DNR floodplain engineer for the stormwater retention ponds. Going to take off the area where it says to relocate 1005th Street because there were some modifications to the plans that were presented.
4. Installation and management of all erosion control elements shall be as proposed and shall be maintained to the satisfaction of the County until after all regarded areas are stabilized.
5. Applicant shall incorporate heavier seeding and mulch rates than proposed to stabilize slopes in excess of 10 percent immediately after final grading. He would like to add a comment under #5 with the grading of these areas adjacent to the river that the grading be conducted at a time when optimum growth and ground cover can be established so we don't have a lot of exposed areas on a steep grade left open until time that the soils can be stabilized with seeding and mulch.
6. All floodplain development including stormwater ponds and road construction shall not increase flooding impact on adjacent properties unless a drainage easement or flood map amendment is secured as per PCC Sec. 238-23A3.
7. Drainage controls along the mine portal entrance shall be reinforced with heavier rip rap or with reduced spacing to handle flow velocities in excess of 5 feet per second.
8. The applicant shall submit any proposed changes to approved construction plans for review and approval by Land Management staff.
9. Excess materials from the road construction shall be either moved off site or protected with seeding and BMP's and not placed in the floodplain.
10. The project shall commence within 12 months of approval.
11. Applicant shall obtain all other necessary permits (DNR, ACOE) for activities authorized under this permit prior to construction.

Chairperson Fetzer opened the hearing to the public. No public comment. **Public hearing closed.** Sanden stated we don't have all of the BMPs in front of us but asked Jim for his professional opinion with the upgrade of the culvert, do you see any impact on the flow of water going into the wetland or is the engineering measures proposed adequate? Kleinhans stated certainly the water is going to leave the site faster than the wooded condition that it is in now and crops. We are adding a lot of impervious surfaces, we're adding buildings. We are building a road that is on a grade that is in excess of 10% slope so the water is going to come out of there fast. One of the issues we think about next to a stream, worst case scenario, middle of July when you have high temperatures, a warm rain coming down, try to determine what the impact of that stream would be. But it's not a classified trout stream, he checked with Marty Engels the Fisheries Manager. He said it would be a minnow type stream, they have never found trout in that stream but he doesn't monitor the stream a lot. But if you look at the design of the stormwater pond it's a 700 foot flow around the pond. The pond was also modified at the discharge part of it. Originally it was going to be piped from the pond outlet directly to the stream. Mark's group modified that so that at the outlet of the pond, the pipe extends just a short distance then it goes overland flow again into the stream which he thinks is a lot better design. Sanden stated like an infiltration bed. Kleinhans stated right and then the pond is designed to infiltrate material instead of letting everything to flow off the site. He thinks they did a fine job designing stormwater basins for a site that is so tight to the river. Sanden stated he didn't articulate his first question well enough, he was referring to the natural flow that currently goes into the wetland. He is assuming that this road in some ways would intercept that flow and the culverts would direct it on its normal course. That was his question, where the measures the engineers took, in your mind, adequate to continue that natural flow. Kleinhans stated yes, if you look at some of the items around 1005th Street that go directly toward the wetland, they added retention basins prior to the pipe going out of the discharging into the wetland so that is going to contain more water and it will keep that rapid influx of water from going directly into the wetland so they have handled that by adding some features on the north side of the road that will improve runoff potential. Mr. Himes asked what the modification to condition #3 was? Chairperson Fetzer stated relocated 1005th Street. Kleinhans stated originally the road was going to be relocated through the floodplain potentially into the wetlands. Now the plan is to bring the road that extends to the east of the facility to assess the farm fields. We're not going to put that road down through the floodplain. It's going to go right through the development. It will go to the north side of the stormwater basin. Originally it was going to go to the right of it as you are going into the project. So he didn't feel there was a need for that condition. **Sanden moved to approve the conditional use permit for filling and grading in the Shoreland Area and Floodplain District for Wisconsin Industrial Sand Company due to the fact this is not found to be contrary to public interest, nor detrimental or injurious to public health, public safety or the character of the surrounding area, with conditions #1 - #11, amending condition #3 to strike the last half of the sentence after the word ponds. Amending condition #5 to add Final Grading be conducted at a time of optimal establishment for growth of vegetation and amending condition #10 to replace the word completed with commenced/Aubart seconded. All in favor. Passed.**

Discuss take action on proposed changes to Department position descriptions; Planning Secretary, Zoning Secretary, PT Zoning Secretary, GIS Specialist.

Staff Report – Andy Pichotta: Staff is proposing a number of changes to the position descriptions associated with Land Management Department staff. A restructure of support staff is proposed with a new office manager position overseeing other clerical/secretarial staff (Zoning Secretary and PT Zoning Secretary). The office manager position would be supervised by the Department Director. Minor changes are also proposed to the GIS Specialist position to reflect an increased role in supporting the efforts of the County Surveyor.

Staff Recommendation: Staff recommends the Land Management Committee review the attached draft position descriptions to determine whether changes or clarification are necessary. If no changes are needed, staff recommends the position descriptions be approved as written.

Pichotta asked if the committee would like him to go through each particular description. Chairperson Fetzner stated no. Pichotta stated these descriptions have all gone through the HR Manager. There was some discussion about the titles associated with the secretarial positions and they felt that because there wasn't a change to the duties associated with those positions that a name change to the Zoning Secretary and the Part-time Zoning Secretary weren't warranted. His suggestion was to call them something along the lines of Land Management Secretary to reflect the fact that those positions serve the activities of the entire department not just the zoning function but the HR advice would be to remain the same. Aubart asked we aren't changing the job description or job duties, it would be simply a title change to more accurately reflect what they actually do or who they support? Pichotta stated that is true, yes. Ross stated he is OK with Land Management Secretary. Aubart stated it just makes more sense. **Aubart moved to approve the changes to Department position descriptions and change the title to Land Management Secretary to more accurately describe what they do and who they support/Sanden seconded. All in favor. Passed.**

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

Departmental Update and Future Agenda Items

Public hearing for a Farm & Home Based Business for Bruce Andrews Seamless Gutters in the Town of Maiden Rock.

Public hearing for Filling and Grading in the Floodplain/Shoreland Area for Michael Holst in the Town of Trimble.

Discuss take action on a deferred conditional use permit application for a campground for John Grabrick in the Town of Isabelle.

Motion to adjourn at 8:45pm by Sanden/Ross seconded. All in favor. Motion carried. Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, May 21, 2014 – 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: June 4 th & 18 th , July 2 nd & 16 th , 2014.	Chair
3	Approve minutes of the May 7, 2014 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for a conditional use permit for a Farm and Home Based Business for an electrical business (Matt's Electric) in the General Rural Flexible District pursuant to Pierce County Code Chapter 240-36D, for Matthew Feuerhelm, owner on property located in the SW ¼ of the NW ¼ of Section 14, T26N, R17W, Town of Ellsworth, Pierce County, WI.	Lund
5	Public hearing to consider and take action on a request for a conditional use permit to authorize the expansion of an underground Nonmetallic Mining Operation in the General Rural Flexible 8 District, pursuant to Pierce County Code Chapter 240-37A and Reclamation Plan hearing, pursuant to Pierce County Code Chapter 241-15A(2)(a), for Wisconsin Industrial Sand Company, 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
6	Public hearing to consider and take action on a request for a conditional use permit for Filling and Grading in the Shoreland Area and Floodplain District, pursuant to Pierce County Code Chapter 240-41E, for Wisconsin Industrial Sand Company, agent for Steven Burmood, owner on property located on the West 10 acres of the SE ¼ of the NW ¼ of Section 12, T25N, R19W, Town of Diamond Bluff, Pierce County, WI.	Kleinhans
7	Discuss take action on proposed changes to Department position descriptions; Planning Secretary, Zoning Secretary, PT Zoning Secretary, GIS Specialist.	Pichotta
8	Discuss take action on Travel/Training Requests	Pichotta
9	Future agenda items.	Pichotta
10	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.

(5/9/14)

PIERCE COUNTY WISCONSIN

DEPARTMENT OF LAND MANAGEMENT & RECORDS

Pierce County Courthouse

414 W. Main Street P.O. BOX 647

Ellsworth, Wisconsin 54011

ZONING OFFICE 715-273-6747

PLANNING OFFICE 715-273-6746

Fax: 715-273-6864



MINUTES - Pierce County Land Management Committee Meeting, May 7, 2014

Present: Jon Aubart, Jim Ross and Eric Sanden

Others: Andy Pichotta, Jim Kleinhans, Brad Roy and Shari Hartung

Absent: Joe Fetzer and Jeff Holst

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

Next meeting dates: May 21st, June 4th & 18th, all in 2014.

Approve Minutes: **Sanden moved to approve the April 16, 2014 LMC minutes/Aubart seconded. All in favor. Passed.**

Public hearing to consider and take action on a request for a conditional use permit to operate a campground in the General Rural District pursuant to Pierce County Code Chapter 240-39A, for John Grabrick, owner on property located in Government Lot 3 in the NE ¼ of Section 7, T24N, R17W, Town of Isabelle, Pierce County, WI. Chairperson Ross invited John Grabrick forward. Mr. Grabrick explained that about a year and a half ago he bought the Hideaway Campground and Bar with the intent of resurrecting the entire business which included both the bar and a campground. He believes originally there were 24 campsites there. Due to inconsistencies with the permit and the former owners, the campground could no longer be grandfathered in so now they have to move the campsites to the interior of the property. They use to border along the State owned property to the east side. Now because they have to move things inward 50 feet they are rearranging the entire campground going from the original 24 to a maximum of 42 permanent campsites with some tent space in the interior. They have the grounds there for up to 75 campsites but they are cutting that back to 42 to make them a little larger and user friendly. The minimum size of a campsite per code is 1,000 square feet. They are at almost 1800 square feet per campsite. They are adding two parking spaces. They will have sewer, water and electric to each of those 42 sites with new roads and new gravel pads. They are currently cleaning out brush and all the trees that have been blown over. They intend to use half of the old existing sites and those will be the easiest to get on line. They can get those services put in, in a short time. Over the course of the summer they will continue with the improvements as they clean out all the brush and trees and get the road work done. They have a need for a lot of gravel, a lot of earth correction back there. Ross asked about the site selections A – I, are those the concrete ones and the rest are gravel? Mr. Grabrick stated for the most part yes, there are a couple #14 and #1 - #4; those will be pull-through. Two of those will have concrete as they will be handicapped accessible and the others will just be a gravel pull-through. Sanden asked how long a time period between now and the last time it was used as a campground. Mr. Grabrick stated it's in the staff report and he believes the last time was 2009. He thinks that in 2003 was the last time it was an active campground. Sanden asked if he has any plans at this time to re-establish the bar. Mr. Grabrick stated the bar has been in operation for a full year now. Part of that plan is to put in a full commercial kitchen so it will be more of a bar and grill with food services. Ross asked how the work with Public

Health has been going. Mr. Grabrick stated good. They have a food permit in for the small kitchen up front and have gone through all the homework that they need to do for putting in the full kitchen.

Staff Report – Jim Kleinhans: John purchased the property in 2012. The campground was last licensed by the Public Health Department in 2003. Kleinhans noted that he has listed the Zoning criteria and also the Public Health criteria for what it takes to establish a campground in the staff report. In 2009 the previous land owners inquired about operating the campground but were never able to bring the property into compliance with all the issues. John has to comply with our code and the current Public Health Department requirements. He applied for a variance in April and that wasn't approved. So he redesigned the campground. It's a five acre property in the General Rural District. That's an allowable use with a conditional use permit. He discussed the zoning code criteria for a campground. There are 16 items that are listed in the staff report. He also discussed the landscape buffer and the tree requirements in the zoning code. With the screening section from our policy, we talk about native vegetation to separate certain uses that may have conflict. Definition of a campground; there are sections from the Public Health Department and what is regulated by them along with Administrative Codes regarding water supplies, sewage disposal, location of toilets, sanitary station, garbage and refuse. The property was equipped with a sanitary dump station but that is in need of some repair and John has recognized that. John is requesting approval of 42 individual campsites plus a general tent area that would include about 80,000 square feet in the middle of the project. The sites labeled A – I are potential future sites as the others get developed. The Town of Isabelle reacted to this request several months ago and they have provided an Exhibit A for proposed campground rules with a recommended maximum campsites of 30 sites at this property. The Pierce County Code talks about two off-street parking places per campsite and John designed a typical campsite layout that includes area for two vehicles on each site plus he has proposed a parking area behind the bar for overflow parking that will help accommodate extra cars for visitors. The property eventually needs to be surveyed to get the exact yard setbacks to the campsites. Right now they are looking at tree lines and fence lines. That will have to be determined in order to get the sites as close as he is to outside property lines and still maintain the 50 foot separation. There is going to be a need for a vegetative screening plan along the west property line where there is a residence. At the public hearing at the Board of Adjustment meeting that individual asked that we consider a security fence. Water and electric will need to be upgraded before any campsites are operational because of the new design. He does have a solid waste removal contract with Paul's Industrial Garage and then a company by the name of Suburban will be providing porta-pots. Those will have to be spaced in accordance with regulations per the Department of Health licensing agreements.

Staff Recommendation: Staff recommends the Land Management Committee determine whether or not 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 not to be contrary to the above, staff recommends the Land Management Committee approve this conditional use permit for a campground with the following conditions:

1. A surveyed layout of the individual campsites shall be provided to Land Management Department staff to verify side yard setbacks and minimum campsite dimension requirements, per DHS 178.11 and Pierce County Zoning Code.
2. The location and number of porta-pots shall be delineated on the survey consistent with the requirements of DHS 178.09. The associated service contracts and contact information shall be submitted to the Land Management Department.
3. Screening shall be established between the campground and the adjacent residential use. Screening shall consist of _____ and shall be implemented prior to operation of the campground. Staff shall be contacted to verify establishment prior to operation.
4. Internal roads, camping pads, and water and sanitary improvements shall be constructed or implemented prior to operation of the campground. All necessary permits shall be obtained.
5. All campground advertising signage shall comply with the Pierce County Zoning Code.
6. The total number of campsites available shall be limited to _____. Additional sites may be authorized by the LMC upon renewal.

7. A campground management plan, consistent with the provisions contained in the Town of Isabelle document titled "Campground Rules", shall be implemented. The "Campground Rules" shall be implemented as written unless specifically modified by another condition of this CUP.
8. The vehicle access route shall be modified to allow for continuous travel to the campground overload parking area to minimize congestion. If you look at the site plan, the idea is to bring the road to circle past campsite #33 right through the additional parking spaces so people don't have to turn around in #33 and circle back through the entire campground.
9. This permit shall be reviewed for renewal by the LMC in 12 months to ensure that all required improvements are completed and conditions are met and to verify that the use has been established.
10. A land use permit shall be obtained for all future structures prior to construction. Applicant shall also comply with all relevant local and state ordinances and regulations and secure all necessary permits and licenses (e.g. Department of Safety & Professional Services (DSPS), Department of Health-DHS standards etc).
11. The proposed undefined tent sites (located in the middle of the defined sites) shall not be utilized for that purpose until consistent with applicable zoning and public health standards and authorized by the LMC. Jim sent a copy of the staff report to Michelle Williams in the Department of Health and she said she typically looks at tent sites on an event status with a temporary permit. For instance a Flood Run, those events have typical, defined campsites but during an event like that where there is a big influx of people, they look at special conditions where they make sure you have additional porta-potties and wherever the tent sites are they make sure the area is covered for garbage removal and things like that where you have an influx of a lot more people.
12. Applicant understands that expansion or intensification of this use will require issuance of a new conditional use permit. If the applicant has questions as to what constitutes an expansion or intensification, Land Management staff should be contacted.

Included with the staff report was the campground rules listed as Exhibit A. Jim provided Mr. Grabrick's application where he spells out his intentions and then the typical campsite pad. Jim did hear from the Department of Natural Resources today regarding the use of the property that is adjacent to the campsite, which is a wildlife area managed by the Department of Natural Resources. There are some rules associated with that wildlife area. He will list the specific items that they provided:

No overnight camping is allowed in the wildlife area.

Litter deposition is a constant problem on State owned lands and they want to make sure the campground adjacent to the wildlife area will not impose any litter deposition.

No unleashed pets

No motorized vehicles, restricted to foot traffic only

No target shooting

No discharge of fireworks

Chairperson Ross opened the hearing to the public. Kim Peterson, adjacent to proposed campground at W7071 135th Ave, she has some concerns since this site hasn't been licensed as a campground. She was fully aware that it would be operated as a bar when she acquired the property. When Mr. Grabrick acquired the property, while starting the bar, it's already been operating as an illegal campground. Since they have acquired the property, they have had three break-ins at their house, numerous times of trespassing as well and people banging on their windows at 3:00am. She would suggest an 8 foot privacy fence along their property line just so they don't have break-ins and such anymore. Ron Bartels stated in Exhibit A they talked about noise levels of 80db, he is asking the committee if that is an appropriate number because this residence is relatively close to the property and that number may be too high. He is asking them to consider other locations where there are restaurants and bars and determine if the 80db is an appropriate number. Dennis Potts, Town of Isabelle, asked John, we have on the recommendation maximum campsites of 30 and you are asking for 42. How soon do you intend to get to 42 campsites, five years down the road, four, what are your intentions? Mr. Grabrick stated the infrastructure needs to be put in which means we have to break the ground, put in the new waterline, the new sewer, the new electric

and those will be put in this summer. As long as we are doing that we will be adding the gravel for the road and developing the campsites. The services are there so to get payback on them we would look within the first twelve months of putting 42. When we came to the Town of Isabelle, we asked for 30, that was using the existing campground exactly as it is today and that variance was denied. When the variance was denied and we have to go through and redo the entire campground, it makes more sense both fiscally and physically to do it all at one time. Mr. Potts stated that when you put in electrical and water, you are going to do it for 42 right away. Mr. Grabrick stated that is correct. Ms Peterson stated she is also concerned about her property value with a campground next to her place. **Public hearing closed.** Sanden asked Mr. Grabrick about the porta-potties, when you mentioned it you stated that every site will have sewer and water. Mr. Grabrick stated that is correct, the 42 campsites will be self-contained, they will have their own sewer and water and drain to a central tank which they will have pumped on a regular basis. But the zoning ordinance still says that he has to have a porta-pot for the tents and others within a 400 foot area. We currently have three porta-pots on site which will cover our volleyball leagues that they have and some of the other campers. The intent is that once everything is done in the campground they will put in a permanent structure but that won't be this year, and that will include flush toilets, showers, laundry and that will be located on the far east side next to the residence that is on site. Sanden asked Brad what kind of decibel levels were required for Vino in the Valley. Roy stated Vino in the Valley was 80 decibel limit but the sound outputs were contained to the pavilion. So that condition was that all the speakers had to be in the pavilion and nowhere on the site could the sound be over 80 decibels. If it's 80 decibels in the pavilion, it's going to be about 50 decibels at the property line. Sanden asked if he remembered what the decibel level was for cars driving by. Roy stated for County Materials, when measured, highway traffic of semis was 80 decibels. It might have been 100 but 80 sounds right and that was standing on the shoulder when traffic was going by. Mr. Grabrick stated when we had the Town of Isabelle Board meeting the recommendation was 85 and we agreed to drop to 80 decibels but he would remind this committee that this campground sits between the railroad tracks, which we have a train every 12 minutes and on the other side is the airport where we have jets landing. They are above the 80 as well. If we contain the campground to 80 he thinks they will be well within the trains and the other. Sanden asked Jim to describe the difference between a security fence and a privacy fence. Kleinhans stated security could be a wooden structure or screening vegetation but he thinks that what Kim has asked is that we have more of a secure lot line defined there so that people don't pass freely between the vegetation; a more secure buffer between the campground and their property. Jim stated he wants to mention one more thing about the porta-pots. There are independent campers and dependent. Independents will be the ones that are hooked up to the septic lines that John is going to put in but a lot of people will just be in a tent and if the bar is closed or if they don't have enough porta-pots around they will be heading for a tree line. That is why the State has this minimum number of facilities available for campers. So there is some sort of standard there. Aubart asked about the decibel levels, anywhere along there will be at 80 decibels whether you are at campsite #33 or #23? The description states that at the legal boundary line of the campground and bar area at any time (Town of Isabelle's rules), then it drops to 75 decibels overnight. Is that what we are looking at? Chairperson Ross asked Mr. Grabrick if he is planning on bands in the bar. Mr. Grabrick stated yes, they have a few special events during the year and learned a lesson by aiming the tent in one direction the music travels to the residence so if we put it on the west side and face it toward the east it plays against empty ground and won't disturb the residence as much. We can do that by putting panels on a tent and aiming the speakers in the right direction and making sure the band doesn't crank it up as loud as they can. Chairperson Ross asked if these are outdoor concerts. Mr. Grabrick stated basically outdoor events. For the Flood Run we can get a thousand people coming through and that's a charity event. There are a lot of people that hit that event but we can't accommodate that many people at one time. The majority of the time we will have our bands inside the building but if someone wants to have an outdoor wedding and put a large banquet tent in some of the open area, that's where the concern is coming from with the noise levels. We have trains on one side five times an hour and we have planes landing all day long. Sanden asked Mr. Grabrick when he went to the Town Board where they recommended a maximum campsite of 30, did you go without the current plan as we see it? Mr. Grabrick

stated that is correct, it was the existing campground. If you look at the site plan that you have, campsites #1 through #16 were existing and then on the far left hand of that, the empty area with the dash line, there is another grouping of existing campsites. So we had 30 all on that one road. They still fit but the zoning rules now say that we have to have a 50 foot buffer between the property line so that wipes out a whole row of campers. It makes us redo the entire services, electric, water & sewer (there is no sewer except for a dump station). Sanden asked for the Flood Run, you get the special permit for that? Mr. Grabrick stated they haven't been that big yet, they are only 12 months into operation. As they grow and expect to have people coming in that will exceed what the campground is, they will definitely come in for permits. Chairperson Ross stated he thinks the question was more for Mr. Kleinhans. Kleinhans stated we regulate the layout and location of the campground but the tent sites, 1.3 acres in the middle, there were no pads or improvements suggested. So that runs afoul of what we do in zoning. He asked Michelle Williams about it and she said they typically handle things like that, for instance at the Gaslite, they have a big event down there. They do that with a special permit on a temporary basis, maybe one weekend. He wanted the committee to be aware of that, that it is still regulated but not according to our campground rules. Sanden, do we need to look at this with the possibility of a thousand people being here and put in certain safeguards but that would be handled under that other permit process. Kleinhans stated yes. Mr. Grabrick stated that the neighbor said she has been broken into several times since he bought the property and he went to the Sheriff's Department and asked them, the only reported break-in there was six months prior to his buying the property. Nothing reported to the Sheriff's Department since he bought it. So if there are issues there, they are not being reported to the police. He also presented pictures of the property line. There is a two strand barbed wire fence between his property and the Peterson's. They plan on using vegetative screening which will be pine trees, cedar arborvitae and they plant those so they have almost a solid wall of vegetation. It will be at least ten feet from the property line so they can maintain it all the way around. He can't see putting the money into an eight foot fence because it's not his campground that is doing anything. To address the issue of running an illegal campground, the zoning says he can have three campers per address without a permit and he has two addresses on that property and he has had no more than six campers there at any time. Sanden asked Jim about the Town of Isabelle Campground Rules, #8 states or #9 says no storage then the backside it does mention that the campground will operate during warm season with year around storage of campers. Can you explain that discrepancy? Kleinhans stated at the variance hearing, John suggested that there would be seasonal campers during the summer; warm season campers and winter campers. Some folks might want to buy a season pass and leave their campers there. It's a little different here because we normally dealt with floodplain campgrounds. In this case, they don't have to leave every 180 days. If they do a year-round lease they could leave the camper there. Sanden stated it would be nice if the campground rules were more specific on #9, just saying no storage? Pichotta suggested that Town representatives are here and you could ask them. Often times campgrounds will allow a small storage shed associated with each unit. It could be that is what they were referring to. Pichotta asked Mr. Bartels on #9, was that storage of RV's or storage of Menards shed with stuff in it? Mr. Bartels stated all of the above. Pichotta stated you didn't want campers there year round? Mr. Bartels stated it was brought up at that meeting. Mr. Potts stated it wasn't for the campers, you can leave the campers there year round but any other storage we don't want. Mr. Bartels explained there were discussions during that meeting with John and everybody else that camping season was May 1st to November 1st. Mr. Potts stated that is correct. Chairperson Ross stated versus year round. Sanden asked if it was appropriate to ask the Township what their interpretation of the number of campers given this new configuration or is that something that would be best handled at the Township meeting? Pichotta stated typically when a Town generates a recommendation it is a formal action taken at a Town Board meeting. It certainly would be appropriate given that they have not seen this new configuration and the fact it was proposed to them in a totally different layout. They could be asked for clarification in response to that. Are you suggesting you may want to kick it back to the Town? Sanden stated no. He would just like to ask them. Given what you have heard by the petitioner as far as the new configuration, do you still hold to the maximum campsites at 30? Or given the new configuration, what are your feelings about moving it up to the 42 that he is asking for. Mr. Bartels stated he doesn't know. Mr. Potts stated the way he has it laid

out he doesn't see any problem with the 42 when he looked at it here. How close are they going to be together? Another issue, the camping season is May 1st to November 1st; that is actually one month longer than other campgrounds. Chairperson Ross stated we are going to have to stop discussion. Your Town Board is represented by three members total is that correct? Mr. Potts stated right. Chairperson Ross stated we are going to have to stop discussion because you represent a quorum with two of you here. Chairperson Ross asked if the hand written notes on the campground rules were written by the Town Board. He wants to make sure we have a clean copy of campground rules to make sure we aren't misinterpreting what you want. On DHS 178.12, States the Department of Commerce or designated agent, is that now WADC and does it matter if that is in there. Pichotta stated it's going to be the Public Health Department. Pichotta stated the reason we included those Public Health Standards is because there is a tremendous amount of overlap. We require a certain size site and they require that each site be within 400 feet of a porta-pot. To not look at that would be an incomplete picture of what is required because there is a lot more required than what is contained in our zoning code. Kleinhans stated they do their licenses annually to verify that items are addressed. We get reports on that. Aubart asked about sending it back to Town. Sanden stated that sounds reasonable. Pichotta stated what you are suggesting is to defer action until such time as the Town of Isabelle has had an opportunity to reconsider the request. Aubart stated yes to review the updated plan and then come back with the rules the way they want to see them. **Aubart moved to defer action on the conditional use permit request for a campground for John Grabrick until the Town of Isabelle has an opportunity to review the application with the proposed additional sites/Sanden seconded. All in favor. Passed.**

Discuss take action on Site Plan Review and a request for height exemptions in the Industrial District for Wisconsin Specialty Sands Inc, owner on property located in the NE ¼ of the SE ¼ of Section 2, T24N, R18W, Town of Trenton, Pierce County, WI. Chairperson Ross invited Jeff Himes and Mark Krumenacher forward: Mr. Himes stated this is the site plan and the request for height variances on some of the structures on the site. Brad has done an excellent job of covering everything in the staff report.

Staff Report – Brad Roy: WISC is seeking Site Plan approval of an expansion of its mineral processing and rail load out facility in the Town of Trenton. Washed sand is transported by truck to the plant and is dried and sorted by size and then loaded into rail cars to be shipped. A Conditional Use Permit for the expansion was approved by the LMC on April 2, 2014. The applicant proposed to construct additional structures and equipment on the site, similar to what is currently there. Expansion of the plant will include new paved areas, hoppers, conveyors, dryer, scalp screen, screen house and silos to store the sorted and dried sand. A number of height exemptions, pursuant to Pierce County Code §240-29D, are also being requested. Various structures are proposed which are greater than the 35 foot height limitation established in the Zoning Code. Site Plan Review is required for all Commercial and Industrial developments. The purpose of the review is to assure site designs which promote compatibility between land uses, create safe and attractive site layouts and structures, provide proper access to streets and transportation, protect property values and contribute to efficient land use in Pierce County. Access to the site is off of 770th St. The site is at the bottom of a bluff that is situated approximately 60 feet vertically below the elevation of Hwy 35. The surrounding land uses are Industrial and Residential. The neighboring Rural Residential 20 (RR20) zoned property located directly east of the project is now owned by WISC. The nearest RR20 district to the project area is located south across the rail line approximately 500' away. There is a higher density residential district located approximately ½ mile to the east of the project site. The residential district is located on a bluff top that is approximately 60 feet vertically above the facility. WISC does not own the land neighboring that residential district. In past similar situations the LMC has required buffering. In this case, effective buffering may be difficult due to elevation. The staff report was inaccurate as it was pointed out tonight. We talked about how existing vegetation would remain, including the trees in the southeast. Those have been removed for the rail expansion project that was approved. But due to the bluff and the distance to the construction the LMC should consider the effectiveness that any buffering may have on surrounding land owners. Pierce County Code §240-30B(5) states buildings in

industrial districts located adjacent to railroads are exempt from any front, rear and side yard setbacks. Concerns have been raised by neighboring landowners about a potential increase in the level of noise generated at the site as well as concerns about impacts on property values. Additional noise will be present during the construction of structures authorized by the expansion, but WISC has indicated that the expanded plant, when operational, will not create more noise than prior operations. Trucks on site utilize white noise backup alarms during the day and flashing lights at night. Most of the trucks entering use a continuous forward loop to eliminate the need for the alarm. The facility has 17 parking spaces with one space reserved for handicap parking.

- Pierce County Code §240-54 requires one space per employee during the peak shift as well as 2 spaces for manufacturing/trade contractor establishments.
- The peak shift at the plant will be 13 employees.

Restrooms are located in the Office Building. There is one wastewater disposal system on the site. An inspection should be done to ensure the system is sized appropriately for the expanded use. A lighting plan for the site was developed and is depicted on the proposed site features map. The lighting is intended to stay onsite in the working area. MSHA regulates lighting and may require modifications to the plan. WISC is proposing multiple structures greater than 35 feet. Pierce County Code §240-29D states that industrial and commercial structure heights may be granted exemptions by the Land Management Committee, provided that all required setback and yard are increased by not less than one foot for each foot the structure exceeds 35 feet. As previously noted, Pierce County Code §240-30B(5) states buildings in industrial districts located adjacent to railroad access are exempt from all front, rear and side yard setbacks. The structures and heights that the applicant is seeking an exemption for are listed, the tallest being the Screen Tower Feed Elevator at 120'. All of the structures listed above substantially exceed their height in distance from neighboring property lines except the Screen Tower Feed Elevator which is proposed to be located 120' from the rail road right-of-way. All proposed structures, including the Screen Tower Feed Elevator, qualify for a height exemption, consistent with 240-29D. Much of the newly disturbed area will be paved. Stormwater at the plant generally flows toward a stormwater pond northwest of the plant area. The proposed construction will not change the stormwater flow direction of the site. Silt fence will be installed along the project area to retain sediments on site. Prior to construction the applicants will obtain a WDNR General Stormwater Permit for Construction Activities which will include the erosion control Best Management Practices (BMPs). The BMPs will follow the Conservation Practice Standards provided by WDNR. Sand is stored outside on the site. A Fugitive Dust Plan has been developed for the operation. The plan details the measure to be taken to reduce roadway dust from truck traffic on paved roads and railway dust from rail traffic, during periods of dry or windy conditions. Various methods for dust suppression are present and proposed on the site and listed in the staff report as well. Staff has received recent complaints about the increased use train horns. Federal rules require that all trains sound their horn when people are present within the railroad right-of-way. The increased use of horns has been due to the construction of the additional rail siding which were permitted last year. No new advertising signs have been proposed at this time.

Staff Recommendation: Staff recommends the Land Management Committee review the proposed plans, considering; existing and proposed structures, neighboring uses, use of landscaping and open space, parking areas, driveway location, loading and unloading areas, access, traffic generation and circulation, lighting, drainage, etc to determine whether there are modifications that would result in a site design that would better promote compatibility between land uses, create safe and attractive site layouts, protect property values and contribute to efficient land use in Pierce County. The following conditions also recommended:

1. The existing septic system shall be inspected by a Certified Plumber to determine if it is sized appropriately and the applicant shall complete any recommended upgrades.
2. All structures proposed to exceed 35' in height may be constructed as long as zoning code provisions are not violated.

Sanden asked Brad, as far as the building heights, there are no surprises here are there? Roy stated no, and he thinks that the 120' elevator will now be the tallest structure on site. Sanden asked about the vegetative issue on the southeast corner. Is that something that can be replaced? Mr. Himes explained they intend to plant trees where they have disturbed the area, where they put the railroad in. They will put some plantings in that area. The trees Brad was looking at were on an old aerial photo but they have been removed as part of the rail project. Sanden stated given the residents to the east is there any recommendations for additional screening on the top of the bluff. Is that something that would be feasible given the height of the structure? Roy stated they don't own that land. They own where the rail siding project is and that is 60 feet below. Sanden asked about lighting, any issues? Roy stated the lighting plan looks good the way it's designed but that could be subject to change. They own all the neighboring property surrounding it so a change here and there shouldn't get to any other residence unless they are shining it across the rail line. Sanden asked if the lighting will be directional. Mr. Himes stated Lisa Flynn was here several meetings ago, she is in the house that we bought and in response to a comment she made: we modified the lighting and she was happy with it.

Sanden moved to approve site plan review for Heavy Industrial Use and multiple height exemptions for Wisconsin Specialty Sand Inc. as presented with conditions #1 - #2/Aubart seconded. All in favor. Passed.

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

Departmental Update and Future Agenda Items

Public hearing for a conditional use permit for a Farm & Home Based Business for Matt's Electric in the Town of Ellsworth.

Public hearing to consider a request for a conditional use permit for expansion of an underground nonmetallic mining operation in the Town of Oak Grove.

Public hearing to consider a conditional use permit for Filling and Grading in the Shoreland Area/Floodplain District

Discuss take action to the number of position descriptions within the department including Planning and Zoning Secretaries, Part-time Zoning Secretary and GIS Specialist.

Motion to adjourn at 6:58pm by Sanden/Aubart seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, May 7, 2014 – 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: May 21 st , June 4 th & 18 th , 2014.	Chair
3	Approve minutes of the April 16, 2014 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for a conditional use permit to operate a campground in the General Rural District pursuant to Pierce County Code Chapter 240-39A, for John Grabrick, owner on property located in Government Lot 3 in the NE ¼ of Section 7, T24N, R17W, Town of Isabelle, Pierce County, WI.	Kleinhans
5	Discuss take action on Site Plan Review and a request for height exemptions in the Industrial District for Wisconsin Specialty Sands Inc, owner on property located in the NE ¼ of the SE ¼ of Section 2, T24N, R18W, Town of Trenton, Pierce County, WI.	Roy
6	Discuss take action on Travel/Training Requests	Pichotta
7	Future agenda items.	Pichotta
8	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.

(4/25/14)

PIERCE COUNTY WISCONSIN

DEPARTMENT OF LAND MANAGEMENT & RECORDS

Pierce County Courthouse

414 W. Main Street P.O. BOX 647

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MINUTES - Pierce County Land Management Committee Meeting, April 16, 2014

Present: Joe Fetzer, Jon Aubart, Jeff Holst, Jim Ross and Eric Sanden

Others: Andy Pichotta, Jim Kleinhans, Brad Roy and Shari Hartung

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

Chairperson Fetzer stated the first order of business is to elect a Temporary Chair: Holst nominated Jon Aubart, Chairperson Fetzer asked for any other nominations. Ross moved to close nominations and cast a unanimous ballot/Chairperson Fetzer stated so moved.

Temporary Chairperson Aubart opened the floor for nominations for election of Committee Chairperson. Holst nominated Joe Fetzer. Temporary Chairperson Aubart asked for any other nominations. Ross moved to close nominations and cast a unanimous ballot/Holst seconded. All in favor. Passed.

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

Next meeting dates: May 7th & 21st, June 4th & 18th, all in 2014.

Approve Minutes: **Ross moved to approve the April 2, 2014 LMC minutes/Aubart seconded. All in favor. Passed with Holst abstaining because of absence at the last meeting.**

Jeff Holst recused himself for the next agenda items, from discussion and voting, due to a possible conflict of interest.

Chairperson Fetzer stated that agenda item #8 for Filling and Grading in the Shoreland Area and Floodplain District has been stricken from this evenings agenda.

J. Larson, Town of Diamond Bluff, asked why that agenda item has been removed. Pichotta stated that it was determined that additional information was needed, and rather than have the LMC defer action on the item, the applicant opted to remove it from tonight's agenda. We anticipate it being brought back before this committee on May 21st.

Public hearing to consider and take action on a request for a conditional use permit for Heavy Industrial Use for a proposed wash plant in the Industrial District pursuant to Pierce County Code Chapter 240-37E, for Wisconsin Industrial Sand Company, agent for Steven Burmood, owner on property located on the West 10 acres of the SE ¼ of the NW ¼ of Section 12, all in T25N, R19W, Town of Diamond Bluff, Pierce County, WI. Chairperson Fetzer invited Jeff Himes, Eric McLeod and Mark Krumenacher forward.

Staff Report – Brad Roy: In 2012 WISC obtained a Conditional Use permit for a new underground mining operation in the Town of Diamond Bluff. The mining permit encompasses 59 parcels totaling

1,867 acres. Mining has not yet begun at this time. Activities permitted include blasting and screening underground as well as stockpiling and loading on the surface. The mining application stated that no washing would be done on site. The applicant has modified their plan and is now requesting to construct a wash plant to wash the sand from the mine. The washed sand will be trucked to the WISC dry plant in Hager City. New construction will include the new wash plant building, conveyors and a new load out tank building. The mining application detailed the conversion of the existing residence into an office and construction of a maintenance building. A temporary wash plant may be constructed for use during the construction of the permanent wash plant or the material may be trucked offsite and brought back for processing after the plant is operational. The Wind River runs through the mine entrance site and the eastern edge of the site is in the General Floodplain District. The proposal includes moving the existing 1005th St into the Floodplain District. Two stormwater ponds are also proposed within the Floodplain and the Shoreland area. These activities require separate permitting (also a conditionally permitted use). The property is located in Section 12 in the Town of Diamond Bluff and is zoned Industrial. The Industrial District is established for the purpose of allowing those industrial uses that are more intensive than those uses allowed in the Light Industrial District. The purpose of the district is to accommodate a heavy volume of traffic, the potential need for rail access to parcels and the presence of noise and other factors which could pose a nuisance in other districts. The intensity and use of land as permitted in this district is intended to facilitate the total range of industrial uses. Access to the mine entrance site is off of 1005th St. The road will need significant upgrades if the proposed facility is approved. The applicant and the Town of Diamond Bluff have discussed a road agreement for 1005th St. No formal agreement has been made at this time. The applicant submitted a conceptual request to the WisDOT regarding the Hwy 35/1005th St. intersection. WisDOT recommends that the intersection be upgraded to the B1 class. This will widen the intersection to allow trucks to enter and exit simultaneously and create a 200' right turn lane on northbound Hwy 35. The mined sand will be conveyed to a scalp screen to remove coarse sand and water will be added creating slurry. From there the slurry will go to another scalp screen to remove more coarse material. The material will then be pumped to the wash plant through a slurry pipe. The wash plant will remove clays and fine material from the sand. The clays and fines go to thickener tanks and then to a filter press or plate press. The press will remove the water and create a block of clay and fine material which will be placed back in the mining tunnels. The wash sand is conveyed to storage bins. Trucks will be loaded inside a new load out tank building. The process, when fully implemented, has been designed so that the sand will not be exposed to the open-air. Flocculants will be used in the plate/filter process and remain in the material block which will be placed in the tunnels. Two high capacity wells will be needed for the wash plant. The WDNR permits high capacity wells. Any new high capacity well application is required to be subject to an environmental review. DNR hydrologists will evaluate proposed wells for any potential impacts. Proposals that have the potential to impact protected resources undergo an environmental assessment process by the DNR. The applicants proposed system will reuse 90-95% of the water. The proposed operation will include the need to develop and implement 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 chemicals and establish controls to minimize any potential impacts to surface waters. WDNR regulates and monitors storm water and process water through the WPDES permits. The WPDES permit ensures that water samples are collected and analyzed to demonstrate that water is not discharged that could negatively impact surface water. WISC will obtain the WPDES permit if necessary. A Fugitive Dust Plan has been developed for the operation. The plan details the measures to be taken to reduce roadway dust from temporary stockpiles and roadways during periods of dry or windy conditions. The plan details the use of a watering truck and potentially a sweeper for roadways and water cannons for the stockpiles. The proposed hours of operation of the plant are 24 hours per day, seven days per week. Front end loaders, trucks, mining equipment and conveyors will be routinely operated outside of the mine. WISC is still determining what to do with the mined material prior to the wash plant being operational. A temporary wash plant may be constructed, however WISC has indicated that it is more likely that the material may go through an initial screen and then be hauled offsite for storage and brought back when the plant is

operational. The applicants can provide more detail. There may be some temporary storage of mined sand as the adits to the mine are being constructed. Once mining operations are in full production outside storage will not be needed. Site Plan Review will be scheduled for a future LMC meeting. Site Plan Review is intended to assure site designs which promote compatibility between land uses, create safe and attractive site layouts and structures, provide proper access to streets and transportation, protect property values and contribute to efficient land use in Pierce County. A request for a height exemption (WISC is proposing several structures taller than 35 feet) will also be presented. The Town of Diamond Bluff at their January 9, 2014 meeting recommended approval of this request without reference to their Comprehensive Plan. The Town suggested that similar conditions as that of the Bay City Mine be required. The conditions of the mining operation were established with review of the Bay City Mine CUP. The Bay City Mine does not have a use similar to the proposed wash plant on site. The conditions of the Bay City Mine CUP largely concern the mining operation and not the processing of materials. The conditions associated with the permitted mining operation at this site are listed in the staff report #1 - #24. **Staff Recommendation:** Staff recommends the Land Management Committee determine whether the proposed use at the proposed location will be contrary to the public interest or will be detrimental or injurious to the public health, public safety or the character of the surrounding area. If found to be not contrary to the above, staff recommends that the LMC grant this conditional use permit with the following conditions, as well as any additional conditionals deemed appropriate by the LMC to address concerns raised at the public hearing:

1. Activities shall be conducted consistent with the submitted plan, unless modified by another condition of this CUP.
2. 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.
3. Any unforeseen dust, erosion and/or stormwater issues that arise shall be addressed to the satisfaction of the county.
4. Applicant shall obtain all necessary permits for construction and signage for the site.
5. WISC 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 from such studies.
6. The operator shall provide notice to the County of any orders to cease and desist from MSHA.
7. The Fugitive Dust Plan shall be adhered to.
8. All polyacrylamide flocculants must be used consistent with WI DNR permit requirements.
9. The applicant shall complete the WisDOT recommended upgrades to STH 35 and receive all necessary permits and approvals.
10. A formal road agreement with the Town of Diamond Bluff shall be established and provided to the Zoning Office prior to any site disturbance.
11. Applicant understands that any expansion or intensification of this use will require CUP modification or potentially issuance of a new Conditional Use Permit.
12. This permit shall expire in two years.
13. Applicant shall provide a status report before the Land Management Committee in one year.

Chairperson Fetzer opened the hearing to the public. James E. Larson, N3581 952nd St, Hager City, part of his farm land butts up to the site. His biggest concern is the high capacity well. Mr. Himes made a comment about them being not much different than irrigation wells, not that long ago just south of Hastings in Dakota County, they put in some irrigation wells and the neighbor's wells went dry. Not that long ago up near Spooner and Shell Lake a farmer put in irrigation wells and the neighbor's wells dried up. He has a major concern about high capacity wells going in, in that location. He hopes the DNR, State and County do their due diligence on allowing this to go in the floodplain near an existing waterway. When he looks at all the rules and regulations on this, he thinks they should deter that from happening. There is the acrylamide that is used in the process. He knows there is a concern about that getting back into the environment and contaminating the groundwater. He hopes again the County or whoever does due diligence on it to make sure it does not get into his groundwater or his neighbors. The State of Minnesota has been much slower at approving these requests for sand. There is a lot of unknown data out

there as far as the hazards. Wisconsin seems to just go, go, go. He hopes we aren't running before we walk. If there isn't going to be a problem with his well, he would hope that Fairmount Minerals and maybe Pierce County would throw a few million dollars into an escrow account, to cover the land owners if that does occur. He doesn't want to be throwing out \$20, \$30 or \$40 thousand dollars to put in a new well. Debbie McClure, Oak Grove Township, her concern is the overall scope of the WISC project. When she reads over the statements, staff report and information, it sounds like there is a lot of time and consideration put into the conditions and talking about the permits. Her concern is with the scope and two years ago they were looking at Diamond Bluff mine conditional use permit and that hasn't started yet. Now they are changing the plan and talking about a wash plant. There is no timeline that she has seen that talks about when is this going to be up and operational. Is this going to be six years, is it going to be six months? Is there going to be a temporary location until the mine is open, where is that sand coming from that they are going to be washing in that facility? Is it coming from Bay City? She is not comfortable that throughout the whole process, the timeline, the details, the scope and she is afraid very easily leads to scope creep as we're putting in one application at a time. She has the same concerns as Mr. Larson regarding the water and the polyacrylamides. What she understands is that food grade polyacrylamides are different than chemical grade and she would want to make sure that due diligence is followed so that it is not ending up in his yard. Sarah Palodichuk, Town Chair in Oak Grove, she is here because she has been in conversation with 40 – 50 citizens of Oak Grove that have concerns about the various aspects of this project. You are familiar with the application before them as well. Her concerns with the wash plant going in, is the change of scope. She received a copy of an application this week that included the Trenton Wash Plant still and it has changed quite a bit from there. In other parts of the State it looks like they have blown it up and they say once they get their foot in the door, they get everything they want and that's how it is feeling right now. She does understand the business reason for doing that and it makes sense but she feels like they were sold something else to begin with. They weren't really comfortable with the initial presentation and now to add a wash plant on to that is very disconcerting. If you pull up the map on the County website, there is a section of land in Oak Grove, called Diamond Bluff Estates, this is indicated as Planned Residential Development and in Diamond Bluff itself, there is a section that runs up to the northern section of the Town of Diamond Bluff that is indicated as Planned Residential Development. When people in her town want to purchase homes, they say that is a residential area. The part of Diamond Bluff that is Planned Residential Area, she doesn't know if that is still its intention but that is what the County website states and that is almost directly west of this proposed plant. She doesn't feel like that is a fair representation for people buying land in her town. It's not creating the right expectation for what the use of the land is there. To change it to Heavy Industrial which we were told it was for the portal, we didn't realize the rezoning was for the wash plant. It's a big concern for their residential development. If you want to talk in terms of health, safety and welfare, that particular economic welfare and lifestyle welfare, that is a big part of how we see Oak Grove as a community particularly along the western part of Hwy 35. She doesn't think these are compatible uses. She assumes you are aware of the issue the people of Diamond Bluff Estates have putting a wash plant in there and not to mention the enormous risk that come with it; the environmental risk, water was mentioned. She would be asking, specifically, if there is a well problem, is the burden on her to present an expert, to identify the condition of her well currently and any changes? Or are they going to provide their experts and they are going to determine there isn't anything wrong. She thinks the high capacity well may never be an issue but that risk is something that needs to be addressed. She would like to see that addressed for the citizens in Oak Grove as well. She knows this committee has told her in the past, Sarah, you are from Oak Grove you don't have weight when it comes to an issue in Diamond Bluff. She has heard that directly from you but a lot of her residents live a lot closer to that wash plant than the residents of Diamond Bluff. You are handling it at a County level and one of the reasons why, at least that is what we hear at the State is because it does affect more than just that one Town, it affects your neighbors. Chairperson Fetzer stated he has trouble believing that anybody on this board said that somebody's input doesn't have any weight with us. Ms Palodichuk stated the situation was August 1, 2012 when the Diamond Bluff mine was initially approved and they had a room full of people here and she was told none of those addresses were Diamond Bluff and to have

a bunch of Oak Grove people here talking about it does not carry weight. Chairperson Fetzer stated anyone that brings input here, carries weight. We do take all of this into consideration. Chairperson Fetzer asked if there is any further public comment. Ross stated he speaks for himself and he thinks that the committee at large appreciates the citizens who take their valuable time to come out here and talk with us and share their thoughts and concerns, and we do not ever take that lightly, ever. **Public hearing closed.** Mr. Himes thanked everyone for their time and comments and stated they take them very seriously as well. Going through the list of concerns; starting with Mr. Larson and the well concerns; there is a process for permitting through the State when the high capacity wells are put in making sure that the drawdown rates aren't going to cause issues with neighbor's wells. He also heard the articles on the news about the wells in Minnesota and the article was actually referencing unlicensed wells that were over pumping and pumping beyond the stated capacity and permitted capacity. The wells that they are putting in would have to be under State regulation and they would have to follow the guidelines and make sure they aren't doing a drawdown that would affect anybody else. They will be talking about the Floodplain issues and waterway issues in detail when they review the filling and grading conditional use permit application. The design of the plant and design of the excavation in their reclamation, reseeding and grading in their design control systems are going to prevent runoff from going into the river and issues that would damage the floodplain as well. There is a lot of detail in that plan. That is why they are coming back in a future date to review that. In terms of flocculants, Mark will address the issue of polyacrylamides. Mr. Krumenacher stated the water soluble polymers that are going to be used will degrade within 60 to 90 days. Those water soluble polymers, their purpose is to clean up the water and attract the clay minerals to each other so that is where the water soluble polymers are going to be tied up in that clay that gets washed out of the sand. So it's going to stay with the clay and it's going to degrade out in 60 to 90 day range. It is the same water soluble polymers that are used to treat/clarify drinking water. The concentrations that they are using at the mine are very similar to the concentrations they use to treat drinking water. The use is regulated by a permit from the State. It's very carefully managed. Chairperson Fetzer asked what their percentage is compared to drinking water. Mr. Krumenacher stated it's a very low parts per million concentration that they are putting in the water. Chairperson Fetzer stated you are saying it's very close to the amounts they use in drinking water. Mr. Krumenacher stated yes, it's not a percentage, it's dosed. The water soluble polymer is a liquid and it's dosed into the water supply system to make the water cleaner. It's also dosed meaning there is a very thin tube that meters in with a pump into the process water that has a color and consistency like chocolate milk. By having that little bit, small concentrations, in the water stirring around will cause the clay molecules to bind to each other. What they are using is part per million concentration. Sanden asked where it is stored for this 60 to 90 days? Mr. Krumenacher stated its continuous process so the same day the sand is mined and put through the wash plant, the tailings, the fine clay material is going to go back in the mine and back in the tunnels in previously mined areas and stored there. That's where it will be permanently. Sanden asked if it would be able to leach out. Mr. Krumenacher stated no, the property of the polyacrylamide is to make these molecules adhere to it so it's not going to readily leach out because it's attracted to the clay molecules. It is literally stuck in there. While it is in there, it will slowly degrade over that two to three months. Mr. Larson wanted to get clarification on the 60-90 days about it deactivating. If you are going to be running the plant 24-7 it's always going to be there. Sanden stated that was his question, if you are putting it in everyday it's going to still be there. Mr. Himes stated it's similar to what they are doing at the other two mines. The tailings are going back into the mines on a continuous basis and then they stay there. While they are there you have the degradation of the polyacrylamides to their natural elements. As Mark said, the flocculants are bond to the clays and the solids. We have tested the water and we're grabbing as much of the water and recycling as we can. We have tested the water for acrylamides associated with the tailings going back into the Bay City and Maiden Rock mine and there are no acrylamides detected in the water adjacent to the ponds. It sticks to the solids. Sanden stated he was referring to the same line as the gentleman had, if you use it every day, even if it breaks down every day you are adding more for a continuous amount but as long as it's stored in a safe way that doesn't get back into the groundwater it can probably degrade safely. Mr. Krumenacher stated the material that they use is bought in plastic totes that are typically wrapped in a metal cage so it's

a tank, 250 or 300 gallon totes. That is all kept indoors and it is protected. Mr. Himes stated condition #8 of the mining permit requires that they have a Damage Response Plan to address damage to wells or damage to anything else. So there is a process that they would have to go through if an issue did arise. That plan is in the record. In terms of the scope of the project, the scope did change. The original proposal was to set up a mine, processing plant and drying & screening plant as an independent business processing something on the order of a million or million point two tons a year. When they went through the process and started to get the push back from the Town of Oak Grove, the project got stalled and Fairmont had opportunities to take those funds and look at other opportunities which were exercised in Minnesota, Texas and a couple other plants in Wisconsin. They did a major expansion at their plant in Wedron, Illinois. This project got put on the back burner. As the market and demand continued to grow particularly for the Jordan Formation Sand which is extraordinary high quality, they revisited the Diamond Bluff project and looked at a smaller scope. It made sense in their review to put the dry & screening plant as an expansion of the Hager Facility, set up a wash plant similar to how they are structured at the Bay City Mine and have the two mines feed the dry plant in Hager City. That is what drove the change in scope and the timeline of the project. In terms of the timeline of the project, they are anticipating work to start as early as 2015. It will be a two year development from start to finish to bring it online. In terms of the residential areas on the website he can't comment on that. Sanden stated the change in scope makes him a little nervous, it gives the appearance that things are changing midstream and that is something, we always tend to think the worst in that kind of a case; was this known before the rezone petition was put in, was this actually the result of something that happened since that time. Speaking for himself, that is what he has the most problem with, the fact that it was rezoned without any illusion to this kind of use. Mr. Himes stated that when they presented their proposal, they presented all three applications to the Town of Diamond Bluff; the filling and grading, the wash plant and the rezone. When they presented the rezone request to this group, they went through their game plan of the wash plant, the Hager Plant, the whole scope. Sanden thanked him for refreshing his memory, he stands corrected. Sanden asked if any of the buildings are going to be in the floodplain? Mr. Himes stated the buildings will not be in the floodplain. Sanden asked if the DNR tests for polyacrylamides? Mr. Krumenacher stated no, the DNR does not prescribe a testing protocol or media for the wash plant at any of the mines. They regulate but don't require groundwater sampling or any kind of sampling. Mr. Himes stated they initiated the water sampling on their own. The DNR does review; they have to request approval for flocculants they will be using and the DNR reviews and then allow it. They can't change chemicals without going through a process. Ross asked about the neighbor's wells and going forward, will there be a base line established for these wells? Roy stated in the mining permit which those conditions are also going to have to follow, condition #8 says WISC shall develop a plan to respond to damage claims to wells or structures by surrounding land owners. WISC shall offer pre-blasting surveys to residents or owners of dwellings or other structures within 1500 feet (or as established by the Town of Diamond Bluff) and shall respond to claims of impacts/damage. Each land owner will have the opportunity to have that pre-blast survey done. Mr. Himes stated that condition #9 is the groundwater monitoring requirement. Mr. Larson asked who pays for that. Mr. Himes stated we do. Mr. Larson stated the baseline you would be paying for and the samples go to an independent third-party lab? Mr. Himes stated yes. **Aubart moved to approve the conditional use permit for Heavy Industrial Use for a wash plant for Wisconsin Industrial Sand Company with conditions #1 - #13, 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/Ross seconded. All in favor. Passed with Holst not voting.**

Chairperson Fetzer stated item #8 has been struck from the agenda.

Public hearing to consider and take action on a request for a conditional use permit for a Farm and Home Based Business in the General Rural District, pursuant to Pierce County Code Chapter 240-36D, for a wood working business by Chad and Kecia Bleeker, owners on property located in the NE ¼ of the SW ¼ of Section 21, T25N, R16W, Town of Salem, Pierce County, WI. Staff Report –

Jim Kleinhans: Mr. and Mrs. Bleeker operate a millwork company out of their residential property in the Town of Salem. He contacted them indicating that they would need a Farm and Home Based Business for the scope of their project. They own 12.5 acres that is zoned General Rural located along County Road A. The company is called Complete Millwork and they were located in Hudson prior to moving their operation to their home about five years ago. They employ four additional workers and their working hours are 7:00am to 3:30pm. They provide a limited number of products, typically a wood finish door and some molding to local lumber yards so they do not have customers driving in and out of their property. It's typically just trucks, semis delivering materials and may be straight trucks picking up materials for delivery to Fullerton Lumber and places like that. They use table saws, chop saws, planers, belt sanders and dust collection devices. The building is well insulated and separated from neighboring residences by a large degree. There is a satellite toilet located behind the building for the employees to use. They use wood stains and wood finishes. Solid waste service is provided by Paul's Industrial Garage. Excess sawdust is sold for cattle bedding to surrounding farmers. Wood waste is burned in the owner's heating stove that also heats the shop which is a total of 4,728 square feet. He noticed fire extinguishers within the building. There are no outside advertising signs on the property. He has parking spaces available for his four employees to the north of the building and there is a widening in the road as you enter the manufacturing portion of his facility from his driveway. The driveway is about 14 feet wide but then it gets about twice that width for trucks to be able to negotiate getting into and out of the manufacturing area. The Town of Salem Supervisors recommended approval of this CUP request during their March 10, 2014 meeting noting that the business does not present any public nuisance issues or create other problems. No reference was made to the Town's Comprehensive Plan.

Staff Recommendation: Staff recommends the Land Management Committee determine whether or not 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 not to be contrary to the above, staff recommends the Land Management Committee approve this conditional use permit for a farm and home based business with the following conditions:

1. Activities shall be conducted as presented in the application, including hours of operation.
2. The business shall be conducted by the owner of the dwelling unit.
3. No more than 8 persons not residing on-site shall be employed at the site at any given time.
4. The entire business area shall not exceed 5,000 square feet.
5. Applicants shall work with Todd Dolan, Town of Salem Building Inspector, to determine whether or not commercial plan review and approval is required for the building from Department of Safety & Professional Services.
6. The permit may be renewed administratively in 2 years if no compliance issues are reported.
7. A land use permit shall be obtained for all future structures prior to construction. Applicant shall also comply with all relevant local and state ordinances and regulations and secure all necessary permits and licenses (e.g. Department of Safety & Professional Services (DSPS), etc.).
8. 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.

Chairperson Fetzer opened the hearing to the public. No public comment. Public hearing closed.

Sanden asked if they gave any indication of what the truck traffic would be like? Kleinhans stated a couple times a week, just to deliver materials and pick up finished products. There was a straight job from Fullerton Lumber when he was there talking to them, reviewing the facility. It would be a lot different if he did this retail to customers but based on the volume of the raw materials coming in, the finished products coming out, there is not a lot of traffic. There is an individual in the room tonight that owns property directly across the street from Mr. Bleeker's property whose driveway coincides. Roger Nelson, stated he is a good neighbor and the only things are a couple semis coming and going. They back up his driveway. His only question with that is on a County Road, does that change the driveway from the time you need from a curve, when you do a driveway permit? Would that have to be changed to commercial, is it different for a business? Kleinhans stated if it was commercial he would need a wider driveway, right

now it's about 14 feet where he accesses County Road A. Because he isn't zoned commercial, Jim didn't make that a recommendation. If he has issues getting trucks in and out of there we could address that. Mr. Nelson stated he has no problem with him and he really doesn't know he's there. Mr. Nelson noted that he doesn't live there. He is only there on weekends and evenings. There aren't many neighbors around there but he hasn't heard of any problem. Kleinhans stated he has a pretty good buffer from surrounding properties. Roger would be the closest. Don Hines stated he shouldn't be backing off of a County Road. Sanden asked Jim if the DSPS permit covers stains and finishes on products? Kleinhans stated no, DSPS generally regulates contractors like electricians, plumbers, professionals, health industry, etc. This is something that is regulated by our committee. He brought it to the committee's attention because Mr. Bleeker has been operating out there for a couple years. He wanted to get the scope of what he was doing because he did come from a commercial area in Hudson. He downsized as he was tired of paying a lot of rent. He converted part of the buildings as ag structures into a business. Sanden asked if the production building has cement floors. Kleinhans stated yes, he heats it with in-floor heat from his boiler where he burns his scrap wood. They do put on exhaust fans when they are staining for the health of the employees. He was complaining that it pulls a lot of the heat out of the building. He does have a dust collection system, doesn't appear to be any nuisance issues there. Pichotta suggested that an additional condition may be appropriate given that access is off of County Road A: #9 Existing driveway access shall be reviewed by the Pierce County Highway Department and shall be upgraded if determined to be appropriate. Chairperson Fetzer asked if his driveway is off of County Road A. Kleinhans stated that it is all gravel but he widened it out when you come off his driveway to get into the shop. Ross asked if they had mentioned any reason why they didn't show up. Kleinhans stated he said he would be chasing walleye the night of the meeting and Jim told him his wife could show up. Kleinhans stated he told them they should be here or an agent. Aubart asked if we got a report of this business or how did we hear of it. Kleinhans stated he was aware of it because he saw the trucks going in there. **Holst moved to approve the conditional use permit for a Farm & Home Based Business for Complete Millwork for Chad & Kecia Bleeker with conditions #1 - #9 due to the fact this is not contrary to public interest nor detrimental or injurious to public health, public safety or the character of the surrounding area/Ross seconded. All in favor. Passed.**

Public hearing to consider and take action on a request for a Map Amendment (Rezone) from Primary Agriculture District to General Rural District for Donald J. Hines, owner on property located in part of the NW ¼ of the NW ¼ of Section 29, T26N, R16W, Town of El Paso, Pierce County, WI. Chairperson Fetzer invited Mr. Hines forward: Mr. Hines explained his Grandpa bought the place in 1950, he was born on this place and has always had sentimental value for it. When he couldn't buy his parents farm his Uncle sold him the 20.32 acres so he could build a house eventually. He built a shed to run his farming operation out of but after a divorce, loss of a job, and some health issues, he is getting out of farming. It is his best interest is to sell the mobile home with the barn/shed and subdivide this to build another little home where the original building site was. According to his zoning map, three sides of him are already General Rural. It also shows a creek to the west of him which is a dry run.

Staff Report – Andy Pichotta: This is a request for a rezone from Primary Agriculture to General Rural District. The property is located in Section 29, Town of El Paso. Mr. Hines proposes to increase the residential density of the parcel to enable him to subdivide the property into two lots. Current Primary Agriculture zoning density equals one lot with a rezone it would make it two lots. Existing land uses are residential and forest. Adjacent land uses are agriculture, low-density residential, forested and undeveloped. Adjacent zoning districts are Primary Agriculture and General Rural. The Purpose and Intent of Primary Agriculture and General Rural Districts are listed in the staff report. The El Paso Town Board recommended approval of this rezone request on March 10, 2014. Appendix A of the Town's adopted Comprehensive Plan describes how the Town evaluates rezone requests and the form they use. Attached you can find the Rezone Evaluation Form; it utilized several factors (i.e. woodland, existing building site, rock outcrop, waterways, wetland, floodplain and slopes) and issued points and deductions

to these factors. The applicant property scored 110 points. Given that it was below the 120 point threshold, the Town Board approved the rezone request. Pierce County's adopted Comprehensive Plan states: "The County will approve re-zonings or map amendments only when the proposed change is consistent with the Pierce County Plan. In such cases, Pierce County will solicit a non-binding town recommendation regarding the proposed rezone." Jon Krauss, Pierce County Land Conservation Department, has indicated that the land is not in the Farmland Preservation Program. According to the NRCS Soil Survey the types of soils on the property include those listed in the staff report. The vast majority are not prime soils.

Staff Recommendation: Given that the Town of El Paso Town Board of Supervisors has determined that this proposed rezone of 20.32 acres from Primary Agriculture to General Rural is consistent with their comprehensive plan, staff recommends the LMC approve this rezone request and forward a recommendation to the County Board of Supervisors.

Chairperson Fetzer opened the hearing to the public. Dan Fisher, El Paso Plan Commission and El Paso Town Board, stated that the reason they supported this rezone is because of the aforementioned spreadsheet and point system that they use. He is guessing but suspects that at one time when this parcel was combined with a much larger parcel, it was considered prime ag but the fact is that there is now just 20 acres there, with less than half of it open. A lot of it is woodland and you can note that there is quite a slope on the western edge so hence they did not deem that to be prime ag land. Holst stated this is unique to your township and it's a good idea but your methodology, Section 1 and Section 2, how did you come up with those sections? Mr. Fisher stated it was designed to work with 40 acres at a time. They split the 40 acres into four pieces and then they work with each 10 acre parcel. This is something they developed with their plan commission and they have used it on a number of things. It works very well with bringing the applicant right to the table to show them what they are doing. They usually accept it quite well. **Public hearing closed. Holst moved to approve the rezone request for Donald J. Hines from Primary Agriculture to the General Rural District and forward a recommendation to the County Board of Supervisors given that the Town of El Paso Supervisors determined this rezone request to be consistent with their comprehensive plan/Ross seconded. All in favor. Passed.**

Discuss take action on a status report and site plan review for industrial structures for a Heavy Industrial Use (Sand Processing Facility) for Muskie Proppant LLC, owner on property located in the South half of Section 7, T25N, R15W, Town of Union, Pierce County, WI. Chairperson Fetzer invited Tim Stauffer, Kenny King and Kevin Accola forward: Tim Stauffer, CEO, Kenny King, Plant Manager and Kevin Accola, Health, Safety and Permit Specialists introduced themselves.

Staff Report – Jim Kleinhans: These gentlemen were here in January for a status review and they were instructed to come back in six months for another status review but we scheduled this earlier because they have a request to expand their facility and make some minor modifications. He has provided a list of the existing conditions in the staff report and the conditions of site plan approval. Because there are additional structures involved in this request, we could consider this request a site plan review. They provided a construction summary which you have a copy of with the staff report, indicating that they want to build two silos directly east of the existing silos. That will afford them the ability to make more marketable products and have less waste generated from their operation. A land use permit will be required if the committee approves this request for two silos; one 32 feet in diameter and the other is 12 feet in diameter and they are 87 feet and 72 feet tall which would be covered under their variance that was approved in 2011. Sand source material still comes from Pepin County and a source in St. Croix County. Temporary road arrangements were made with Pierce County Highway Department and lately they have been running on State Roads to respect road bans on side roads. Surface water drain in the immediate area of the proposed silos will be eliminated but the catch basin located to the south of the silos will remain and that will tie into a couple catch basins that are on the south side of the building and discharge directly into the stormwater pond in front of the facility. The conditional use permit associated with the facility is due for renewal in September of this year. The committee may want to know about their processes, they are

going to change some screens inside the building to do some different processes and that is why they need the two silos on the east side of the building.

Staff Recommendation: Staff recommends the Land Management Committee review the proposed plans, considering; existing and proposed structures, neighboring uses, use of landscaping and open space, parking areas, driveway location, loading and unloading areas, access, traffic generation and circulation, lighting, drainage, etc. to determine whether there are modifications that would result in a site design that would better promote compatibility between lands uses, create safe and attractive site layouts, protect property values and contribute to efficient land use in Pierce County.

The two silos are shown directly east of the facility, one is larger. They would have the corresponding material transfer out of the plant. Kenny King stated they are going to keep that catch basin in there just move it south a little bit so there will be two catch basins. Kleinhans stated that is paved in that area. Mr. King stated it's just a flat gravel area. Holst stated you must be doing something right because you no longer have a lot of spectators that come. You are modifying your original plan because sometimes that's the way businesses work. He has no problem with it. Mr. Stauffer stated that one of the anticipations with this modification is to reduce their waste between 30% to 40%. **Ross moved to approve the site plan for new structures and building modifications for Muskie Proppant LLC as presented/Holst seconded. All in favor. Passed.**

Discuss take action on approval of a draft POWTS Cooperating Electrician Form for Sanitary Permit approvals per WI ACT 143 and amended Town Recommendation Form.

Staff Report – Andy Pichotta: Staff has been advised by the County's Corporation Counsel Office to periodically bring the Department's forms and applications to the LMC for review and approval. Said approval establishes the forms and applications consistency with the Pierce County Code. Recent changes to Wisconsin Statutes require that a licensed electrician now be utilized to complete electrical work associated with the installation of a private on-site wastewater treatment system (POWTS). The attached form will be required to be submitted as part of a POWTS application. Additionally, staff is proposing to amend the Town Recommendation Form. Changes include emphasizing the need for a Town Recommendation in conjunction with CUP and rezone applications and also highlighting the need for supporting comprehensive plan references in a Town level comprehensive plan for any proposed rezone.

Staff Recommendation: Staff recommends the Land Management Committee review the attached forms to determine whether changes or clarifications are warranted. If no changes are needed, staff recommends the forms be approved as written.

Holst asked if this is the form we are using now. Pichotta explained we are using the form but it is modified. There are a couple changes. The text in the middle was a single paragraph, the first paragraph deals with CUP's and Rezones and the need for a Town Recommendation. The second deals with the CUP side of things and the third highlights the need for a specific reference from the Town level Comprehensive Plan in order to recommend approval of the rezone by a given Town. Pichotta stated that he believes there is a gentleman here that would like to discuss the POWTS form. Roger Nelson stated yes, he knows this is new to everyone, all the plumbers and electricians. The first he heard about this form was when he came in to get a permit today. He didn't get a chance to talk to Jim to learn much about it. They do a lot of septic systems and a lot of the people, especially on replacement systems will wire their own. Under the new electrical code, owner occupied replacement systems, is this not needed? Can the homeowners do it themselves or is it like the septic systems where they can't. Kleinhans stated any new construction has to be done by a licensed contractor. Once the homeowner is in the home they can modify things. Mr. Nelson asked if they can wire their own. Kleinhans stated if we are permitting something under SPS approval, we have to ensure that there is a licensed contractor just like yourself doing the plumbing. Now we need a licensed electrician doing the wiring. A system with a pump in it will need an electrician. We need to know who the electrician is so if it's not right, we know who to call. Mr. Nelson asked if that is the job of the building inspector, not the County to do this. Kleinhans stated they have never done it, but they will now. He has talked to Todd Dolan and Galen Seipel and they realize it's new. Mr. Nelson asked why the plumbers have to find out all this information on the electrical. Kleinhans

stated because you are pulling the permit. Mr. Nelson stated for the sewer, the wiring is separate. It's not in the plumbing code. Kleinhans explained it's a State law that we have to have an electrician do the work for you. We don't issue a separate electrical permit for the electrician. We just want to know who is doing the work for you. It could be a matter of efficiency. It's going to take care of some problems we have seen in the past with some installations. Mr. Nelson stated it's putting additional costs per homeowners. He bets 50% – 70% of the time the homeowner doesn't know who the electrician will be yet when he pulls the permit. Is this going to hold up a sanitary permit? He wondered if a little more research should be done. Holst stated the State mandated it so we have to implement it. Kleinhans explained we picked up a form from other Counties. Every County is doing this and it would be good if the State said this is how you should do it, but they just passed the law and they are leaving it up to 72 Counties to figure it out. We took a template from another County. We're trying to be consistent. Just like contractors work within the building footprint, you are going to have to work with an electrician outside the building to do this. Figure out someone you want to work with. Mr. Nelson stated that most of the time, 75% is new construction with septic and inside plumbing. Whatever electrician is doing the wiring inside the house, wires up the septic. That is why when he is pulling the permit, he isn't going to know who the electrician is because the contractor doesn't get the contracts until he starts framing the house. Holst stated in your profession, quite a few are licensed plumbers and electricians, those guys will be doing their own. You may want to hook up with an electrician and say this guy is going to run the wire to this pump when we put the system in. Who gets hired after that isn't your problem. You can let us know this is the guy you will work with. Mr. Nelson asked on the electrical is that just the hook up at the pump? Kleinhans stated to the panel to the junction box. This has been in the works for a couple years. They postponed it last year, so it's not new. Mr. Nelson stated this is just a tiny part of it. The big thing is the house. Kleinhans stated he thinks if the owner is doing the inside wiring it still has to be signed off on by the building inspector. We just want to make sure that the POWTS are working correctly. Mr. Nelson stated it's going to be two people doing the same thing, why can't the building inspector do it? Kleinhans stated that you have to be an electrical inspector by SPS to inspect these things. Mr. Nelson stated this is the building inspector's job it isn't the plumber's job to find out who the electrician is wiring that system. Kleinhans stated he thinks the way the County sees it as we are at the beginning. We're going to find out who is doing the work before the work starts. It's a matter of trying to be efficient about it. We'll work through this. We don't have it all figured out yet. The State didn't have it figured out or they would have instructed us how to go about it. Mr. Nelson asked if the form could be brought out on the septic inspection or on the As-Built form. To have this when we get permits is going to be a real burden on a lot of plumbers who don't wire their own. Kleinhans stated that should have come up at Wiesers training when we had over 100 plumbers at the meeting. They knew it was happening on April 1st. We are just reacting to it. Mr. Nelson stated he just wanted to give input from an installer's point of view. This is new to him. Chairperson Fetzer stated this is something that can always be changed. Holst stated this is the first step in the process. We have to do this to adhere to State Statutes as they are written today. If it doesn't work, we'll throw this and correct it. This satisfies the State as of today. **Holst moved to approve the POWTS Cooperating Electrician Form and the Town Recommendation Form as written/Aubart seconded. All in favor. Passed.**

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

Departmental Update and Future Agenda Items

Public hearing for a conditional use permit for a campground for John Grabrick in the Town of Isabelle for Big Dog Daddy's Roadhouse.

Motion to adjourn at 7:30pm by Holst/Ross seconded. All in favor. Motion carried. Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA REVISED
Wednesday, April 16, 2014 – 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	Elect Temporary Chair	
3	Elect Committee Chair	
4	Elect Committee Vice Chair	
5	Next meeting dates: May 7 th & 21 st , June 4 th & 18 th , 2014.	Chair
6	Approve minutes of the April 2, 2014 Land Management Committee meeting.	Chair
7	Public hearing to consider and take action on a request for a conditional use permit for Heavy Industrial Use for a proposed wash plant in the Industrial District pursuant to Pierce County Code Chapter 240-37E, for Wisconsin Industrial Sand Company, agent for Steven Burmood, owner on property located on the West 10 acres of the SE ¼ of the NW ¼ of Section 12, T25N, R19W, Town of Diamond Bluff, Pierce County, WI.	Roy
8	Public hearing to consider and take action on a request for a conditional use permit for Filling and Grading in the Shoreland Area and Floodplain District pursuant to Pierce County Code Chapter 240-41E, for Wisconsin Industrial Sand Company, agent for Steven Burmood, owner on property located on the West 10 acres of the SE ¼ of the NW ¼ of Section 12, T25N, R19W, Town of Diamond Bluff, Pierce County, WI.	Kleinhans
9	Public hearing to consider and take action on a request for a conditional use permit for a Farm and Home Based Business in the General Rural District, pursuant to Pierce County Code Chapter 240-36D, for a wood working business by Chad and Kecia Bleeker, owners on property located in the NE ¼ of the SW ¼ of Section 21, T25N, R16W, Town of Salem, Pierce County, WI.	Kleinhans
10	Public hearing to consider and take action on a request for a Map Amendment (Rezone) from Primary Agriculture District to General Rural District for Donald J. Hines, owner on property located in part of the NW ¼ of the NW ¼ of Section 29, T26N, R16W, Town of El Paso, Pierce County, WI.	Pichotta
11	Discuss take action on a status report and site plan review for industrial structures for a Heavy Industrial Use (Sand Processing Facility) for Muskie Proppant LLC, owner on property located in the South half of Section 7, T25N, R15W, Town of Union, Pierce County, WI.	Kleinhans
12	Discuss take action on approval of a draft POWTS Cooperating Electrician Form for Sanitary Permit approvals per WI ACT 143 and amended Town Recommendation Form.	Pichotta
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.

(4/4/14)

*** Amended April 15, 2014 at 10:05am.**

PIERCE COUNTY WISCONSIN

DEPARTMENT OF LAND MANAGEMENT & RECORDS

Pierce County Courthouse

414 W. Main Street P.O. BOX 647

Ellsworth, Wisconsin 54011

ZONING OFFICE 715-273-6747

PLANNING OFFICE 715-273-6746

Fax: 715-273-6864



MINUTES - Pierce County Land Management Committee Meeting, April 2, 2014

Present: Joe Fetzer, Jon Aubart, Jim Ross and Eric Sanden

Others: Andy Pichotta, Brad Roy and Shari Hartung

Absent: Jeff Holst

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

Next meeting dates: April 16th, May 7th & 21st, all in 2014.

Approve Minutes: **Sanden moved to approve the March 19, 2014 LMC minutes/Ross seconded. All in favor. Passed with Aubart abstaining because of absence at the last meeting.**

Public hearing to consider and take action on a request for a conditional use permit for Expansion of Heavy Industrial Use in the Industrial District pursuant to Pierce County Code Chapter 240-37E, for Wisconsin Specialty Sands Inc and Wisconsin Industrial Sand Company, owners on property located in the NW ¼ of the SW ¼ of Section 1; and the NE ¼ of the SE ¼ of Section 2, all in T24N, R18W, Town of Trenton, Pierce County, WI. Chairperson Fetzer invited Jeff Himes, Eric McLeod and Mark Krumenacher forward.

Staff Report – Brad Roy: WISC is seeking an expansion of its mineral processing and rail load out facility in the Town of Trenton. No new activities or changes to the operation are proposed. The applicant is proposing to construct additional structures and equipment on the site, similar to what is currently there. Presently, washed sand from the Bay City mine is brought to the site by truck. The wet/washed sand is then dumped into the hopper or in the outside storage area. From the hopper the sand is conveyed to wet tanks. Conveyors then take the sand from the wet tanks to the dryer and then to the scalp screen tower. Sand is then conveyed to the dry sand tanks and then to the screen tower where it is screened in to the 7 different products and stored in the product tanks. From there it is conveyed to the load out tanks. The dried and sorted sand is then loaded onto rail cars and shipped. The facility currently operates 24 hours a day, seven days a week. WISC intends to start bringing washed sand from the recently permitted Diamond Bluff mine to the site for further processing. The plant needs to be expanded to process the additional material and maintain production levels. Expansion of the plant will include new paved areas, hoppers conveyors, dryer, scalp screen, screen house and silos to store the sorted and dried sand. The facility was originally permitted in 2006. A conditional use permit was granted by the LMC in August 2013 to authorize expanded railroad sidings for the processing facility. The property is zoned Industrial. The Industrial District is established for the purpose of allowing those industrial uses that are more intensive than those uses allowed in the Light Industrial District. The purpose of the district is to accommodate a heavy volume of traffic, the potential need for rail access to parcels and the presence of noise and other factors which could pose a nuisance in other districts. The intensity and use of land as permitted in this district is intended to facilitate the total range of industrial uses. Trucks used on site utilize white noise backup alarms during the day and flashing lights at night. Most of the trucks entering use a continuous forward loop to eliminate the need for the alarm. The facility has a Storm Water

Pollution Prevention Plan and a Spill Pollution Control and Countermeasures Plan. These plans 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. WISC is planning to have these plans updated. Various methods for dust suppression are present and proposed on the site.

- All loaded trucks are tarped on the site.
- The dryer and screening devices will be equipped with a dust collection system.
- During the rail/truck load out process each hopper, conveyor and load out spout is dust collected, and the dust is reintroduced back into the stream and loaded with the sand.
- All traveled areas are to be paved.
- A water truck is present onsite and is available during construction activities.
- Any sand stored outside is kept wet.

A Fugitive Dust Plan has been developed for the operation. The plan details the measure to be taken to reduce roadway dust from truck traffic on paved roads and railway dust from rail traffic, during periods of dry or windy conditions.

- Any evidence that dust from truck or rail traffic is causing excessive fugitive dust emissions will trigger fugitive dust control measures to be implemented which includes the use of a watering truck or street sweeper. Any sand that is spilled on tracks will be cleaned up regularly.
- The plan states that during rainy periods or periods when roadway surfaces are wet or partially snow covered there is no need to implement fugitive dust control measures.
- Roadways are to be inspected daily during the dusty periods and the railway is to be inspected during each shift to determine need for cleanup.
- The plan does not address dust control methods for any stockpiled sand on-site or the sand transfer points through the progression of processing.
- The plan does not address additional dust control measures to be taken in instances of exceptional events, such as high winds, where stated dust control methods are not adequate.

Concerns have been raised about the health effects of silica dust. New information regarding the potential impacts of silica dust is emerging as well as methods for mitigating the dust. Air monitoring of small particulates is becoming more standard for industrial sand mining and processing.

- Studies now suggest that industrial sand processing and transport facilities should monitor the ambient air for PM₁₀, PM_{4-silica}, PM_{2.5}, and meteorological data.
- Monitoring should measure the air quality impact of the facility on surrounding areas. There are no current ambient air standards for silica emissions. Since the facility is operating and no background information for the site can be obtained, the ambient air of a comparable location may also need to be monitored more accurately determine impact of the facility.
- The WDNR Bureau of Air Management permits and monitors emissions of nonmetallic mining and processing operations. Any study should involve the WIDNR.

WISC has just recently submitted information regarding the air monitoring done by WISC, the DNR as well as the mining industry. This is a very complex issue and a future discussion as to the need of additional testing on the site may be warranted. There are no high capacity wells onsite and no future need for one as a result of the expansion. A Traffic Memo was completed for the facility to determine if improvements were needed at the Hwy 35/770th St. intersection. The analysis was reviewed by WisDOT. WisDOT agreed with the Traffic Memo that the current configuration would meet the minimum standards for this development, but recommends upgrades. WisDOT recommends adding a right turn lane off south-bound STH 35 and a right turn lane off north-bound 35 that would effectively function as a bypass lane for the left turns. Type B2 intersections would be appropriate for the turn lanes. The Traffic Memo indicates that the lowest level of service would be to vehicles trying to enter STH 35 from 770th St. If WISC finds that the level of service to be unacceptable, WisDOT recommends a short right turn lane with an island on 770th St. Site Plan Review will be scheduled for a future LMC meeting. Site Plan Review is intended to assure site designs which promote compatibility between land uses, create safe and attractive

site layouts and structures, provide proper access to streets and transportation, protect property values and contribute to efficient land use in Pierce County. A request for a height exemption (WISC is proposing several structures taller than 35 feet) will also be presented. The Town of Trenton recommended approval of the expansion project on February 11, 2014 without any recommendations or reference to the Town Comprehensive Plan. The existing conditions are listed #1 - #7 in the staff report.

Staff Recommendation: Staff recommends the Land Management Committee consider the information above and any comments or concerns raised at the public hearing and determine whether the proposed use at the proposed location would be contrary to the public interest or would be detrimental or injurious to the public health, public safety or the character of the surrounding area and if found to be not contrary to the above, grant this conditional use permit with the following conditions:

1. Activities shall be conducted consistent with the submitted plan.
2. 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.
3. Applicant agrees that any erosion issues that arise shall be addressed to the satisfaction of the County.
4. Applicant shall obtain all necessary permits for construction and signage for the site.
5. WISC 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 from such studies.
6. The operator shall provide notice to the County of any orders to cease and desist from MSHA.
7. This permit shall expire in two years and may be renewed administratively if no compliance issues arise.
8. The Fugitive Dust Plan shall be modified to include dust suppression methods for any stockpiled materials, at sand transfer points and during instances exceptional events such as high winds. The plan shall also describe drop heights at transfer points and whether the facility uses telescoping chutes, skirting and loading spouts.
9. The applicant shall complete the WisDOT recommended upgrades to STH 35 and receive all necessary permits and approvals.
10. The applicant shall present information regarding the results of their current air monitoring efforts, including methods and standards utilized, to the LMC within 6 months. At that time a determination will be made regarding the need for and methodology of future monitoring efforts.

Chairperson Fetzer opened the hearing to the public. Andy Pichotta stated he had received two emails and was asked to read them into the record: the first from Christina Schuck: Dear LMC members: I ask that you make this part of the record: I grew up across the street from where Fairmont Minerals is located in Trenton Township. My family has lived there for nearly 40 years and I have watched Fairmont Mineral's operations steadily expand throughout the past few years and ruin the surrounding area and the neighbor's property value. My parents and many of their neighbors have spent their lives working hard, paying taxes and contributing to the community. How will they be compensated for this as they watch any equity they have built disappear? Again, Fairmont Minerals is asking to expand their operations and this time quickly after a rezone was approved. No mention was made of such an expansion during the rezone hearing. Many neighbors fiercely opposed the rezone. Now it is your duty to deny the conditional use permit because Fairmont Minerals cannot meet their burden to obtain a CUP. First, expanding operations will be contrary to the public interest. It is destabilizing the hillside and destroying the property values of the neighbors. Expansion adds more light, air and noise pollution. It greatly harms the public in the vicinity. Second, it will be detrimental and injurious to public health for similar reasons: destabilizing the hillside and increasing pollution. It will also be detrimental to public safety. Increased train and truck traffic in a residential neighborhood threatens public safety. Altering the topography of the area puts homes at risk for structural damage, which undermines public safety and health. This all injures the character of the surrounding area, which is predominantly residential. The hillside has been decimated. Expanded operations will further alter the character of the surrounding area. As a result, Fairmont Minerals cannot meet its burden and establish the criteria necessary for a CUP. Additionally, the LMC should also consider how the expanded operation will negatively impact property values, if not make

surrounding lots worthless, with no recourse from the county or the company. These operations are not similar to other uses in the surrounding residential area. It will create considerable noise, odor and dust. It will clog a narrow residential road with heavy equipment and trucks. It will certainly add surface water. Expanded operations will also adversely affect the natural beauty of the area—it replaces a hillside with industrial operations, bright lights and heavy equipment. It alters the topography and removes natural vegetation. In summary, Fairmont Minerals cannot meet its burden and I ask that the LMC uphold the law, protect the neighbors from further damage and deny the CUP. Respectfully, Christina M. Schuck.

Pichotta stated he has a second email from Roger and Sandra Krig to read: We, Roger and Sandra Krig, are 40 year residents of the El Dor Wood Heights Subdivision. We are very concerned about the proposed expansion of the WISC (Fairmont Minerals) Sand Drying facility in Hager City. This expansion will result in a railroad spur line running parallel to our homes. Some of our concerns are noise pollution and silica dust in the air. Silica is a known health hazard. Also of concern is a possible decline in property values. We want this email read into record at the 4/2/2014 meeting. Thank you. Sarah Schuck stated she is the mother of Christina Schuck from the letter you just read. I just wanted to reiterate that she feels the same way as her daughter does and she doesn't want to stand in the way of a company growing and becoming bigger and providing more jobs for the area. But she is concerned about the value of their home which they have put almost 40 years of investment in. Her husband and she have invested in their home. That is where they put their money with the idea that they would be able to live there and then retire off the investment they made in there. They see their house value going down with what is right across the railroad tracks from them. There is more noise which they weren't told of when they were visited by a representative from Fairmont. But every time a train goes by, it's horn beeps because there are more people out there by the railroad tracks and eventually there will be more trains going. We are more concerned about what they have invested for almost 40 years of their lives. Is there going to be any type of reimbursement for those that live along there that are going to see the value of their investments go down the hill. **Public hearing closed.** Ross stated he would like to draw attention to the studies now suggest, on page 2, that industrial sand processing and transport facilities should monitor the ambient air, his question would be on those studies, who conducted them, were they skewed one way or another. He would want to make sure the studies were well vetted ??? and accurate before we necessarily consider them to be accurate just because a study was done. We don't necessarily know the foundation of that study. He does have friends in the legislature in Minnesota and not all of them agreed with the study. He wants to point out that the recommendations came without any recommendations or reference to the Town Comprehensive Plan. Sanden asked about recommendations to find suitable or comparable locations to monitor to develop base line data. Do you have any intentions to do that? Pichotta stated the whole questioning of air monitoring is rather complicated and there is a lot of information out there. We're suggesting WISC, as part of this process, come back and bring additional information. They are currently monitoring in two locations; one down in Maiden Rock and also over in Shakopee at a mine they have there. His understanding is that the monitoring has been done but the analysis is being done and the report is being written. What they would like to do is bring that information to you, present it to you and that would give us an opportunity to become more, well versed in air monitoring. Then deal with that particular issue, not necessarily as part of this but within 6 months have that be a stand-alone agenda item where we have a discussion about air monitoring, what the studies suggest, what their studies suggest and have the LMC, at that point, make a determination as to whether it makes sense for them to monitor at this site or other sites. Sanden asked in response to the emails mentioned the rezone didn't include any mention of the expansion during the rezone. Has anything substantially changed because as he remembers it, you had mentioned the railroad spur and your intentions at that rezone? Mr. Himes stated yes, the rezone and the conditional use permit process that they went through this summer was all about the railroad siding. Sanden stated that is what he thought. He didn't see anything new. Ross stated he also spoke with the railroad and although there may be an inconvenience of the time of construction, it is a safety issue for those that work on the railroad and it will subside once the construction is done which might be another couple weeks. But they do take very seriously, concern for their workers and those near the railroad. Mr. Himes stated they are putting in the retaining wall and pile drivers are used for that. They

are monitoring the seismic vibration caused by that and everything has been well within the limits. There is some noise associated with it while they are working in that stage of the construction which should last until the middle of the month. The construction project will last probably until the beginning of June; the grading lane track, putting ballast down. The pile driving portion will be done shortly. While they are working in the right-of-way of the BN they are required to have a BN Flagman and the flagman is instructing the trains if people are in the right-of-way to signal. It's a requirement by the railroad and the FRA. Ross stated the Federal Railroad Administration. Ms Schuck asked even at night? Mr. Himes stated right now they are working during the day but if there are people in the right-of-way they have to signal. Sanden asked if we have any empirical data dealing with property values and their impact on this operation or is this speculative. Pichotta stated it would be speculative. Basically those are the challenges of having an industrial area near a residential area. These industrial areas are intended to accommodate the full range of industrial uses; noises, vibrations that accompany those. The expanded industrial area was done in a manner consistent with the Town of Trenton's Comprehensive Plan. All rezones have to be consistent with Town Comprehensive Plans. That is one of the challenges attempting to mitigate to the degree that it is possible with some of the impacts that spill over onto the neighborhood. Sanden asked if you have future communication with the property owners, if you could convey to them some sort of the amount of property loss would be helpful. He can't just pick numbers out of the air without seeing something from a realtor or an appraiser. Ross understands the point of condition #10, he sees so much regulation and so many things that have to be followed, from an industry point of view, it's a very heavily regulated industry and he thinks we are fortunate in this area with Fairmont and Muskie and County Concrete, when we have concerns, this goes for our wineries and several others as well, when we have concerns as a committee, they have always been respected and addressed and he doesn't want to go down the road of over-regulating ahead of necessity. He doesn't want to be so heavy handed that businesses can't function and do their job. If there is a problem, he knows and feels confident this committee would handle it. Mr. Himes stated Brad did an excellent job of covering the scope of the project. Prior to any construction they will acquire all the proper permits and follow all the regulations as it says in the conditions. They are in the process of developing the mine in Diamond Bluff and a wash plant on that location which we will be talking about in two weeks. Purpose of this project is to expand the Hager Plant to receive the wash sand from both the Bay City Mine and the Diamond Bluff Mine. The DOT's recommendations are to make some modifications to the intersection and they support that. The benefits of this project are it puts WISC & Fairmont in a good position to take advantage of a growing market and looking down the road for growth and it puts them in a real good position to supply that market. The gas market is still growing. The benefits to the community; creating jobs, construction jobs, something on the order of 25 additional employees associated with the expansion in the new mine. He noted that since Fairmont has come into the region, they have created 125 jobs. They are glad to be a part of the community. They are very proud of the donations they make in the community and volunteer time. Touching on the email comments; in terms of their impact, they are working in an industrial area and they will do everything to reduce noise in their operation. Their lighting plan will call for lights that are motion sensitive. They won't stay on indefinitely. They will be lighting specific areas that need to be lit. The hillside will be re-vegetated and replanting trees to make that more appealing. It's not going to remain in its current state. They are heavily regulated on dust and have to control it in their environment in the plant. They can't be creating a problem with that.

Sanden moved to approve the conditional use permit for Expansion of Heavy Industrial Use for Wisconsin Specialty Sands Inc and Wisconsin Industrial Sand Company with conditions #1 - #10, due to the fact this is not found to be contrary nor detrimental or injurious to public health, public safety or the character of the surrounding area/Aubart seconded. All in favor. Passed.

Discuss take action on a request for renewal of a conditional use permit for a nonmetallic operation for CMC – Spring Valley LLC, owners 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. Chairperson Fetzer invited Jim Small and Pete Krautkramer forward:

Staff Report – Brad Roy: There hasn't been any change since last year other than now there are 38 unreclaimed acres and last year there were 35. They have grown a little bit. Fugitive Dust Plan was developed and approved by the Town in 2012. He hasn't received any complaints. The only issue is to condition #4, Stormwater measures shall be reviewed and internal drainage verified by the Pierce County Land Conservation Department within one month. If determined to not be internally drained, engineered plans shall be submitted for Land Conservation review within 90 days. County Materials has submitted information to Land Conservation Department last week. Land Conservation staff reviewed the information and indicated that they believe the site is internally drained, however an inspection of the site can't confirm that do to the snow and in the future an inspection will be needed to verify the drainage. He talked to the Town about the renewal and Mike Jacobson basically stated things are going well. Mr. Jacobson stated he talked to Gary and Richard and they haven't had any problems. He also talked to Evelyn and she said things are going well at this time.

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, public safety, the public interest and character of the area and renew this CUP for a nonmetallic mining operation with the conditions #1 - #28 with the only change being to condition #4, "Stormwater measures shall be reviewed and internal drainage verified by the Pierce County Land Conservation Department within 6 weeks. If determined to not be internally drained, engineered plans shall be submitted for Land Conservation review within 90 days. Failure will result in this issue being placed on the next available LMC agenda for potential suspension of the CUP". Chairperson Fetzer asked if condition #4 is all taken care of. Roy stated it's in the process. Chairperson Fetzer asked when this was last renewed. Roy stated it would have been renewed in the spring but condition #4 the timeline was established in November of last year. Chairperson Fetzer asked why it wasn't done back then. Mr. Small stated he looked back and it was originally put on in 2007. That is where his confusion came in. It was brought up in the November meeting. To read that #4 from 2007, it says within one month so that was his fault for not knowing about the one month. When Brad brought it to his attention he immediately called Land Conservation. The DNR has been out there when they were first building it and they are changing it every year. He sends an inch to a 150 foot map to Brad at the end of every year for the license renewal to show that's what is taking place. The contours are changing every year. Soon as the snow melts this spring, they will have somebody from Land Conservation walk it and check it out. Aubart asked about clarification on condition #4, should we have something more. It says within 6 weeks of what, renewal, what if we get another snowstorm. Does the 6 weeks really make any difference since the Conservation Department has been notified and they get out there as soon as practical. Pichotta stated that would be fine, you could say 6 months or as soon as practical and we could revisit it the next time we see these folks. Aubart stated he would just say "as soon as practical" instead of saying a hard date for whatever reason, something comes up or the Conservation Department can't do it and now we're going to call them back. Ross asked if that is acceptable wording. Pichotta stated if that is what the committee wishes, we are comfortable with that. Pete Krautkramer asked if the committee could make the renewal every two years. Chairperson Fetzer asked what we are on right now and Roy stated we are on a status report in the fall and renewal in the spring. Pichotta suggested the Town be asked for input. Mr. Jacobson stated based on what they have done, he feels that is reasonable, so long as there is no correspondence, that would dictate otherwise, if they are running into some issues. Chairperson Fetzer stated we'll plan on that unless something comes up. Pichotta stated condition #18 stated renewal is in one year, we could amend that to two. Condition #25 states Applicant shall provide a status report to the LMC in the fall or at the request of the Town of Spring Lake. We could just strike "in the fall or" and just say "Applicant shall provide a status report to the LMC at the request of the Town of Spring Lake. Committee agreed with that.

Sanden moved to approve the renewal of the conditional use permit for Nonmetallic Mining for CMC – Spring Valley LLC (County Materials) with conditions #1 - #28, amending condition #4 to read "as soon as practical" in place of within 6 weeks, and condition #18 to read "renewal in two years unless issues and/or complaints arise." and condition #25, to read "Applicant shall provide a status report to the LMC at the request of the Town of Spring Lake"/Ross seconded. Roy stated on

condition #18, he doesn't think we want to put if complaints are received, we can receive complaints at any time for anything, if there is compliance issues. Ross stated we would do that anyway if there were compliance issues. Roy stated we could bring them back in if there are compliance issues. **Sanden amended condition #18 to read "This CUP shall be reviewed for renewal in two years/Ross stated his second stands. All in favor. Passed.**

Discuss take action on a status report for a Utility Facility >1000 square feet in the Industrial District by William F. Holst III, owner on property located in most of the NE ¼ of Section 33 and part of the NW ¼ of Section 34 and part of the SE ¼ of Section 28, all in T25N, R18W, Town of Trenton, Pierce County, WI. Chairperson Fetzer invited William F. Holst III forward:

Staff Report – Brad Roy: Last year the applicant received a CUP for a load out facility in the Town of Trenton. The proposed facility may potentially be used for structures to load materials such as sand, gravel, corn and oil. A rail spur is intended to be constructed and connect with the BNSF railroad. No finalized plans have been presented to staff. The CUP was issued for a conceptual plan and allows for nonstructural use of the rail spur and the adjacent 150'. Any future construction or structural uses will require additional approvals. Condition #3 required a status report in one year to provide an update on the status of the project. The site currently has a 130 acre sand and gravel mining operation as well as a small Ready-Mix Plant. Pierce County Finance and Personnel Committee recently approved a bid for the applicant to purchase adjoining property from the Pierce County Highway Department. The applicant has indicated that the newly acquired land will be part of the overall load out facility. The applicant has not submitted a new nonmetallic mining reclamation plan detailing a change in future use of the site. The existing conditions #1 - #5 are listed in the staff report.

Staff Recommendation: Staff recommends the Land Management Committee consider information provided by the applicant to determine whether any additions or modifications to the established conditions are necessary to help mitigate impacts on public health, safety, the public interest and the character of the area. It may be that no formal committee action is necessary. Chairperson Fetzer invited Mr. Holst forward: Mr. Holst stated it's been a long process with the County and they are looking at closing by the end of the month. He has had to go back and get approval from the Highway Committee for an easement to enter the property and that had to get surveyed. They have been working for a couple months on a Road Maintenance Plan because they could drive a short distance on an existing road that comes into the Highway Department. He just received that draft this morning. It's been a slow process but it looks like everything is in place to close by the end of the month. Then he has to determine a route of where the rail will go, so he can't do anything until he has the other land. Pichotta asked if he has had discussions with BNSF. Mr. Holst stated if he closed this land deal, he has dealt with the utility company to get an easement across their property on the east side. He had an agreement in place to lease another mile of frontage from the railroad but that agreement was with Muskie Proppant. Now that they aren't operating there, he has to get another agreement with the railroad. It's not going to be a quick process, they had it worked out with them what they needed for switches but with WISC expanding their facility, he doesn't know if they will even give him a switch now. He's not trying to stall but nothing goes fast with the railroad. Pichotta stated we knew when this was first proposed it's a concept that would be multi-years before anything happened. Mr. Holst stated that if he can get an approval that he will get the siding then he wants to start filling and grading and compacting. He will hire an engineering firm to check his compaction to make sure that everything he puts in doesn't have to go back. He will get it all inspected and lifts just like any other commercial project. This may never happen. He is doing whatever he can and going ahead and buying the property. He thinks at some point it will. Sanden stated that in one year we will renew the CUP so we don't need another status report before that. Pichotta stated no, we don't need another status report. What the code says that in one year, action needs to have taken place to establish the use. Based on what Mr. Holst has told us thus far, action has already commenced. Chairperson Fetzer stated we don't need a motion or anything then. Pichotta stated we anticipated that no committee action would be necessary.

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

Departmental Update and Future Agenda Items

Public hearing for a CUP for Heavy Industrial Use in the Town of Diamond Bluff for WISC proposing to do a wash plant on that site

Public hearing at the same site for a CUP for Filling and Grading in the Shoreland Area and Floodplain District

Public hearing for a CUP for a Farm & Home Based Business in the Town of Salem for a wood working business

Public hearing for a Map Amendment in the Town of El Paso from Primary Agriculture to General Rural District

Status report and Site Plan Review for Heavy Industrial Use, new structures for Muskie Proppant in the Town of Union

Draft POWTS Electrical Form to reflect some changes in the DSPS Code relating to sanitary permits

Motion to adjourn at 6:50pm by Sanden/Ross seconded. All in favor. Motion carried. Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, April 2, 2014 – 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: April 16 th , May 7 th & 21 st , 2014.	Chair
3	Approve minutes of the March 19, 2014 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for a conditional use permit for Expansion of Heavy Industrial Use in the Industrial District pursuant to Pierce County Code Chapter 240-37E, for Wisconsin Specialty Sands Inc and Wisconsin Industrial Sand Company, owners, on property located in the NW ¼ of the SW ¼ of Section 1; and the NE ¼ of the SE ¼ of Section 2, all in T24N, R18W, Town of Trenton, Pierce County, WI.	Roy
5	Discuss take action on renewal of a conditional use permit for a Nonmetallic Mining Operation 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.	Roy
6	Discuss take action on a status report for a Utility Facility >1000 square feet in the Industrial District by William F. Holst III, owner on property located in most of the NE ¼ of Section 33 and part of the NW ¼ of Section 34 and part of the SE ¼ of Section 28, all in T25N, 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
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.

(3/19/14)

PIERCE COUNTY WISCONSIN

DEPARTMENT OF LAND MANAGEMENT & RECORDS

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Fax: 715-273-6864



MINUTES - Pierce County Land Management Committee Meeting, March 19, 2014

Present: Jeff Holst, Jim Ross and Eric Sanden

Others: Andy Pichotta, Jim Kleinhans, Brad Roy and Shari Hartung

Absent: Joe Fetzer and Jon Aubart

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

Next meeting dates: April 2nd & 16th, May 7th & 21st, all in 2014.

Approve Minutes: **Ross moved to approve the March 5, 2014 LMC minutes/Sanden seconded. All in favor. Passed.**

Public hearing to consider and take action on a request for a map amendment (rezone) from Primary Agriculture District to General Rural Flexible District for Sandra Falde, owner, by Brandon and Michelle Yeager, agent, on property located in the SE ¼ of the SW ¼ of Section 15, T27N, R17W, Town of Martell, Pierce County, WI. Chairperson Holst invited Ms. Falde and Ms. Yeager forward. Ms Yeager explained that her mom owns 18.1 acres and they would like to buy a small portion to build a family home on. She plans on keeping the rest as it is. They use it for camping and recreational, driving their ATVs on it. The purpose for splitting it, is so that it is her own families land if anything becomes of it or if it falls into the banks hands, the rest of the family property is preserved.

Staff Report – Brad Roy: The applicant is requesting to rezone an 18.15 acre parcel in the town of Martell. The rezone is needed to increase the density so that the property can be split for the applicant's daughter. The daughter intends to buy a small parcel from her mother and build a home for her family. The larger remaining parcel will remain unchanged and will continue to be owned by the applicant. The parcel is currently vacant. There are no agricultural or residential uses occurring at this time. The applicant does not anticipate utilizing the parcel for agricultural use in the near future. Road access will be off of County Road J. The proposed use will be to create a small residential lot along the west property line for the applicant's daughter. The remaining parcel will continue to be undeveloped and unused. Adjacent land uses are agriculture, low-density residential and undeveloped. Pierce County's adopted Comprehensive Plan states: "The County will approve re-zonings or map amendments only when the proposed change is consistent with an adopted or amended town comprehensive plan. In cases where a town has not adopted a comprehensive plan, rezoning will be approved only when consistent with the Pierce County Plan (encouraged vs. discouraged). In such cases, Pierce County will solicit a non-binding town recommendation regarding the proposed rezone." The Town of Martell indicated that many factors were considered in recommending approval of this request. Issues taking into consideration were:

- The property is not currently in agricultural use and there is no indication from the landowner that agricultural use will be established in the future. The small development will not adversely affect the rural environment.

- The planned development on the land will create a new small lot near an existing undeveloped small lot, which would create a cluster like development which will retain natural open space and agricultural capabilities and provide a buffer to existing agriculture.
- The new development will not create a need for a new town road.

The Town of Martell recommended approval of this request on February 2, 2014, stating that the request is consistent with the Town's Comprehensive Plan –specific Goals, Objectives and Policy are cited from the Land Use section as well as for the Housing section. Pierce County Zoning Code §240-15 Purpose and Intent of Zoning Districts:

General Rural Flexible is established to achieve the same objectives as the General Rural (GR) District but to allow a greater density of residential development with the approval of the town board.

General Rural is established to maintain and enhance agricultural operations in the county. The district also provides for low-density residential development which is consistent with a generally rural environment and allows for nonresidential uses which require relatively large land areas and/or are compatible with surrounding rural land.

The Value of Land for Agriculture is shown in the chart in the staff report.

Staff Recommendation: Given that the Martell Town Board has determined this proposed rezone of 18.15 acres from Primary Agriculture to General Rural Flexible to be consistent with their comprehensive plan, staff recommends the LMC approve this rezone request and forward a recommendation to the County Board of Supervisors.

Chairperson Holst opened the hearing to the public. No public comment. Public hearing closed.

Sanden asked if the 18.15 acres is too small under the Primary Agriculture to accommodate a house. Roy stated they currently have one density point, it's two per 40 acres so the 18 acres would give them one density point. They wanted to retain that but allow for the split to a family member so this rezone would give them 4 density points per 40 so with the rezone on the 18.15 there would be two density points.

Sanden asked if 18.15 acres is big enough to avoid a spot zone. Pichotta stated a rezone that is consistent with a comprehensive plan would not be considered an illegal spot zone. A spot zone would be where someone is afforded the ability to do something that someone similarly situated wouldn't be able to do or in a manner not consistent with a comprehensive plan.

Sanden moved to approve the map amendment (rezone) from Primary Agriculture District to General Rural Flexible District for Sandra Falde and forward a recommendation to the County Board of Supervisors/Ross seconded. All in favor. Passed.

Discuss take action on a request for renewal of a conditional use permit for expansion of a nonconforming structure in the Agriculture Residential District for John and Monica Robey, owners on property located in the NE ¼ of the SW ¼ of Section 15, T26N, R15W, Town of Rock Elm, Pierce County, WI. Chairperson Holst invited Mr. Robey forward: Mr. Robey explained that they received the conditional use permit and simply ran out of money, they did not get the project done in twelve months and are hoping to get the permit renewed. Sanden asked if anything has substantially changed. Mr. Robey stated no.

Staff Report – Jim Kleinhans: Mr. Robey purchased the property about ten years ago. He applied for some permits; we couldn't approve the additions onto the nonconforming buildings. Both the home and barn are nonconforming. So in 2012 he obtained a conditional use permit. He came in and talked to Jim several weeks ago about renewing the permit because there was not a provision in the conditions to allow that permit to be renewed administratively. It's basically the same thing he asked for in 2012. He just wants to continue on with it. **Staff Recommendation:** Staff recommends the Land Management Committee permit it with the same conditions originally and give him twelve more months. Chairperson Holst stated we could add a condition: if you fail to get it done, we could do it administratively. Pichotta stated you could give staff the ability to renew it administratively or you could extend the timeframe. Conditional use permits are good for a year, two years or more, depending on the conditions that the committee sets. Mr. Robey stated he doesn't see a problem with the twelve months that was set the first

time. Mr. Robey stated he appreciates the committee being willing to extend the timeframe but would like it to stay the way it is.

Ross moved to approve the renewal of the conditional use permit for expansion of a nonconforming structure for 12 months for John and Monica Robey with the same conditions #1 - #3/Sanden seconded. All in favor. Passed.

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

Departmental Update and Future Agenda Items

Public hearing for WISC conditional use permit for Heavy Industrial Use in the Town of Trenton

County Materials renewal of a conditional use permit in the Town of Spring Lake

One year status report for William Holst on a Utility Facility/Loadout Facility in the Town of Trenton

Motion to adjourn at 6:12pm by Sanden/Ross seconded. All in favor. Motion carried. Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, March 19, 2014 – 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: April 2 nd & 16 th , May 7 th & 21 st , 2014.	Chair
3	Approve minutes of the March 5, 2014 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for a map amendment (rezone) from Primary Agriculture District to General Rural Flexible District for Sandra Falde, owner, by Brandon and Michelle Yeager, agent, on property located in the SE ¼ of the SW ¼ of Section 15, T27N, R17W, Town of Martell, Pierce County, WI.	Roy
5	Discuss take action on renewal of a conditional use permit for expansion of a nonconforming structure in the Agriculture Residential District for John and Monica Robey, owners on property located in the NE ¼ of the SW ¼ of Section 15, T26N, R15W, Town of Rock Elm, Pierce County, WI.	Kleinhans
6	Discuss take action on Travel/Training Requests	Pichotta
7	Future agenda items.	Pichotta
8	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.

(3/7/14)

PIERCE COUNTY WISCONSIN
DEPARTMENT OF LAND MANAGEMENT & RECORDS
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MINUTES - Pierce County Land Management Committee Meeting, March 5, 2014

Present: Joe Fetzer, Jeff Holst, Jim Ross and Eric Sanden

Others: Andy Pichotta, Jim Kleinhans, Brad Roy and Shari Hartung

Absent: Jon Aubart

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

Next meeting dates: March 19th, April 2nd & 16th, all in 2014.

Approve Minutes: **Sanden moved to approve the February 19, 2014 LMC minutes/Holst seconded.**

All in favor. Passed with Fetzer not voting due to absence at the last meeting.

Discuss take action on a request for Food and Wine Plan review for Bellevine Winery by Shannon and Angel Zimmerman on property located in part of the SW ¼ of the NW ¼ and part of the SE ¼ of the SW ¼, all in Section 3, T27N, R19W, Town of Clifton, Pierce County, WI. Chairperson Fetzer invited Mr. Zimmerman forward: Mr. Zimmerman stated this request relates to the condition that food remain subordinate to wine sales. There is speculation that they are building a winery and implementing a vineyard as a facade to what is really a full scale restaurant. The information reflected in the staff report is an accurate description of a variety of different things. The ultimate tell all is sales. There are other things that can influence and provide some sense of direction in terms of where the business is going. In the staff report we shared information relating to expenses and investments and of course, people invest in certain things where they want the highest probability of return. Some other very important pieces of information relate to the number of days and weeks of operation; the wine related area of this endeavor will be open 32 weeks and potentially up to 7 days whereas the facility that can even serve any form of food will be open 22 weeks and no more than 4 days a week. There was an arbitrary sample that reflected some of the commentary that occurred during the August meeting relating to the potential menu.

Staff Report – Brad Roy: We did receive a number of letters from the public that are included in your packets. The applicant received a conditional use permit (CUP) for a winery with limited food service in August, 2013. Concerns were raised at the CUP hearing about the intention of the applicant and whether the primary focus of the business would be food rather than wine. The applicants have maintained that providing limited food service will create a better customer experience and will assist in building their wine brand. Construction of the facilities is proposed to begin in spring 2014 and the applicant plans to be open to the public by July 2014. The LMC approved the winery request with a condition stating that the applicant shall provide a plan for food service operations which demonstrates that food operations are incidental/subordinate to winery operations. This agenda item is intended to satisfy that requirement. The applicants have gathered information, public and private, regarding similar wineries with food options to determine pricing and to estimate demand and revenues. They have also reviewed their expenditures to date as well as the structure areas devoted to the wine and food portions of the business. At this point, some of the information is speculative but the applicant believes that it will confirm that the focus of the

business is the production and sales of wine. The applicants have identified six revenue streams for the business:

- Onsite wine sales in the tasting room
- Onsite wine sales in the lounge
- Off-sale wine sales
- Distribution wine sales
- Wine related gifts or goods
- Food sales of pizza and appetizers

The tasting room will be 32 weeks each year and up to seven days a week. The tasting room will sell samples of wine, bottled wine, wine by the glass and gifts. The lounge is a seating area for guests while having food service and/or wine. Food service will be available for 22 weeks with service limited to Thursday through Sunday. Food service will be limited to brick-oven pizzas and appetizers. Pizza will only be served in the lounge while appetizers will be available in the tasting room and lounge. Sample food menu has been provided. The applicants are anticipating eight wine varieties for the upcoming year, four red and four white. It is expected that by 2015 they will have 12 varieties available due to increased juice production. The main structure includes a 1,640 square foot tasting room, a 420 square foot wine production area, a 1,400 square foot lounge and 940 square foot kitchen. The site also includes 4,320 square foot production shed, approximately 4 acres planted with 1,600+ vines, and an outdoor plaza for customers. The expenses, to date, show that 78% of costs have gone to the wine portion of the business and 22% to the food. Industry research, public and private, has provided sales information for food and wine. An average wine tasting room visitor will purchase a wine flight and a minimum of one glass of wine. One in two will purchase a bottle of wine to take with them. (Public) Businesses which offer both food and wine find that the average guest has two glasses of wine and off sale estimates remain that one in two will purchase a bottle to take with them. (Private) The expected revenue of the operation for this upcoming year will be approximately 70% from the wine and 30% from food. The cost of two glasses of wine will be relatively equal to one pizza.

Staff Recommendation: Staff recommends the Land Management Committee review the information provided in this report, and by the applicant, to determine whether the business plan adequately demonstrates that food service will be subordinate to wine production and sales.

Holst asked about the 22% of costs that have gone into the food, what type of costs are you talking about?

Mr. Zimmerman stated to date there have been some investments in architectural design for anything that was even remotely related to food. That would be a very liberal number because so much of the expense has gone into the wine, wine production, wine equipment, wine juice, so wine is the dominant component.

At this point we don't have a physical structure, it's been more in the design factor working with

Architect Matt Frisbee and he also has been working with the restaurant/kitchen type people who will help lay that out for us. Holst asked if as you build will the percentage remain about that same amount?

Mr. Zimmerman stated wine is their dominating element. He would be speculating exactly but he would expect the ratio to be somewhat similar based on the level of investment. Sanden asked about the square

footage of the tasting room and the lounge, is food served in both of those areas? Mr. Zimmerman stated appetizers can technically be served in the wine tasting area; food can only be served in the lounge. The lounge can also be used to sit and enjoy a bottle of wine that has been purchased. It's not exclusively to be

considered solely for food. Sanden asked, wine can be served in both the lounge and tasting room. Mr.

Zimmerman stated yes. Sanden asked staff what kind of verification do we have on these revenue

numbers. Is it self-reporting or is it something we can verify? Roy stated he was able to verify the sources that were provided but some of the information came from talking to other wineries. We don't have the

ability to verify that. Sanden asked Mr. Zimmerman if he has plans at this time to go beyond the gourmet pizza and appetizers as shown in the staff report. Mr. Zimmerman stated no, through consultation with

Department of Land Management, we've probably been liberal on everything we've asked for so there

will be nothing beyond what you see, in any capacity. Chairperson Fetzer stated he will allow a little open discussion, even though we don't have to allow it, but he likes to hear others opinions on things. All he is

looking for is discussion on the incidental and subordinate issue. Abbie Testaberg, owner of the Dish and Spoon Cafe in River Falls, is very appreciative of the Zimmerman's business and their employees and what it has done for her business and the Town of River Falls. Her concerns are the 940 square foot kitchen usually lends itself to the desire and ability to serve more people than what currently looks like. Most experts say that your kitchen should be about 15 – 25% of your square footage. When she breaks down the numbers that could range from 3700 to 6200 square footage for seating and eating based on what is being designed in the kitchen. She is concerned with long term plans and how those numbers match. When you look at food being allowed in the tasting room, in the lounge and perhaps in the outdoor plaza, with 64 spot parking, she thinks it is looking like it potentially can serve anywhere from 100 to 175 people in one setting. That is one turn of a normal eating time. If the guidelines aren't clear and deliberate there is a lot of room for growth. She explained her theory of the expense of a table of four patron's purchases of wine versus food. She feels it gives a lot of opportunity to add to what is being served; soup, salad, dessert, pasta, etc and that starts to look like a dinner to her. Her concern with it being a dinner is, a business three miles out of town with the ability to get there without coming through downtown River Falls doesn't do a lot from an economic standpoint for Main Street River Falls. Chairperson Fetzer stated that Ms. Testaberg's line of input is not what we are looking for. Ms. Testaberg stated from a business standpoint, if a business like this was going in on Main Street, it would actually potentially help her business and draw traffic. Chairperson Fetzer stated that is not really relevant to the incidental and subordinate issue. Ms Testaberg stated the numbers she did, did not include the off-sale. She provided her guestimate of sales figures for additional wine sales and if you take the 70 – 30% on that, that can be allocated to food sales. If the definition of subordinate food sales is based on a percentage of the wine sales it is allowing for some level of full-service restaurant. She thinks if the committee truly wants to make sure it is a vineyard with wine tasting and appetizers, then those numbers need to be more clearly drawn out and the regulation needs to be defined on something different. A couple different options would be a dollar amount on food per head or another area that could be used is on the restaurant licensure that is allowed. There are low, medium and high tiered licensures with those you can provide and make certain types of food. The lower the licensure, the less you are able to develop a full menu. She appreciates the menu and what is going to be served but in many years of restaurant business, you are constantly changing the menus and she is not sure how this committee would regulate that. Ross stated the square footage of kitchens can come into play a number of ways, one if you are dealing with pizza ovens, they are larger and need more space and it depends on how they wish to create their assembly line or create their space for employees to work in, what kind of storage, how much inventory do they want to hold, freezer space takes up more space than others. He is not too concerned about the overall square footage of the kitchen. He understands the capacity of what it could create but a lot of it could do with a particular restaurateur's desire for flow within that kitchen operating procedures. It is also important to point out that 32 weeks will be based more on wine and 22 weeks will be for food four days a week. That is a determination of subordination as well. We do typically, in this type of scenario, bring back everybody every year and most of us will do site visits as well. He doesn't know if he can believe that the square footage of the kitchen will be indicative of the amount of volume they are going to do. Ms. Testaberg, the 22 week scenario doesn't change to her what kind of food can be produced. The 70 – 30% no matter what numbers you manipulate still implies that during those 22 weeks, potentially \$50 for a table of four could be sold in food and \$50 for a table of four is a dinner not an appetizer. Sanden stated that is why he asked about the food menu and if that was anticipated to change and he stated quite clearly that was not going to change. We will come back and look at that every time and he can't see a table of four ordering \$50 of pizza or \$50 in hors d'oeuvres. If anything that makes his case that it is going to be subordinate and if he does go beyond this then we can re-look at this whole issue of subordinate use. John Holck, one of the neighbors of the facility, they have heard some of the architectural costs and weighed against the cost of the grapes and wine production it is clearly weighted toward wine production. He is curious when the facility is built out with bricks and mortar, how much more has to be built to have a restaurant and a kitchen than would be necessary to just have a winery and a tasting room like we're more familiar with our County to the north, St. Croix County. It seems a wine production facility, a tasting

room with even light incidental foods is one thing and has a cost that can be calculated by the architect but now when we put in a lounge, a restaurant, another bar and a conference room on the second floor. That seems to him it should come down on the side of the food equation in terms of being subordinate. Mr. Zimmerman stated if you have visited those other wineries you have noticed that they can be quite full and he wants to elaborate on what the lounge is intended to be. It seems to be synonymous with a full restaurant or food and that's speculation. It is also where people can enjoy a full wine experience. Recently attending the Cold Climate Conference hosted at the Crown Plaza in St. Paul where a vast number of Minnesota and Wisconsin wineries all represented their businesses, they all do seem to concur that people do enjoy going onsite to a vineyard and winery to enjoy the wine and not necessarily being packed up at a wine tasting only. They can sit down, relax and socialize. The square footage of a lounge is not solely to be construed to an association of food. Yes, that is where some people can have food but it is also where people can sit down with friends and or family and enjoy a bottle of wine. Mr. Holck stated in recent emails he has seen where even Mr. Zimmerman refers to it as a restaurant. Holst stated it is his opinion that this is a work in progress. You can't take every negative scenario that perhaps may come up and regulate for that. The fact that he is going to come back here every year; he has been a really good player and has addressed a lot of the neighbor's concerns. It shows tonight with the crowd, it has become smaller and less hostile. Your concerns are valid and he appreciates the concerns because Mr. Zimmerman is in your backyard. Mr. Holst takes things at face value, Mr. Zimmerman is a member of the community as are you people. So far, to him, Mr. Zimmerman has demonstrated that he does what he says he is going to. Until he does different, he can't put him on the stake and burn him quite yet. But if he does do different, Mr. Holst stated that he is quite capable of giving him something he is not going to enjoy. This committee has reined in uses when necessary. In his mind, we will go forward with this, address concerns as they come up, hopefully there won't be any and if there are some, we'll cross that bridge when we get there. If an issue is severe enough it won't take a year for the committee to find out and we'll act on it sooner rather than later. Marcia Borgstadt asked how will financial subordination be monitored. Pichotta stated he thinks the impetus will be on the applicant when he comes in. Typically for a use like this they have been on a short leash - sometimes it's been 3 months or 6 months. As we move forward it will be incumbent for the applicant to submit materials that satisfy the committee that in fact food service is subordinate. What is a little difficult now is that it is all conceptual at this point. If we accept what is in here as his intentions and moving forward he will have to demonstrate to the committee that it's subordinate. Certainly there is a financial component, but anything that is submitted to us is subject to open record and so certainly we will be interested in some figures that demonstrate that however, he is not sure what we will expect to see as far as financials - but we are going to require something in order to demonstrate that. Ms. Borgstadt, will the financial subordination be based on sales or expenditures? Pichotta stated his opinion is that it will be sales. Carol Schoenthaler, asked if the wine portion of it has to be produced on his property. Pichotta stated there needs to be grapes produced on site, there is nothing specific that says it has to be a certain percentage. Ms Schoenthaler stated she understands that but he has a facility to convert the wine. Does all of his wine that he is selling have to come that facility? Mr. Zimmerman stated in accordance with the TTB and the State definition, they will produce wine derived from grapes from their location, in these early years that will be a smaller percentage because they are maturing. So over time that will get steadily larger and larger, but they will also procure grape juice. As reported by the Wisconsin Wine Growers Association and in Minnesota, over 50% of all wineries in both states purchase either finished wine for blending and/or grapes, grape juices from other farms and agricultural areas. They will follow that same practice as well. Yes, there will be wine produced from grapes right here in Pierce County but it will also be blended with finished wine and grape juices as consistent with nearly all other wineries. Ms Schoenthaler stated what you are saying is that every bottle that you sell at your wine tasting facility will come from your facility down the street. Mr. Zimmerman stated he will elaborate; say he purchased 1,000 gallons of finished merlot from California to blend with the northern grape, that wine will be bottled on site. Mr. Holck asked if all the wine for sale on site will be bottled on site. Mr. Zimmerman stated yes, we will not be shipping filled bottles in. Ross stated he wants to reiterate that it's very imperative that people understand the committee takes what Mr. Zimmerman

states very seriously. Also what you folks say, we take very seriously and there have been a variety of different CUP's that have been issued where the individuals or company had not followed the CUP and in one case we brought them back every 90 days until we were satisfied they were following the conditions placed. We take that very seriously, we do follow it, all of us do. It is not carte blanche. Once we issue a CUP we don't just assume. Certain factors come into play like Mr. Holst mentioned. If we find that they are not complying, we will pull the CUP and we have done that at times as well. We take the matter very seriously and the concerns very seriously. We do believe that they have an opportunity to prove themselves and that's at the stage that we're at right now. Sanden stated Mr. Zimmerman has the most to lose by not complying. He has invested a lot of money into this venture. It would not be a good business practice for him not to comply and satisfy you folks as well as the committee. He agrees with his colleagues and will let him prove himself. Ms Schoenthaler stated they certainly agreed and appreciate but what is frustrating to her is there is no consistency with the wineries in Pierce County. If you look at the wineries in St. Croix County the majority of those are closed at 6:00pm in the evening. They don't go until 9:00pm at night. This one is now allowed to be open to 9:00pm with lights out at 10:00pm. That takes up the majority of their neighborhood evenings. Then you look at the Oak Grove facility, he is only open until 6:00pm. If I were Rudy, I would be pissed because I couldn't stay open longer. Holst stated we are not talking about Rudy here we are talking about Mr. Zimmerman. Ms Schoenthaler stated she would just like to see more consistency with the winery so that another resident in Pierce County who has a neighbor that wants to open a winery, they know what to expect from it. Pichotta noted that Rudy's facility was actually permitted as a Farm and Home Based Business before the Winery category was created. Rudy's hours of operation are also what he asked for. Chairperson Fetzer stated that we have to work with neighbors and business people to come up with solutions if there are major concerns on things, we have to deal with them.

Ross moved to approve the Food and Wine Plan as presented for Bellevinez Winery, demonstrating that food sales will be subordinate to wine sales/Sanden seconded. All in favor. Passed.

Discuss take action on renewal of a conditional use permit for Riviera Airport located on property in the SE ¼ of the NW ¼ of Section 12, T27N, R20W, Town of Clifton, Pierce County, WI.

Staff Report – Jim Kleinhans: As you can see in the report, Riviera obtained a conditional use permit back in 1998. They have operated under nine conditions. Back in about 2010 we started seeing some inconsistency with the flight reporting that was required under condition #2. Since then he has written a couple letters to some of the individuals that were reporting the flights and sometimes we get better compliance and sometimes they lag again. At one time, he requested a flight log in order to renew the permit. Jim thought it was time to bring it back to this committee to review that condition to see if it is effective. He would like to state that there is time when there is no flight activity at this facility as well. So sometimes they did not record any flights for a month. There has been a compliance issue with condition #2 so he would just like to suggest that the Riviera Airport folks understand that there is a conditional use permit where all the conditions should be met and the committee should be aware of this. Chairperson Fetzer asked Jim how they are submitted. Kleinhans stated now Mr. Schmidt submits the reports monthly in an electronic format. He prints them off and then files them. Chairperson Fetzer stated just one gentleman takes care of all the flights in and out of there? There are numerous flights, not just one place? Kleinhans stated they have a form that they utilize to indicate the pilot, the direction of the flight, hours when they were flying, type of aircraft being used, if it's a guest, and each individual pilot submits that information to the reporter. Then the reporter compiles that information and presents it. As you can see from my report, there have been times when we have requested six months of previous flights. It's hard to know if we have compliance issues if something is going on that long. So the intent of the committee was to have monthly reports so we know that we are not exceeding the flight numbers, flight direction and to verify if we do receive a complaint whether there is a compliance issue. Holst asked if we have received any complaints. Kleinhans stated no. Chairperson Fetzer asked if there is someone from Riviera here. Matt Schmidt, the secretary of the Riviera Airpark Association, and he is here to say they fully understand and respect the importance of the terms of the conditional use permit. They have worked extremely hard

to honor and abide by all those terms. They keep the take-offs low and stay away from the park. He has been responsible for about a year or more for getting the monthly reports in and he is not going to belabor you with excuses. What Mr. Kleinhans is saying shouldn't have happened. It happened on his watch and he is embarrassed and ashamed to be here to tell you that he didn't get the reports in on time. They do take this very seriously. When Mr. Kleinhans prompted him on the 31st of December that they needed to get this caught up, he responded and got it caught up in two days. He has kept it in compliance for the past two months. He has kept it on track. They have put a process in place where he sends the reports to Mr. Kleinhans and gets a confirmation from him that it came through OK. Then he sends it to the President and Vice-President of the Park. They are watching him now. They are respectfully requesting a chance to show they can do it right. Chairperson Fetzer stated he would suggest to put something in here, he would like to assume everybody is going to take care of exactly what they say all the time, but we have been bit on that before. Maybe we put in the conditions with your monthly reporting, within 30 days so in June you have 30 days by the end of July for June's to get reported. Just go with that and if it's not being reported, Jim sees it and jumps on it. It gives you a timeframe. Thirty days should be plenty of time. If it's not, you tell us and let's set up a certain time. Mr. Schmidt stated that should be fine. Ross stated it sounds good. Holst stated that sounds like a viable solution to our problem. He can remember when the Riviera Airport was a major concern and it's been so long since we heard anything from you, he really appreciates it. LeRoy Peterson, Clifton Chairperson, stated he has no complaints about the airport. Sanden suggested that if they don't have any take-offs or landings then report that. So we have documentation of every month being covered. Mr. Glenna stated they haven't plowed the runway for three months. Mr. Schmidt stated they had one flight in January. Sanden asked if this is renewed administratively at this point. If there are compliance issues then we could bring it back. Kleinhans stated normally he writes a letter every two years but he has been asking for flight logs in order to renew the permit and maybe he should have brought it back sooner. We try to work with people to get things right. Ross stated it probably helps that there haven't been any complaints also. **Sanden moved to approve renewal for a conditional use permit for Riviera Airport with conditions #1 - #9, amending condition #2 to read, Airport operations are limited to 80 take-offs per month. Riviera Airport Inc. shall keep a log of all take-offs and landings, including date, time, plane pilot and direction. The log shall be submitted on a monthly basis within 30 days of the end of each month by Riviera to the Department of Land Management/Ross seconded. All in favor. Passed.**

Discuss take action on a request by the Town of Oak Grove for an extension to the 90 day timeframe that a town has to generate a recommendation for a conditional use permit application, per LMC policy (6.5.13).

Staff Report –Andy Pichotta: As you may recall, last year Land Management Committee adopted a policy relating to the timeframe associated with generating a town recommendation upon being requested to be placed on a given Town's agenda. Pursuant to the LMC Policy (6.5.13), the Town of Oak Grove is requesting an extension to the 90 day timeframe to generate a recommendation regarding Wisconsin Industrial Sand Company's (WISC) request for a conditional use permit for underground nonmetallic mining. WISC requested that the Town of Oak Grove place them on an agenda to secure a Town Recommendation on or before December 25, 2013 and said request was acknowledged by the Town Chair. Given the LMC's policy, the Town would have until March 25, 2014 to generate a recommendation before the applicant could potentially submit an application without a formal town recommendation. The Oak Grove Town Chair requested an extension on February 14, 2014 which is within 60 days of the applicants request to be placed on an agenda. The Town Recommendation Policy adopted by the LMC on June 15, 2013 is listed in the staff report.

Staff Recommendation: Staff recommends the LMC consider and act upon the Town of Oak Grove's request for an extended timeframe to generate a Town Recommendation.

There is some discussion on the back of the staff report. This is the request he received from Oak Grove's Chair, Sarah Palodichuk. She is in attendance if anyone has any questions of her. Chairperson Fetzer asked Ms Palodichuk if she has anything to add. Ms Palodichuk stated she thinks they are on the right

page as far as she has had communication with WISC and they do have a timeline that they have agreed to. She will let you know because it is a concern, and she stated Jerry Kosin is here and maybe he can speak to this as well, that the problem that they ran into was that the other two members of the Board did not know that there was an application submitted in April 2012. She found out from their clerk that he had never received a copy of the application. Her assumption was, because they had talked about it at a meeting that it was going to be on the February agenda, and they didn't put it there because they didn't have it. There was some major miscommunication that has been going on for eight months on their Board because they have been talking about the County application, the Town application and the Board was not aware that there are two separate applications that they have been discussing. They hired a new lawyer, had a Town workshop, they are all on the same page and in agreement that the communication will be done through the lawyer. Gary and she have both gone to Andy about various issues and that is still permissible but the official communication is going to be handled by their lawyer. She thinks Eric was happy to hear that we have a plan on how we are going to proceed. She knows that other people feel strongly about this application not being formally submitted to the Town back in 2012 but she thinks with the timeline that they have, it shouldn't come up as an issue speaking for herself, not the Board. Jeff Himes stated they have had a conversation and a path forward. They would disagree as they did submit an application in April 2012 both by hand and email to the Town Clerk. They have emails showing that. Andy has counseled him that they should have better documentation in the future. He thinks it is clear with all the conversations that have gone on, he stated to Sarah that he knew she had an application. Ms Palodichuk stated she did have a copy of it before she was on the Board. Mr. Himes stated the application was out, that is no longer an issue, now they are talking about the 90 day timeframe. Ms Palodichuk asked a question about it, she said they are available on March 13th and they will take public comment at the next Plan Commission meeting and then it will be on the agenda for the April 21st meeting. She cannot control the decision for the Plan Commission to move it forward to the Town Board and she cannot control the Town Board so they take a vote. She is going to make a good faith effort to make it happen. What happens if the Town Board or the Plan Commission says we need a little more time? How do we handle that, she wants to know what her responsibility is there. Chairperson Fetzter stated we have already gone through the 90 days and now allowing you the extra time, there should be plenty of time to have a decision on that. Ms Palodichuk stated she does not disagree at all; she just got the application in the mail today as did the other members. Pichotta stated you could add some time to the 21st to address that eventuality. Eric McLeod stated the Town is not limited in the number of meetings that it can hold between now and the 22nd, the day after the next Town Board meeting in April. The Planning Commission is meeting on the 13th of March. We have already confirmed we are on that agenda. We will be presenting on the 13th and he thinks that is a good start. The Plan Commission can schedule any number of special meetings if it feels it's necessary to gather additional information from us or anybody else. Chairperson Fetzter stated that is very true. Mr. McLeod stated so it does look like there is a path forward. To address Sarah's question about what happens if the Plan Commission doesn't act to move it on to the Town Board and if the Town Board doesn't take action within that period of time. Then the answer is the Town has failed to provide its recommendation to this committee and we have to move forward. That is the purpose of the 90 day rule. He thinks Sarah has outlined a very reasonable process. We've talked before and think we are on the same page and moving that forward with an extension to April 22nd. It's not worth this committee's time or our time to rehash the last two years and why it is that we are here now in front of this committee. We think that we have been very patient. We appreciate Sarah's reasonable approach to this extension through April 22nd. We have asked the committee to approve the extension through that date and we'll be at whatever meetings the Town thinks is necessary in order to gather the necessary information to make a decision. Ms Palodichuk stated she is fine with that, she just needs to let the people that are making the decisions know that this is what we are bound to. Chairperson Fetzter stated he believes we have something on our records here, the reason we put in this 90 day waiting period and you have to apply for an extension is because we didn't want people dragging this on just to hold off the process. Ms Palodichuk stated she was here the night the committee discussed it. Pichotta stated that what he was going to suggest beyond the 21st, was that, given that fact that another

town meeting could be held with 24 hour's notice, if it were needed, another day or two would give them ample time but the reality is if the Planning Commission can't generate a recommendation, they need to be aware that their failing to do so ultimately may result in a recommendation not being submitted and this committee having to interpret the towns comp plan versus the town. Holst pointed out that a Planning Commission is an advisory council. The burden lies with the Town Board. Ms Palodichuk asked if it is possible if the Board wants to discuss it so we could have a meeting before that second Planning Commission meeting for the Board to discuss it. So we could get some counsel. If we have questions on the 21st, we have no opportunity. Holst stated you control your agenda, you control your timeframe. As the Chair, you are the person with the authority to do that. You can do that. Ms Palodichuk stated she appreciates that, thank you. Ross stated he would be comfortable with, he believes April 21st is your full Board meeting, giving a couple days after that. He concurs also that the process is meant to help these things move forward. There should be some ownership on the part of your Board in understanding why those 90 day timeframes are in place. Ms Palodichuk stated that after their meeting last month, she now believes they are all on the same page. **Ross moved to extend the 90 day timeframe to generate a Town Recommendation for the Town of Oak Grove to April 23, 2014, two days following the planned Oak Grove Town Board meeting/Holst recused himself from voting due to possible conflict of interest/Sanden seconded. All in favor. Passed with Holst not voting.**

Discuss take action on Travel/Training Requests. Pichotta stated there are two travel/training requests both for Emily Lund; WCZA quarterly meeting March 13th in Chippewa Falls, there will be no overnight. The second request for Emily to attend the WCCA Spring Conference in Wausau, regarding Wetland Preserve Program, Zoning Case Law, POWTS Training, Lake Studies, NR115 and other DNR updates. This would be an overnight stay. **Ross moved to approve the Travel/Training requests for Emily Lund/Sanden seconded. All in favor. Passed.**

Departmental Update and Future Agenda Items

Public hearing for a rezone request from Primary Agriculture to General Rural Flexible in the Town of Martell

Potential renewal of a conditional use permit for expansion of a nonconforming structure in Rock Elm Township, a gentleman was in and requested the ability to expand a number of nonconforming structures and he expanded a couple of them but didn't have the financial resources to do all of it. What the code states is you have to make substantial progress within a year, which he certainly has done, so we are thinking we would bring that back in front of the committee given that it is a CUP to see if you are willing to extend it a bit further. Pichotta suggested that the fact that he has done a number of things in furtherance of the CUP, should qualify him for that and if you are comfortable, we'll bring that back here.

Motion to adjourn at 7:00pm by Holst/Ross seconded. All in favor. Motion carried. Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, March 5, 2014 – 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 19 th , April 2 nd & 16 th , 2014.	Chair
3	Approve minutes of the February 19, 2014 Land Management Committee meeting.	Chair
4	Discuss take action on a request for Food and Wine Plan review for Bellevinez Winery by Shannon and Angel Zimmerman on property located in part of the SW ¼ of the NW ¼ and part of the SE ¼ of the SW ¼, all in Section 3, T27N, R19W, Town of Clifton, Pierce County, WI.	Roy
5	Discuss take action on renewal of a conditional use permit for Riviera Airport located on property in the SE ¼ of the NW ¼ of Section 12, T27N, R20W, Town of Clifton, Pierce County, WI.	Kleinhans
6	Discuss take action on a request by the Town of Oak Grove for an extension to the 90 day timeframe that a town has to generate a recommendation for a conditional use permit application, per LMC policy (6.5.13).	Pichotta
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.

(2/21/14)

PIERCE COUNTY WISCONSIN

DEPARTMENT OF LAND MANAGEMENT & RECORDS

Pierce County Courthouse

414 W. Main Street P.O. BOX 647

Ellsworth, Wisconsin 54011

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MINUTES - Pierce County Land Management Committee Meeting, February 19, 2014

Present: Jeff Holst, Jim Ross, Eric Sanden and Jerry Kosin

Others: Andy Pichotta, Brad Roy and Shari Hartung

Absent: Jon Aubart, Joe Fetzer

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

Next meeting dates: March 5th & 19th, April 2nd & 16th, all in 2014.

Approve Minutes: **Holst moved to approve the February 5, 2014 LMC minutes/Sanden seconded. All in favor. Passed.**

Discuss take action on a request to modify the conditional use permit for Filling and Grading associated with the Hager City Plant Rail Expansion, by Wisconsin Industrial Sand Company, on parcels located in part of the NE ¼ of the SE ¼ of Section 2, T24N, R18W, Town of Trenton, Pierce County, WI. Chairperson Ross invited Wisconsin Industrial Sand forward: Jeff Himes stated Jesse Graham from GZA and Eric Peterson is the project manager, they are here with him tonight.

Staff Report – Brad Roy: WISC received a CUP for Filling and Grading in the Shoreland area in August 2013. Filling and Grading is necessary to complete a rail expansion of its Mineral Processing Facility in the Town of Trenton. The original plan was to construct a retaining wall which was to extend through a utility easement and under existing power lines. The utility company objected to a retaining wall being constructed through the easement. The change is shown on Figure 8 of the attached documents. WISC has modified the plan to now grade the land within the easement and construct the retaining wall on the east edge of the property. This permit is required to ensure that the applicant is taking the necessary measures to protect the waterway. A tall crane will be needed to construct the retaining wall. The height of the crane could potentially be an issue due to the proximity to the Red Wing Airport. The applicant is encouraged to coordinate their activities with the airport. The southern portion of the project will require the cutting of an existing bluff which is comprised of primarily sand and gravel. The cut material will be used as engineered fill where needed. The majority will be permanently placed, graded and seeded on the property. GZA Geotechnical Engineers have designed and implemented a geotechnical exploration program, tested soil samples and completed soil slope stability modeling and calculations necessary to design the slope re-grading and provide recommendations for earth retention systems. The final retention system designs have not been selected at this time. The applicant is working with the WDNR to obtain a General Stormwater Permit for Construction Activities. Erosion Control Best Management Practices (BMPs) will be utilized on the site. Some of the filling and grading within the Shoreland Area takes place in the BNSF rail right-of-way and is exempt from municipal regulations. The original request was approved with conditions #1- #3 listed in the staff report.

Staff Recommendation: Staff recommends the Land Management Committee consider the modified plan and determine whether the proposed activity as amended, would be contrary to the public interest, 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 LMC modify this conditional use permit with the following conditions:

1. Activities shall be conducted consistent with the submitted plan.
2. 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.
3. Applicant agrees that any erosion issues that arise shall be addressed to the satisfaction of the county.

Jeff Himes stated Brad covered the details of the project change thoroughly. The reason for the change is Xcel would not allow a retaining wall to be built inside their right-of-way for the power line so we had to move the wall to the east. Eric Peterson will address the crane issue. Mr. Peterson stated the contractor they have hired to do this has directly contacted the Red Wing Airport and discussed this issue with them. The agreement was that the crane will be under the height limits but we still will flag it and put a light on top of it and every night the crane will be dropped down on the ground. Mr. Himes stated the specific changes they are talking about in the project, refer to figure 8 in the staff report. Where the power line easement comes through, the retaining wall was going to start west of the easement and it is now east of the power line and the area between where the retaining wall was going to start and where it starts now will be a continuation of the grading that they have already started in the project and approved prior. The wall will start on a parcel that is owned by Bill Schroeder. He is providing an easement for that. The slope will be graded to a 3:1 incline, similar to the slope that is tied in. This is consistent with the work that GZA did on drainage and stability. Throughout the project they will use the erosion control procedure that they would have originally used: seeding, silt fences, anything that is required to control the erosion. The difference in this plan from the original plan is about 500 feet less retaining wall to be installed. Drainage on the site is essentially the same plan that they had except for this area that is now going to be sloped will be a sheet flow down to a swale that exists along the track. The swale will drain into a drainage structure that is right at the toe of the beginning of the retaining wall. It's marked as proposed catch basin at the end of the ditch in the staff report. The catch basin will have a height difference between the bottom and where the pipe outflows to provide some settling and will require some maintenance over time to keep the sand out of it. The pipe runs along the toe of the retaining wall; its 31.7 inches in diameter. The whole system is designed to handle the 100 year rain event. In Figure 9 of the staff report, there is a rock road marked on the map and a concrete pad, the pipe discharges, carries a flow along the road under the concrete and discharges in a riprap armored flowage structure that is installed. The water will leave that and enter a natural swale going into the pond area to the east. That swale handled the flow coming through this area originally. It's the natural drainage for this area. The only change in the drainage plan is the additional slope bank that will be created. The wall system, a sheet pile wall, there are seven 6" pipes along the length of the wall to handle water coming into the area where the sheet pile wall is installed. Those 6" pipes drain into the pipe that is draining the whole area under the construction area. All these changes were reviewed with Jim Devlin of the WDNR. He has given verbal approval to proceed. The paperwork is forthcoming. There is no change in this plan for the track design or the operating plan that was approved. All this addresses is the change in the retaining wall and the associated grading. Sanden asked when the construction is set to begin. Mr. Himes stated the construction is set to begin as soon as they have the committee approval. They have crews in place. Sanden asked how long they anticipate this taking? Mr. Peterson stated the project end date is the end of May. Mr. Himes stated that would be the whole track project. Part of the timing is to be able to put the sheet piling in while there is still frost in the ground. That soil is pretty loose in there and dealing with it when it's frozen is a little easier.

Jeff Holst recused himself from discussion and voting because of possible conflict of interest.

Sanden asked the committee, sounds like they have everything squared away with the Red Wing Airport, are you comfortable not including that as a condition? The crane is below the height limitation. **Sanden moved to approve the request for modification to the Conditional Use Permit for Filling and Grading in the Shoreland Area for the Hager City Plant Rail Expansion by Wisconsin Industrial Sand Company with conditions #1 - #3, due to the fact the proposed activity is not contrary to the**

public interest, nor detrimental or injurious to public health, public safety or the character of the surrounding area/Kosin seconded. All in favor. Passed with Holst not voting.

Discuss take action on proposed language relating to regulation and permitting of Wireless Communications Service Facilities (Chapter 240-41C).

Staff Report – Brad Roy: As we recently discussed the new law created in 2013 Act 20 (Act 20) states specifically that a political subdivision may regulate cell phone towers in a zoning ordinance, but places strict limits on how it may do so. The new law will require significant changes to §240-41C and modification of the Land Management Department Fee Schedule. Last meeting we went over all the limitations that the County has. They are listed in the staff report. The current code and what that has. At that meeting the LMC directed staff to develop code language for an over-the-counter land use permit for communication towers with the potential for third party review in cases where there would be a reduced setback. Those changes are attached to the staff report. Act 20 allows for municipalities to require permits for the construction of new towers, structural modifications to an existing tower and the placement of additional antennas on an existing tower. To be consistent with current regulations staff is proposing to require a permit for the construction of new towers and “Substantial Modifications” to existing towers. A permit for Substantial Modifications is necessary since setbacks would have to be verified. Since the county has not required permits for the placement of additional antennas on existing towers in the past staff did not include it at this time. The application and procedure for permitting is consistent with the requirements of Act 20. WSCFs will continue to be required to follow FAA regulations. The owner of a newly constructed tower will continue to be required to provide the county with a surety to cover the cost of abandonment should the facility fall into disuse. Setbacks have been modified to be consistent with the requirements of Act 20. All guy wires, supports and structures accessory to the tower will need to comply with all dimensional standards of the zoning district. The towers will also have to comply with the standards of the zoning district as well as §240-29D. Staff has developed a requirement for third party review in cases where the applicant presents engineering certification for reduced setbacks. (§240-41C.2(f)). The LMC recently approved an amendment to §240-29 of the zoning code regarding the height of commercial structures. The amendment will increase the setback for commercial structures by one foot for each foot that the structure is over 35 feet in height. The first reading of the amendment will be discussed at the County Board meeting this month. Fees for new towers currently are \$1,000 + \$2 per foot of height of the tower. Act 20 limits fees for a new towers and substantial modifications to \$3,000 and there can be no reoccurring fees. Staff removed all requirements regarding appearance and location.

Discussion: Staff is requesting direction from the LMC regarding the future permitting for Communication Towers.

- Should a permit be required for the placement of antennas on an existing tower?
- Is the current fee for new towers adequate?
- What should the fee for a Substantial Modification be?

Sanden asked what is involved of the management of these facilities from a staff perspective. Do you have to go out there every year, how much of your time is taken up by processing this paperwork? Roy stated that we get a detailed annual report each year which is reviewed. Pichotta noted that towers change hands frequently and often it takes substantial time to track new owners down to get the required reports. Holst suggested charging the maximum allowed given that we are essentially being paid up front for any time spent later Roy stated there is information on the back page regarding the substantial modification definition, right out of Act 20. Holst suggested that the fee for substantial modifications should be \$500 as allowed by Act 20. Kosin asked if there is a time when too many antennas could compromise a towers integrity. Pichotta noted that those types of issues are addressed in the annual status report. Pichotta also noted that a resolution to amend the fee structure to include these things would be moved forward along with any code amendment. Holst asked if you want a motion or direction. Pichotta stated either way the committee would like to handle it. Committee consensus was to move forward with language presented and fees as discussed.

Discuss take action on proposed amendments to Pierce County Code Chapter 240 pertaining to Exclusive Agriculture District and Cluster Development. Staff Report – Brad Roy: The Working Land Initiative required an update of the Farmland Preservation Plan which was recently adopted by the County Board of Supervisors. Modifications to the Zoning Code are now necessary to ensure consistency with the plan. Most notably, the Working Lands Initiative eliminated the Exclusive Agriculture Zoning District and replaced it with the Farmland Preservation Zoning District. At this time no towns under County Zoning have Exclusive Agriculture zoning and no towns have expressed an interest in adopting the new Farmland Preservation Zoning District. Therefore, staff is proposing to remove all references to Exclusive Agriculture from Chapter §240. If a town under County Zoning were to wish to adopt Farmland Preservation Zoning, revisions would need to be made to Chapter §240 at that time. Proposed text amendments related to the Exclusive Agriculture zoning district are detailed in Attachment 1 in the staff report. The Farmland Preservation Plan established goals, policies and objectives for the County to encourage and conserve farmland. A stated goal of the plan is to identify and preserve areas suitable for agriculture. One of the associated policies states: “Investigate whether modifications to existing Cluster Development zoning provisions can promote greater agricultural preservation.” The existing code for Cluster Development authorizes a developer to decrease lot sizes, which reduces the need for infrastructure, in exchange for creating usable open space. All of this helps to lower development costs. The stated goal of the open space is to:

1. Protection of all floodplains, wetlands and steep slopes.
2. Uninterrupted scenic views.
3. Creation of upland buffers around watercourses.
4. Preservation of existing woodlands, tree lines and existing pastures.
5. Avoidance of prime agricultural soils.
6. Protection of wildlife habitat.
7. Avoidance of construction on higher topographic features.
8. Provision of contiguous open space.

An incentive is offered by increasing the density of the development beyond the limits of the zoning district, listed in §240-23. The density bonus is intended as an incentive to a property owner in exchange for the above listed public benefits. The buildings must be contiguous and have a maximum size of 2.0 acres. The allowable zoning districts, density bonuses and cluster requirements are listed in the staff report. The open space shall be restricted from further subdivision through a permanent conservation easement held by the township, land trust or conservancy and recorded with the Register of Deeds. All open space must be legally and practicably accessible to the resident of the development and may be used for individual or community septic systems or for stormwater management ponds or basins. Applications of the Cluster Development code would create a group of smaller lots which would control the adjoining open space, largely to protect natural features. To date, there are no Cluster Developments in the county. It appears that the density bonuses have not provided enough incentive for any potential developer. Staff is proposing a shift in the focus of the Cluster Development code to agricultural preservation rather than just protecting open space and natural features. The premise of the proposed change is similar to that of the existing code. Landowners would be able to cluster the density of large parcels and receive additional density beyond the limits of the zoning district and the remaining land of the parcel would need to be placed in a conservation easement. But, instead of the subdivision controlling the open space (typically through a homeowners association) the developer could retain ownership and use of the preserved agricultural lands. Again the density bonus is intended as an incentive in exchange for the benefits of preserved farmland. This would allow landowners the ability to create smaller building sites while still maintaining the agricultural capability of the land. Key components of an Agricultural Preservation density bonus would be:

- Density bonus will require a permanent conservation easement filed with the Register of Deeds.
- Density bonus will be greater than those currently offered in the Cluster Development code. The amount of density bonus could be tied to the percentage of land designated for agricultural use.

- Allow for greater flexibility in the design of rural residential developments. (Additional work will need to be done with the Towns that have larger minimum lot sizes in their subdivision codes.)
- The focus of the new code will be the amount of agricultural land preserved, rather than the number of lots created.
- Preserved farmland could be retained/controlled by the developer.

Discussion: LMC direction on the following issues/questions in necessary for staff to develop any code amendments:

- Does the LMC have any concerns about the removal of Exclusive Agriculture from the Zoning Code?
- Is the LMC in favor of amending the Cluster Development regulations?
- If so,
 - » Does the LMC want to continue to offer a traditional Cluster Development option?
 - » Should staff continue to pursue an Agricultural Preservation density incentive option?

Staff Recommendation: Staff recommends the LMC consider the above information and provide general direction to staff. Sanden stated being that the Exclusive Ag is no longer being recognized and is being replaced by the Farmland Preservation Zoning District, if sometime in the future somebody did want to pursue that, we would have to come back and amend this code. His question is what is the inconvenience of keeping it on there even if it is like a floating zone. Is there any advantage to taking it off? Pichotta stated he doesn't think it makes life any easier. The reality is, it could be left in there it would just be not used because it would no longer be applicable because that zoning designation no longer exists at the State level. We could potentially avoid amending the code twice and just do it once if sometime in the future, a Town wanted to adopt Farmland Preservation Zoning. From the interest of a clean code, we would like to remove redundant or unnecessary language. To a large degree, that is what we've got here. If we do have to add it back into the code in the future, it's going to be substantially different and it's not just a matter of changing the names. The standards associated with Farmland Preservation Zoning are different than Exclusive Ag Zoning. His recommendation is to remove it simply because it's not necessary anymore and if we do need it in the future, we will put the new version in. Holst asked about River Falls Township since they aren't in our zoning, do they have Exclusive Ag Zoning? Pichotta stated they do have Exclusive Ag Zoning. They will have to amend their existing code to reflect that change at the State level to Farmland Preservation Zoning. Because the County lends its authority to the Town of River Falls to exercise regulation of uses, this committee will need to approve that and it will also need to go through the County Board. Sanden asked if the Town of Salem has gotten rid of all their Exclusive Ag Zoning? Pichotta stated they have. Holst stated he was around when they developed the Cluster Development regulations and at that time it looked like a really good deal but we couldn't draw anybody into it and the way everything has changed today, he doesn't know if you could twist a farmer's arm far enough to get him to sell a lot for housing much less develop his whole farm. Pichotta stated it wouldn't actually be to develop the whole farm. Holst stated it would be to develop a corner of the farm and with a corner of the farm comes votes. We are starting to see that in various parts of the County today. Once your 612er's and the 651er's outnumber the 715er's, things change and we're starting to see that. He would like to think that the rationale would develop with our electorate. The way we control our own destiny is to not let somebody else outnumber us. He has nothing against Cluster Development. He thinks it's wise but he doesn't think the market is favorable to it right now. In Oak Grove, you have a three acre minimum lot size, they move to Oak Grove to have large lots. They don't move there to have six houses in three acres. They move there so they can have a nice big lot, preferably a ten acre one with seven acres of weeds and three acres of lawn. Kosin stated there are lots of five acre lots. Sanden stated if he understands the Cluster Development language it's not meant to be a requirement, it's meant to be an option if some developer decides that's the way they want to go. As long as it's keep as an option, he doesn't see a problem with keeping it in the code. He also doesn't want to force anyone not to be able to do it if they so choose, ten or twenty years down the road, who knows. Holst stated it looked like you

could have private waste water treatment plants and things like that if you went to Clusters and that was part of our thought process. Instead of having ten individual septic systems to fail, you would have one waste water treatment to service all ten of the homes in the cluster. But everything came to a screeching halt and no one went down that road anyway. Pichotta stated the part of the County where we would probably see Cluster Development would be Clifton and Oak Grove. The reality is that they have large minimum lot sizes and until those Towns are willing to deviate from those lot sizes that is probably equally why we haven't seen cluster development. Folks that were interested in cluster development ended up going through the PRD (Planned Residential Development) because that actually allowed for three times the underlying density versus a number of bonuses, one house per five, which we saw with Johnson/Reiland out at Diamond Bluff Estates. But again because you have that three acre minimum lot size in Oak Grove, what the Town of Oak Grove agreed to was as long as the overall density of the entire project didn't exceed that what it would be if you cookie cuttered it all up into three acre lots, so they did allow some deviation to their three acre minimum lot size. We had some lots down to an acre or an acre and a half. A PRD requires that 25% of the project be set aside as open space. We ended up with the same density as if you would have cookie cutter it except there were outlots to provide open space to the residents. Pichotta asked if the LMC wanted to retain the concept of traditional clusters in addition to the ag cluster option. Holst stated it will probably never be used. It's may just be busy work. Sanden stated he is in support of both ag clusters and traditional clusters. Holst stated it's cheaper to cut up in cookie cutter lots and now ag land is worth more than residential land. If and when development starts again in Pierce County it would be good to have multiple options. Sanden agreed with Holst. Pichotta stated that we can look at the code relating to traditional clusters and see if there isn't a better way to do it. It will be necessary to bring the Town's along as it really isn't an option until they are on board. Sanden asked if staff has reviewed other ordinances around the State to see if comparable to Pierce County. Pichotta stated we have as we don't like to re-create the wheel if we don't have to. Land Management Committee directed staff to move forward with Exclusive Agriculture and Agriculture Cluster Developments and look at revising existing Cluster language.

6:41pm Holst moved to convene into closed session pursuant to WI §19.85(1)(c) considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility; to-wit; performance evaluation of Land Management Director/Sanden seconded. Roll call vote: Holst-Yes, Kosin-Yes, Ross-Yes, Sanden-Yes. All in favor. Passed.

7:20pm Holst moved to reconvene into open session and take action on closed session item/Sanden seconded. Roll call vote: Holst-Yes, Kosin-Yes, Ross-Yes, Sanden-Yes. All in favor. Passed.

Motion by Holst/seconded by Sanden to grant the Land Management Director a step increase, if eligible, based on a favorable annual performance evaluation. All in favor. Passed.

Discuss take action on Travel/Training Requests. Pichotta stated there are no travel or training requests at this time.

Departmental Update and Future Agenda Items

Food and Wine Plan review for Shannon and Angel Zimmerman in the Town of Clifton

Conditional Use Permit Renewal for Riviera Airport in the Town of Clifton

Request for an extension to the 90 day timeframe for a town to generate a recommendation for a conditional use permit application by the Town of Oak Grove.

Motion to adjourn at 7:30pm by Holst/Sanden seconded. All in favor. Motion carried. Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, February 19, 2014 – 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 5 th & 19 th , April 2 nd & 16 th , 2014.	Chair
3	Approve minutes of the February 5, 2014 Land Management Committee meeting.	Chair
4	Discuss take action on request to modify the conditional use permit for Filling and Grading associated with the Hager City Plant Rail Expansion, by Wisconsin Industrial Sand Company, on parcels located in part of the NE ¼ of the SE ¼ of Section 2, T24N, R18W, Town of Trenton, Pierce County, WI.	Roy
5	Discuss take action on proposed language relating to regulation and permitting of Wireless Communications Service Facilities (Chapter 240-41C).	Roy
6	Discuss take action on proposed amendments to Pierce County Code Chapter 240 pertaining to Exclusive Agriculture District and Cluster Development.	Roy
7	Committee to convene into closed session pursuant to WI §19.85(1)(c) considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility; to-wit; performance evaluation of Land Management Director.	Chair
8	Committee to reconvene into open session and take action on closed session item, if required.	Chair
9	Discuss take action on Travel/Training Requests	Pichotta
10	Future agenda items.	Pichotta
11	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.

(2/7/14)

PIERCE COUNTY WISCONSIN

DEPARTMENT OF LAND MANAGEMENT & RECORDS

Pierce County Courthouse

414 W. Main Street P.O. BOX 647

Ellsworth, Wisconsin 54011

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MINUTES - Pierce County Land Management Committee Meeting, February 5, 2014

Present: Joe Fetzer, Jeff Holst, Jim Ross and Eric Sanden

Others: Andy Pichotta, Jim Kleinhans, Brad Roy and Shari Hartung

Absent: Jon Aubart

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

Next meeting dates: February 19th, March 5th & 19th, all in 2014.

Approve Minutes: **Sanden moved to approve the January 15, 2014 LMC minutes/Ross seconded. All in favor. Passed.**

Public hearing to consider and take action on a request for a map amendment (rezone) from Agriculture Residential to Industrial District by Wisconsin Industrial Sand Company, agent for Steve Burmood, owner on property located on the west 10 acres of the SE ¼ of the NW ¼ of Section 12, T25N, R19W, Town of Diamond Bluff, Pierce County, WI. Chairperson Fetzer invited Wisconsin Industrial Sand forward: Jeff Holst recused himself from discussion and voting because of possible conflict of interest but retained his right as a citizen to comment.

Staff Report – Brad Roy: WISC is requesting to rezone 10 acres in the town of Diamond Bluff to enable the construction of a mining wash plant. This site received a conditional use permit for nonmetallic mining in 2012 for a new underground mining operation (CUP12.20). The applicant is still planning to operate the approved underground mine, but wish to now wash the sand in a permanent wash plant outside of the mine and truck it to the existing Hager City Plant. The wash plant activity is considered a Heavy Industrial use and can only receive a Conditional Use Permit in the Industrial District. The area is part of a 25 acre parcel owned by Mr. Burmood. WISC intends to buy the 10 acres from Mr. Burmood prior to construction of the mining operation. A CSM will be needed to split off the 10 acres. Existing land uses are residential and agriculture. Activities permitted by CUP12.20 include conveyors, outdoor stockpiling of raw sand and conversion of the existing residence into an office and construction of a maintenance building. The proposed use will include a temporary wash plant, permanent wash plant building, conveyors and loadout tank building. The mine and plant will operate 24 hours a day, seven days a week. Road access is off of 1005th St. Adjacent land uses are agriculture, low-density residential and undeveloped. An adjacent undeveloped property to the mine entrance site has access from 1005th St. 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 Diamond Bluff Town Board recommended approval of this request on January 9, 2014, stating that the request is consistent with the Town's Comprehensive Plan – specifically Land Use Goals #1 and #2 and

Policy #2. Their land use section is attached for your information. Pierce County Zoning Code §240-15 Purpose and Intent of Zoning Districts are listed as well as the soil information for the site.

Staff Recommendation: Given that the Diamond Bluff Town Board has determined this proposed rezone of 10 acres from Agriculture Residential to Industrial to be consistent with their comprehensive plan, staff recommends the Land Management Committee approve this rezone request and forward a recommendation to the County Board of Supervisors.

Chairperson Fetzer opened the hearing to the public. Steven Schenk is here speaking for his son, Adam Schenk, who is an adjacent property owner. Mr. Schenk is concerned about noise levels and any groundwater impacts. James E. Larson, adjacent property owner to Mr. Burmood, is concerned about groundwater with the new proposed wash plant on site. It was his understanding that WISC was not installing any high capacity wells. His concern is that it will affect his well and the neighbors also. Another concern is because this area is in the Floodplain. Mr. Larson recited Floodplain code Chapter 238-3 and 238-24. He stated silica is a hazardous material and he worked in an area where they were told not to use it because of silicosis. Mr. Larson asked who is the Zoning Administrator? Jim Kleinhans stated he is. Mr. Larson asked if there has been a hydraulic analysis done on the site and cited more of the Floodplain code regarding moving and filling of materials. Mr. Schenk asked if there have been any EPA studies or impact studies. **Public hearing closed.** Pichotta noted that what we are here to consider tonight is the request to rezone. It's the first step in moving forward to enable the applicant to request a conditional use permit. A portion of the property is classified as floodplain and he doesn't believe anything other than filling and grading to move a road is proposed to occur within the floodplain. This is the first step in order for them to move forward toward securing a conditional use permit. Jeff Himes, WISC, stated the noise levels will be similar to the plants in Maiden Rock and Bay City, very low, white noise. There will be pumps in the plant and trucks going in and out. Groundwater wells are similar to what is used in fields for irrigation. They will recirculate the water and limit the fresh water they pull into the plant. They will have a monitoring system on the neighbor's wells. Concerning the dust from the processing plant; any potential dust will come from the trucks on the road. Mark Krumenacher stated the USEPA regulates clean water Acts. The State of WI regulates air permits but there are no actual studies. The mine will have to adhere to federal, state and county regulations. Mr. Himes stated they plan to construct out of the floodplain and have no equipment in the floodplain. Silica sand is not allowed in sand blasting, that application does create very fine particles. They will be washing but not crushing the sand. The plant will be moving the sand when wet to the Hager City site. At the Hager City site they aggressively address dust and cannot allow dust for their employees or getting away. Mr. Krumenacher stated floodplain obligations are regulated and they do need to do a hydraulic study taken off of the FEMA map and determine where the elevations are. They may widen a road into the floodplain. They will have two high capacity wells; one primary and the other as a backup. Originally they were going to rely on the one at the home but the wash plant will need more water than that one can supply. When the State does a review, they also look at what impact it might have on residential wells. Aquifer is prolific and WISC can go even deeper. The groundwater monitoring will provide backup information to see. Chairperson Fetzer asked how often you monitor wells. Mr. Krumenacher stated they install pressure sensors and data loggers. Chairperson Fetzer asked how deep compared to residential wells. Mr. Krumenacher stated 100 feet for residential wells and 200 to 300 feet for high capacity wells. Mr. Larson stated his well is 130 ft and the neighbors on the hill are at 300 feet. Mr. Krumenacher stated they are in the same water table. Mr. Larson stated we had a drought a couple years ago and is concerned about another, so why don't you add to the existing plant. Mr. Himes explained the Hager City Plant isn't a wash plant, it's a dry facility. They had thought about expanding on another site the other side of Hager City. Charlene Larson stated the Wind River wasn't addressed. Mr. Krumenacher, Geologist and Senior Vice President of GZA Environmental, stated the Clean Water Act, which is EPA driven is state implemented. Using that water is not going to impact the Wind River. Sanden reiterated that this will all be further detailed in the conditional use permit application. He asked the applicant to characterize the noise; would the trucks coming in be louder than the pumps? Mr. Himes stated the trucks are white noise and the pump noise would be similar to a corn dryer, very quiet. You can carry on a normal conversation.

Chairperson Fetzer stated his mother lives near the plant by Grange Hall and he farms the area and is very familiar with it. It's a wash plant and other than the trucks coming in and out, he doesn't hear it and assumes WISC's plant will be enclosed like that one. Ross stated again, we are going through the process of a rezone. There will be an opportunity to see a great deal of data further along in the process.

Sanden moved to approve the request for map amendment (rezone) from Agriculture Residential to Industrial District for Wisconsin Industrial Sand Company, agent for Steven Burmood and forward a recommendation to the County Board of Supervisors/Ross seconded. All in favor. Passed with Holst not voting.

Discuss take action on a request for Site Plan approval for a commercial structure for the City of Red Wing Airport, owner, by Wes Converse, agent in the Commercial District on property located in the NE ¼ of the SW ¼ of Section 6, T24N, R17W, Town of Isabelle, Pierce County, WI.

Chairperson Fetzer invited Curt Miers forward.

Staff Report – Jim Kleinhans: Curt Miers is here for Walters Buildings. He is the front man for Wes Converse. He is requesting site plan review for a commercial office building in the commercial zoning district within the City of Red Wing Airport property. There is an office building 36 ft x 98 ft and a hangar 100 ft x 120 ft. City of Red Wing has developed a gravel parking lot. Jim invited the City of Red Wing to come and discuss the parking lot and their 2014 Work Plan but they were unable to attend. Surface water drainage is directed to the west as designed by the City of Red Wing. The native soils in the area are very permeable. Curt Miers described the lighting; wattage and type of the building. Buildings are identical to what's at the airport. No landscape plantings are proposed for the area immediately surrounding the buildings to prevent woody debris from fouling jet turbine engines. Exposed soil will be seeded with grasses.

Staff Recommendation: Staff recommends the Land Management Committee consider the information provided in this report to determine if any aspect of this development, as proposed in the site plan, is potentially harmful to the health, safety, aesthetics and general welfare of the County and can be addressed through modifications to the proposed site plan.

Sanden asked if the lighting is directional. Mr. Miers stated yes. Holst stated the plan is pretty straight forward.

Holst moved to approve the site plan as presented/Sanden seconded. All in favor. Passed.

Discuss take action on multimodal trail (bike, hike, ski) and skills course concept for Trimbelle Recreation Area located in the Town of Trimbelle, Pierce County, WI.

Staff Report – Jim Kleinhans: This is something that developed as a goal of his last evaluation. To get a bridge to access the 20 acres purchased in 2009. The trail system will help to qualify for a state grant to improve site amenities. We will have to amend the County recreational plan. This is a rough concept that will require a consultant to design the trails. We identified soils that may be suitable to construct an earthen privy near the base of the hill. This site currently has minimal amenities. Jim has talked to Scott Schoepp and he wants a bridge that a vehicle can travel over to maintain the east 20 acres. Holst stated it's pretty steep. Sanden asked if the soil survey gave you any pause or is it still doable. Kleinhans stated there are steep grades. Mike Riter teaches a four day course in developing trails, who could be a potential consultant. Jim has talked to DNR staff about bridge approval and a Chapter 30 permit. Scott has been through this with the snowmobile bridges. Sanden asked if this is intended to be a mountain bike trail. Kleinhans explained he would like to make it a family trail for mountain bikes, hiking and skiing, not a race trail. Pichotta stated if LMC is supportive and Parks is in support, we can come forward with a resolution and request to apply for a grant.

Staff Recommendation: Staff recommends the Land Management Committee consider whether the proposed multimodal trail system/bridge/skills course is appropriate at the Trimbelle Recreation Area. If determined to be appropriate, staff will present the concept to the Parks Committee for their consideration at their February 10 meeting. If supported by the Parks Committee, an unbudgeted request from the Park Development Fund to retain a consultant to assist in the planning would likely be forthcoming.

Holst moved to pursue the multimodal trail/Ross seconded. All in favor. Passed.

Discuss take action on proposed strategy to comply with 2013 Wisconsin Act 20 relating to the regulation and permitting of Mobile Service/Cell Towers.

Staff Report – Brad Roy: The new law created in 2013 Act 20 (Act 20) states specifically that a political subdivision may regulate cell phone towers in a zoning ordinance, but places strict limits on how it may do so. It creates a standardized regulatory framework for wireless telecommunications service. The new law specifies that an application is complete if it contains all the information described in Act 20; by implication, a political subdivision may not require any additional information. We've listed what the application must include. It doesn't say what the construction plan must show; our hands are tied on what we can ask an applicant. Act 20 also lists specific limitations or regulations that a political subdivision may **not** impose on the construction or modification of a tower. A municipality may not:

- Enact an ordinance prohibiting the placement of a mobile service structure in particular locations.
- Disapprove an application based solely on aesthetics.
- Disapprove an application based solely on the height.
- Charge a reoccurring fee.
- Impose a setback or fall zone requirement that is different from other types of commercial structures.
- Permit 3rd party consultants to charge the applicant for any travel expenses incurred in the consultant's review of mobile service permits or applications.
- Disapprove an application based on an assessment by the political subdivision of the suitability of other locations for conducting the activity.

Again, not a lot of ability to say no.

Communication Towers greater than 70 feet in height are currently a Conditionally Permitted Use. Pierce County Code §240-41C regulates the use. The code primarily establishes a height limitation, setbacks requirements to property lines as well as offsite residences, application requirements and permitting procedures, type of tower and other various requirements. The new law will require significant changes to §240-41C and modification of the Land Management Department Fee Schedule. Land Management staff has discussed the new regulations internally and with Corporation Counsel. As noted above, the County no longer has the ability to regulate height, location, setbacks and aesthetics. The County's ability to deny a permit is significantly limited and appears to be restricted to an inadequate application. The LMC would essentially be required to approve if an applicant submitted all required information. Staff is requesting direction from the LMC regarding the future permitting for Communication Towers.

- Should Communication Towers continue to be a Conditionally Permitted Use or is it appropriate to simply require an over-the-counter Land Use Permit?
- Due to the limited information that can be required in the application, should there be a third party review?

Sanden asked if the FCC is the body that has the say or is it the State? The FCC would play a part in regulation but looking at zoning and the placement of towers is the State and County's role. Sanden asked any idea who the third party would be. Roy stated they would contract with an engineer. Holst stated they would have to have engineered plans and when they stamp it, they are liable. Pichotta stated one area when a third party may be useful is with setbacks. County code will likely require one foot setback for every foot above 35 feet. In Act 20, if applicant can provide information showing that if a tower falls it will fall in area less than the setback. The setback requirement would be voided. For example, a 300 foot tower in a residential neighborhood, a third party could verify that it will not hit a residence. Kleinhans stated we have to determine that it's a complete application. Committee directed staff to develop an over-the-counter permit with the ability to have third party review regarding reduced setbacks.

Discuss take action on Travel/Training Requests. Pichotta stated that there are no travel or training requests at this time.

Departmental Update and Future Agenda Items

Proposed amendments to Chapter 240 relating to Exclusive Agriculture and Cluster Development
Potential Filling and Grading at the Hager City Plant in a restricted height area, maybe until that
coordination with airport is worked out.

Wireless Communication Services language.

Director's performance evaluation.

Motion to adjourn at 6:55pm by Holst/Sanden seconded. All in favor. Motion carried. Respectfully
submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, February 5, 2014 – 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 5 th & 19 th , 2014.	Chair
3	Approve minutes of the January 15, 2014 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for a map amendment (rezone) from Agriculture Residential to Industrial District by Wisconsin Industrial Sand Company, agent for Steve Burmood, owner on property located on the west 10 acres of the SE ¼ of the NW ¼ of Section 12, T25N, R19W, Town of Diamond Bluff, Pierce County, WI.	Roy
5	Discuss take action on a request for Site Plan approval for a commercial structure for the City of Red Wing Airport, owner, by Wes Converse, agent in the Commercial District on property located in the NE ¼ of the SW ¼ of Section 6, T24N, R17W, Town of Isabelle, Pierce County, WI.	Kleinhans
6	Discuss take action on multimodal trail (bike, hike, ski) and skills course concept for Trimbelle Recreation Area located in the Town of Trimbelle, Pierce County, WI.	Kleinhans
7	Discuss take action on proposed strategy to comply with 2013 Wisconsin Act 20 relating to the regulation and permitting of Mobile Service/Cell Towers.	Roy
8	Discuss take action on Travel/Training Requests	Pichotta
9	Future agenda items.	Pichotta
10	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.

(1/24/14)

PIERCE COUNTY WISCONSIN

DEPARTMENT OF LAND MANAGEMENT & RECORDS

Pierce County Courthouse

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MINUTES - Pierce County Land Management Committee Meeting, January 15, 2014

Present: Jon Aubart, Joe Fetzer, Jeff Holst, Jim Ross and Eric Sanden

Others: Andy Pichotta, Jim Kleinhans, Brad Roy and Shari Hartung

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

Next meeting dates: February 5th & 19th, March 5th & 19th, all in 2014.

Approve Minutes: **Ross moved to approve the December 18, 2013 LMC minutes/Aubart 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 Floodplain and Industrial District, pursuant to Pierce County Code, Chapter 240-67A(2), 240-29D and 238-32B 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. Chairperson Fetzer invited Andy Winkler forward:

Staff Report – Jim Kleinhans: Wieser Concrete Properties are requesting to expand an existing manufacturing facility that is located along Highway 10 in the Town of Salem. The expansion would allow for them to increase production of larger products that they produce elsewhere in the State. The building is nonconforming because it's located within the road right-of-way setback of Highway 10 and is also situated in the Floodplain. A consultant for Wieser Concrete is requesting a Letter of Map Amendment (LOMA) from the Federal Emergency Management Agency at this time. At this point, as you can see from the maps that were provided, their floodplain lines are a little different than what the County has adopted and there were engineering studies done on those lines but they need to be approved to have them recognized. Town Board of Supervisors in Salem recommended approval of this request during their November meeting. Nonconforming structures can be extended and approved provided they meet all the provisions of the zoning code; or a conditional use permit is issued by this committee. Setbacks from State and Federal Highways are 77 feet from the edge of the right-of-way or 110 feet from centerline. The addition would meet the centerline setback but not the right-of-way setback. The addition also meets the 75 foot setback from ordinary high water mark to the adjacent stream. The industrial building is also proposed to be 44 ½ feet high which exceeds the general height limitation in the zoning code. The committee can provide an exemption up to 60 feet of the required height provided they increase the setback by at least one foot for each foot the structure exceeds 35 feet in height. There was significant amount of fill placed on this site in 2007 and shortly thereafter there was a series of studies completed to determine what the impact of the fill was on the floodplain. The studies were never submitted to FEMA but they were reviewed by the Department of Natural Resources and we have an email from a floodplain engineer, back in 2010 saying that he recognized the study results were in order. The expansion can be authorized by a conditional use permit only if the LOMA demonstrates that no portion of an existing building or expansion is located within a floodplain. If the LOMA is not obtained, this committee would not be able to authorize the addition and it would have to go before the Board of Adjustment as a

variance. The on-site septic system was installed for this facility in 1981. Soils reports indicate that there was some sand and fill placed above the drain field area and he would recommend the committee consider that a condition be added that the existing system be reviewed for compliance for plumbing and County sanitary codes because the proposed addition will create additional manufacturing jobs. We have had recent expansions, in 2000, where there was an addition and additional people were hired for that facility. **Staff Recommendation:** Staff recommends the Land Management Committee determine whether the proposed expansion at the proposed location is contrary to the public interest, or 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 with the following conditions:

1. A Letter of Map Amendment (LOMA) demonstrating the existing building and proposed areas of expansion are located outside of the Floodplain shall be submitted to the Department of Land Management prior to construction.
2. State Plan Approval for the industrial building expansion from WI DSPS shall be submitted to the Land Management Department prior to construction.
3. Construction shall not occur until such time as Site Plan Approval is granted by the Land Management Committee. The application for site plan approval shall contain a LOMA and a stormwater runoff plan in addition to other required materials.
4. The adequacy of the existing onsite wastewater treatment system shall be verified or it shall be brought into compliance with State and County sanitary codes.
5. This conditional use permit is valid for 12 months unless an extension is granted by the LMC.

Chairperson Fetzer opened the hearing to the public. Sarah Palodichuk, Oak Grove Township, asked if this is about the floodplain specifically. Chairperson Fetzer stated no, this is the floodplain as it relates to Wieser's. Mike Girdeen asked if they would be tearing down part of the old building and rebuilding it; your footprint is changing but basically it's going to be where it is? Mr. Winkler stated somewhat. Some of the old structure will come down due to structural issues and then an addition will be constructed onto the existing building. **Public hearing closed.** Sanden asked about the 50% rule, regarding nonconforming structures; if it would have to go before the Board of Adjustment, can you explain what that 50% rule entails? Kleinhans stated there would be a variety of issues and standards that they would have to meet to obtain a variance. Typically, floodplain structures aren't approved more than 50% because they are supposed to be phased out over time. In 2007 there was a significant amount of fill placed around this facility. There were a number of things that were done; additional land was purchased, land was rezoned on the east side of this facility. This is on the west side along Highway 10. If successful in obtaining a LOMA, approval can be granted by this committee. If the LOMA doesn't give them what they need, then it should be directed to the Board of Adjustment for an approval. The LOMA may take some time. He just signed a form last Friday. So not knowing if that is going to be successful and how much time FEMA takes to review the information, it may take more than 12 months to get this project completed. Pichotta stated he spoke with the applicant and applicant asked if the committee would add an additional six months to the date to bring it to 18 months for completion. He thinks what Dr. Sanden was asking; when you have a nonconforming structure in the floodplain, improvements to that structure are held to 50% of the equalized assessed value of that structure over time. Once you use up that 50%, you can't do anymore improvements; ultimately the structure is phased out. Sanden asked about the other condition that Jim asked to have added. Holst stated he thinks that condition is there already. Ross stated he read it as condition #4. **Sanden moved to approve the conditional use permit for expansion of a nonconforming structure with conditions #1 - #5 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, amending condition #5 from 12 months to 18 months/Ross seconded. All in favor. Passed.**

Discuss take action on proposed amendments to Chapter 238-20 of the Floodplain Ordinance relating to camping and camping units and to Chapter 240-29D, of the Zoning Ordinance relating to the height of Industrial buildings.

Staff Report – Jim Kleinhans: In the course of administrating the floodplain and zoning code, staff determined several ordinance modifications appear to be warranted. One involves camping outside of an established campground without a permit. We have had some issues with this. We would like to provide some definition clarification regarding a yurt type structure and look at some language that we would add regarding camping outside of the floodplain. Under public and private campgrounds, staff has proposed Section M that states: Camping in a camping unit in a floodplain outside of approved campgrounds under this section is allowed without a permit if the camping unit consists of nothing more than an easily removable tent or if the following criteria are met:

- a. The camping unit is a mobile recreational vehicle;
- b. The camping unit is on a parcel of land that has less than 4 camping sites and the parcel is not advertised, represented or used as a campground; and
- c. The camping unit may not occupy the site for a period of more than 180 consecutive days.
- d. Support services are consistent with items J and L listed above.

We did receive comments from the Department of Natural Resources on this section and because they felt it is not involved with a campground per say, that we should possibly put this into a separate section in our floodplain code. There are no other sections in the floodplain code that deal with camping either in or out of a campground. A definition for a yurt is being suggested but modified from Jim's original definition that was provided in the staff report based on some discussions with the DNR and staff. Yurt – a circular tent-like structure supported on a lattice framework with a window or windows and a hinged door and is used for overnight camping by a family or non-family group. Comments from the DNR suggested that yurts or the Western deviation of the yurt is not something that is easily removed for overnight camping. They are typically more permanent in nature. So we suggest the following language; Yurt – a circular tent-like structure supported on a lattice framework and used for human habitation by a family or nonfamily group. Then we would like to add the definition of human habitation which means; a human residence or dwelling. Sometimes yurts are defined as a dwelling if you look up Wikipedia definitions. Holst asked if we would get rid of the rest of it. Kleinhans stated yes, windows and doors because some yurts don't have hinged doors. They are more of a floating screen. He has seen a variety with variations. In a floodplain code, we have references to the Department of Commerce under several sections and several years ago the Department of Commerce was changed to the Department of Safety and Professional Services (DSPS) with a different number. Under 238-24D we talk about private sewage systems; changing Chapter COMM 83 to SPS 383 and the same under 238-27H under sewage systems, amend that to replace COMM 83 to read SPS 383. And the same with section 238-33B and 238-34D, all sections regarding on-site wastewater systems. Sanden asked if a yurt is to be considered to be for human habitation? Kleinhans stated yes, they are designed as a domicile to some respect and we are trying to get away from considering them tents: easily removable in a floodplain. We do permit them elsewhere in the County as a habitable structure. We're thinking this will just help us with the interpretation and the permitting of those types of structures. Under proposed amendments to the zoning code, several years ago the frac sand industry boom created a lot of review and permitting activity for Western Wisconsin Counties. Some of the buildings and facilities used to produce and manufacture the sand creates structures that are in excess of the 35 foot height limitations. Counties each do this differently. In our current code, we have allowed this committee to authorize buildings up to 60 feet in height and anything beyond that was sent to the Board of Adjustment for a variance. With this request we are asking the committee to support a code amendment to eliminate variance request for all structures that are in excess of the 35 foot height limitation in the zoning code. We would also like to include not only industrial but commercial structures as well. In section 240-29D we are proposing language that states Industrial and commercial structure heights may be granted exemptions by the Land Management Committee, provided that all required setbacks and yards are increased by not less than one foot for each foot the structure exceeds 35 feet. This would be similar to what we did with the Wieser facility. It's very difficult sometimes to

approve a variance if you consider the standards that the Board of Adjustment has to work under. By increasing the yard setback by every foot the building exceeds 35 feet, it would still give us some protection from getting too close to roads and right-of-ways. This notice was sent to each Town Clerk for the public hearing and there are some clerks here that might have some comment.

Staff Recommendation: Staff recommends the LMC consider any comments received during the public hearing and, if determined to be appropriate, approve the proposed code revisions and recommend adoption by the County Board of Supervisors.

Chairperson Fetzer opened the hearing to the public. Sarah Palodichuk, Oak Grove Township Chairperson, stated giving yurt a definition is a good idea. The zoning code in regards to height of structures in industrial districts, she knows that she shows up a lot and talks when frac sand issues are brought up and she doesn't want to appear to be against everything that is suggested although that is how it always ends up but in her position as Chair, she is hearing the concerns all the time from people. She likes the idea of having a second body that does grant the variance, not that you can't do your jobs but it spreads out the accountability. Her particular concern at this time is, if she has a problem with the amendment and if it's discussed a little more and people understand it a little better, what she is hearing is at the State level there is a lot of push for the industrial sand mining regulation to be done at the County level through zoning processes. So when people see the County more lax on something that makes her phone ring more because people think that any ordinance in place right now won't be affective in the near future so they are really reliant on County zoning. So at this time, she doesn't feel it is a good idea. People have concerns not only in Oak Grove but in other towns which she doesn't even know if this will be applicable immediately in Oak Grove or not. Other towns have the concerns about the quality of life and tall structures going up. Her fundamental concern is with the proposed legislation at the State level, the image that it gives for the County to say they are going to remove the 60 foot restriction maximum. Chairperson Fetzer stated we are not removing any restrictions. Ms Palodichuk stated you are changing the way it is handled. Chairperson Fetzer stated yes. Ms Palodichuk stated that is a red light to people who read it and she thinks there is a lack of understanding. But she told people that she would show up and let you know that they would like you to take a little more time to discuss it with people. Holst asked if she could state how much land in Oak Grove is zoned Industrial. Ms Palodichuk stated there is a very small amount of land in Oak Grove that is zoned Industrial. It's just that there is concern moving amongst groups with people in Trenton, Maiden Rock and other places. Sanden asked if this was initiated by us or the Board of Adjustment. Pichotta stated it was initiated by the Board of Adjustment. The issue is because it requires a variance by the Board of Adjustment, the BOA is held to variance standards which are unnecessary hardship, unique property limitation and protection of the public interest. Because normally a variance is to enable building within side yard setbacks for a deck or something like that, there is a unique property limitation. In this case, it's hard for them to justify using those three standards which are required by the State Supreme Court to justify an increased height. This request was generated by the BOA because they have struggled in the past with issuing variances for these types of things and it has caused them, if they thought it was justified, to get a little creative in how they do their Findings, Facts and Conclusions. Sanden stated OK so they felt this would be the best way to address that. Pichotta, our intention is if it is set back a foot further from property lines, that stops tall structures from being located right on the property lines. Kleinhans stated that other County's that do this, it's their zoning committee that generally handles those. So this wouldn't be anything unique to this part of the State. Chairperson Fetzer asked if there is any further public comment. **Public hearing closed.** Sanden asked about the yurt issue and if counsel has looked at this and are they comfortable with this. The reason he asks is if he understands this, a yurt is considered a human habitation whereas a tent is not and the definition of yurt is a circular tent-like structure. Pichotta stated he would discuss it again with Corporation Counsel given that we just got the DNR recommendation a day or so ago. Kleinhans stated he will read what the DNR commented. In the definition we state a yurt is for overnight camping. He said a yurt is more permanent and typically not used for overnight camping. So they say the definition could be interpreted incorrectly that is why we went with that, based on the advice of the DNR staff. Because it's a floodplain amendment

we sent it to them for their comment. **Sanden moved to approve the code revisions and recommend adoption to the County Board of Supervisors/Ross seconded. All in favor. Passed.**

Discuss take action on a request for site plan approval for Shannon and Angel Zimmerman, owners on property located in part of the SW ¼ of the NW ¼ and part of the SE ¼ of the SW ¼, all in Section 3, T27N, R19W, Town of Clifton, Pierce County, WI. Chairperson Fetzer invited Shannon Zimmerman forward: Mr. Zimmerman stated that he brought along his civil engineer as well as his architect to provide more detail if appropriate. From the last meeting a couple of the takeaways were to complete the site design as outlined and not to exceed the square footage that was approved in the conditional use permit. They have completed the site plan civil engineering, proposed landscape design and submitted this.

Staff Report – Brad Roy: The applicant received a conditional use permit (CUP) for a winery on the 20 acre parcel on which they reside, in August 2013. Production of wine is to take place onsite in a 54' x 80' shed which was permitted in 2012. The applicants have submitted construction plans for the principal structure for the business which includes a tasting room, kitchen, dining area, restrooms and offices/conference rooms. The plans also provide detail regarding parking, landscaping, lighting and the outdoor plaza area. Construction of the facilities is proposed to begin in spring 2014. The applicant plans to be open to the public by July 2014. Site Plan Review is required for all Commercial and Industrial developments. The purpose of the review is to assure site designs which promote compatibility between land uses, create safe and attractive site layouts and structures, provide proper access to streets and transportation, protect property values and contribute to efficient land use in Pierce County. The applicants are proposing to construct an approximate 5,700 square foot, enclosed, 2-story structure to be used as the winery. According to submitted plans:

- The Tasting Room is 1,640 sq ft
- The lounge is 1400 sq ft
- Kitchen is 940 sq ft
- The remaining area houses restrooms, storage equipment and common space.
- The second story contains offices and conference rooms (approximately 840 sq ft).

The plans were not final at the time the CUP was requested. The applicant, as part of the conditional use permit application, submitted preliminary plans that proposed a 2,000 square foot tasting room, 2,800 square foot social space and kitchen along with mechanical and storage rooms. Those preliminary plans indicated that sizes and layout may be modified but that sizes will not exceed what had been originally proposed. The applicant suggested that the seating for food service would be in the social space which is now labeled as being the "lounge". The applicant's CUP request stated that the social area would be a three-sided structure with the open side facing the plaza and vineyard. The plans submitted show a fully enclosed structure with doors that open to the plaza and vineyard. This is potentially an issue of concern given that the applicant stated that food service would be weather dependent and would likely have to be stopped in mid-October. The conditions limit pizza and food service from mid-May to December 31st, Thursday through Sunday. The applicant indicated that the reason for enclosing the structure is to protect the structure from the weather. He has stated that this was not done to create an opportunity to remain open through the fall and winter and is open to modifying the conditions so that pizza and food service will be from mid-May to October 31st. There is also a condition requiring the applicant to develop a plan to ensure that the food service portion of the business will be incidental/subordinate to the winery. The applicant intends to present this plan to the LMC in the spring. The main structure will be placed behind an existing cluster of trees and will be setback approximately 75 feet from the right-of-way. (Pierce County Code requires structures to be setback 42 feet from a town road right-of-way.) A 2-foot berm will be constructed between the parking lot as well as a 4 to 6-foot berm along the east property line. The berms will have 6 to 7-foot tall trees planted on top along with shrubs. Trees were previously planted on the south property line where there was a void in the established tree line; the applicant has expressed a willingness to plant additional trees or install a fence at this location if the neighbor requests it. There will

be two access points off of 875th Ave, one for business and the other for customers. There are 71 total parking spaces. The customer parking lot will have 64 parking stalls with 3 being ADA compliant. The customer lot will be paved with asphalt. An employee parking area is proposed between the main structure and the existing production shed. The parking lot will be gravel and have seven parking stalls. This area will also be utilized for waste containment. A 22 square foot advertising sign is proposed to be placed at the corner of 1090th St and 875th Ave and also at the driveway of the customer parking lot. An engineer certified stormwater management plan was developed for the site. Stormwater will be contained onsite in a stormwater pond with an infiltration basin designed for a 10 year storm event. The plan details construction best management practices and post construction standards. A lighting plan has been submitted. The customer parking lot will have two 20-foot light poles near the east and west ends. The walkway from the parking lot to the structure will have three 4-foot lights. The plaza will have three 10-foot lights. The employee parking area will be lit by two lights on the west side of the structure. Also included is part of the Department Lighting Policy which this plan is compliant with. A new septic system for the business is proposed to be placed between the structure and 875th Ave. Some of the existing trees will need to be removed to accommodate the system. Numerous concerns from area residents regarding this use have been raised. Concerns included:

- Noise
- Traffic, Road Safety and Compatibility with other uses
- Wastewater
- Parking
- Light Pollution
- Environmental Issues

Staff Recommendation: Staff recommends the Land Management Committee review the proposed site plan and determine if any changes or modifications to the proposed plan (or the CUP) are necessary. The LMC should consider existing and proposed structures, architectural plans, neighboring uses, use of landscaping and open space, parking areas, driveway location, loading and unloading area, highway access, traffic generation and circulation, lighting, drainage, water and sewer systems and proposed operations.

The LMC may impose time schedules for completion of buildings, parking areas, open space uses, drainage and erosion control systems and landscaping and may require appropriate sureties to guarantee that requirements will be completed on schedule.

Pichotta stated that he had received some correspondence from neighbors, John and Connie Holck, which is contained in your folders. Sanden asked for clarification, in two spaces it mentions stopping food service in mid-October but there is one line that states “The conditions limit pizza and food service from mid-May to December 31st”. Mr. Zimmerman stated he thinks that is an error. He thinks the December 31st for the food service should be October if he remembers correctly. Roy stated it was December. Mr. Zimmerman stated their objective is that the tasting room would remain open through the end of the year, December 31st. Roy stated the conditions do state until December 31st but the fact that it was all going to be weather dependent the odds are it is going to be closed in October but if there is a warm weekend in November, around Thanksgiving; they would have the ability to open. That is the reason that it stated to December 31st. Holst asked about the wastewater and sewage treatment. This is one of the more thorough ones that we’ve seen. Mr. Zimmerman stated Matt Frisbie with Frisbie Architects and Kip Johnson with ACA are here with him tonight. LeRoy Janske out of Chippewa Falls designed the septic system. It’s on the north, northwest side of the building. It’s a layout that is tucked on the service side of the building. Holst asked what it is sized to. Mr. Frisbie stated for the service that is there, for the lounge, the tasting room. Holst asked what capacity? Mr. Frisbie stated he would have to look at the report from Mr. Janske. He doesn’t have it in front of him now. He stated it is designed appropriately for this and there will be an official submittal for the building permit on that item specifically. Pichotta stated he would like to note there at some point the applicant will need to bring a waste stream management plan forth which will address waste from the winery itself. Ross stated this is a well detailed plan that we appreciate and he

wants to draw some attention to and get an opinion on the drawing. He knows it is separate from your house to the vineyard but there looks to be a relatively clear path. Is the pool in your backyard fenced? Mr. Zimmerman stated it is not right now, their homeowners insurance company has indicated that it is needed and yes, they will be placing a cast iron fence around the pool area. They intend to put a couple more trees in. Once in the winery and plaza, you can't go wandering out of there. Around that perimeter edge, their intention is to also use landscaping trees and some other shrubs so as to contain not only the people but sound and those types of things. People are not left to wander through the vineyard at all or potentially to his house. Sanden stated we await the plan in the spring to show how the food service will be incidental and subordinate to the winery part of it. It's a very ambitious plan and pretty impressive but just before you start with fulfilling this plan; he would like to make the observation that we do take that very seriously as far as the food service being subordinate to the winery. In light of the letter that we have received, it seems like a lot is going to be dedicated to other things than serving wine. When he looks for that plan that you are going to come up with in the spring, we will be looking at that quite closely. There are other wineries in the County that we have had to really monitor closely, not only will staff be involved with that but you have a lot of neighbors that will look at that also. It looks like a really nice plan. Mr. Zimmerman stated that is understood and he has known from the start that the food service is to be subordinate to the wine sales. If people are coming for wine or food, they are coming and their focus and intent is wine sales. They understand very clearly that remains the prime and that is what it will be. It is their hope that the experience that people have there and the quality of the wine becomes a launch pad to sell elsewhere. They hope not to rely solely on sales onsite. Holst asked if they could walk us through the site plan. Mr. Frisbie stated looking at the approximately 5400 square foot plan, the location of the shop building that was put in this last year and Shannon and Angel's house location, there will be a gravel drive with seven parking stalls, a service on the end purposely tucked in because there is an existing tree line there and it's away from everything else that is going on. The deliveries will be on that side, the septic, the trash collection and mechanical equipment also to mitigate the noise. Then the lounge and two story area with restrooms there and the tasting room on that side. The public will enter from the parking area on the east end and approach the long walk up to the main doors and either out to the plaza or be inside for the tasting room. They are contained within that area. They have some landscape walls coming off of the facility to define that area of what's considered public or private. Then you can see the edges of where the existing vineyards are. Another area will be planted also with additional vines so that will take everything from the south into the natural vegetation of the vineyard. Then there will be a berm on the side and separate landscaping and a wet pond just to the east of the parking and the infiltration base further east of that. There will be a dry river rock landscape wandering through because all the water is sloping toward the north and they want to catch it and bring it to the ponding area. There is a small directional sign there and a small directional sign out on 1090th. There is a berm along the whole east side which will also be topped with landscaping trees. Sanden asked about the stormwater features and what the grade and maximum depth of those is. Mr. Frisbie stated there is going to be about a four foot bounce from the water level up to the top of the pond so when the storms come it will flow toward and go back down. The water level is roughly five feet deep. Then it will discharge into an infiltration basin. The effective infiltration basin is only two or three feet deep. It can potentially fill up to five feet before it leaves the site because of an existing culvert. Sanden stated he was thinking in terms of safety since it is so close to the parking lot. Mr. Frisbie stated they do have a safety bench. It's benched with a 10 foot flat area that's standard with the DNR now. It's got 4:1 side slopes so it's not steep. Chairperson Fetzer stated he would allow public comment. Gary Borgstadt and wife, Marcia, spoke to this committee in August 2013 in opposition to the application to the CUP by the Zimmerman's for their planned commercial operations. The facility would be seen and heard from their front yard, they are adjacent property owners to the east. They remain strongly opposed to the commercial operations and the planned facilities that the committee is reviewing tonight. He understands the CUP was granted despite the overwhelming opposition from the neighborhood and the conditions approved therein. A two-story expansive structure and the intended use of the interior and exterior are clearly inconsistent with the existing neighborhood, their activities and their homes. It is inconsistent also that the CUP was granted for a winery with tasting

and incidental food when we review the facilities including a large commercial kitchen, a bar, a lounge, multiple offices and a conference room. It seems twice as large even though it fits on the footprint of the original request. The food service described in the CUP as incidental and subordinate to the retail wine sales, we can't understand the scale proposed by the Zimmerman's then so we do oppose the restaurant, food, bar and lounge operations as part of the winery. Also troubling to them on the east side and the other neighbors adjacent is the noise and the visual intrusion as well. The Land Management Committee allowed the evening and night hours of operation which leads to that traffic lighting and noise, for example the sound limit established was 80 decibels and that seems to be quite permissive allowing for noise intrusion into their properties. It is just below 85 decibels which is the OSHA eight hour limit for hearing loss and health effects. In looking at the berm, they sent the committee potential engineered designs of berms that would help mitigate that noise and be put along the east property line. This is a well documented shape and size of the berm and they don't believe the trees do much of anything to help. They see in the plan that the eastern berm has been reduced in size to a 4 to 6 foot berm instead of a 10 or 12 foot berm. In closing they ask that the Land Management Committee consider the scale of what is being proposed and consider the concerns the neighbors have, John & Connie Holck's well-written document to the committee and send the plan back for a more appropriate facility design that fits the CUP which is for a winery only, blending into the surroundings more and the use of the areas in the facility more consistent with the conditions in the CUP. Mr. Zimmerman stated he understands and appreciates the concerns they have and believes they are doing everything they can to mitigate these issues and are willing to do more depending on what happens. Mr. Borgstadt indicated there is to be a reduction in berm size, first of all in the CUP there was no specification to berm size. The 80 decibel limit, part of the reason for the enclosure, because, as Mr. Roy indicated in the report, that the enclosure had to do with protection of the interior and that is true but in addition to that, we also closed it off because we are thinking about these things and if there is a way we can potentially shelter some of the noise, we're going to do it. We will still set the date as to when that lounge needs to be closed, we're good with that. Mr. Frisbie stated part of the positioning of the facility was to push it as close as they could to the shop building that was constructed this last year. They are about 500 feet off of the south property line, 610 feet off of the east property line, so they have tucked it into the existing trees letting this kind of integrate with the natural surroundings. The building is either at the same level or lower. It's all sloping down. We're not building it up or making it more prominent. With the berming there is a logarithm they have used on-line for decibels and distance. If we are 80 decibels at the front east door, going 610 feet, it is going to go down to about 25 decibels. With trees it's hard to gauge what the decibel is, but if you have a spruce or a coniferous tree, it's only going to reduce about 10 decibels. It all factors in. The berm is the most effective. So for a visual and sound barrier, it's mostly the distances that are going to help the greater amount. There are the soft surfaces around here, all the vines and the grass, some pavement and the landscaping up around the buildings. We will bring some trees in around the building to knock the noise down before it does carry. There have been a lot of things we have worked on with the mechanical systems and different things to keep that noise down and the positioning of this building to dampen it. Rob Scott, asked on the lighting he saw that there are two advertising signs and has a question as to if those signs are lit and to what degree. Mr. Frisbie stated they have the directional sign as you come into the parking lot that is designed to be ground lit with some soft landscape lighting just at the sign, it's not a flood light. Mr. Scott, soft lighting do you have a certain degree of luminance? Mr. Frisbie stated he doesn't have that right in front of him but it's something he can get. Mr. Scott asked if that is something if the committee wants it, he doesn't need it because you are distinguishing between soft lighting and flood lighting. Mr. Frisbie stated that part of the ordinance reads that they can't cross the property lines with lighting so it has to be shielded and controlled. Mr. Scott stated there would be four 20-foot lights, two on the east end and two on the west end. Mr. Frisbie stated there are two poles in the parking lot area, 20 feet high. Mr. Scott stated that when it says two 20-foot light poles near the east and west ends, it's just one light on each end. Mr. Frisbie stated correct. Mr. Scott asked if there has been any thought for ambience sake of making those more lights but lower, 8 foot lights with better ambience instead of making it look like a strip mall. Mr. Frisbie stated it sure could be, it's more of a directional down light we have to be careful not to have a light that

lights out. It's more security for the parking lot and safety for walking through that area. We can review the height of that if 20 feet is too high, maybe we can accomplish it in a 12 – 15 foot pole. Mr. Scott stated there might be the option of having a couple more lights placed. He was a prosecutor for 28 years and one of the interesting things was how you structure lighting for security. Two big lights and one goes out, then you have a security problem, so you may want to take a look at lower lights but more frequently placed and that may also give you a better ambience for walking around as you come up toward the structure. Mr. Frisbie stated they do have a series of bollard lighting about four feet high at the pedestrian level as you come up the path. Holst stated this is an on-going thing, it isn't the final approval. This is relatively preliminary approval. You have answered a lot of questions here and we have listened to the concerns of a lot of people and they are still attempting to be good neighbors. **Holst moved to approve site plan review as presented for Shannon and Angel Zimmerman/Aubart seconded.** Sanden added this will be on-going after this too, the CUP's get renewed every two years so even when it is the final version, we still have another crack at it to address any issues. **Chairperson Fetzer stated there has been a motion by Mr. Holst, a second by Mr. Aubart, any further input? Seeing none. All in favor. Passed.**

Discuss take action on a status report and potential modification of conditional use permit/site plan approval to address disposal of waste product in the Town of Isabelle for Muskie Proppant LLC Sand Processing Plant located in part of the SE ¼ of the SW ¼ of Section 7, including Lot 1 CSM V4, P165, all in T25N, R15W, Town of Union, Pierce County, WI. Chairperson Fetzer invited Kenny King and Kevin Accola forward:

Staff Report – Jim Kleinhans: This is a status report and update regarding disposal of waste materials from the Highway 10 sand processing plant out in Grange Hall. A condition relating to the transport and disposal of waste sand byproduct was added on September 4, 2013. This status report provides the Land Management Committee, LMC, with that information. The CUP was modified on June 5, 2013 with 5 additional conditions and renewed in September 4, 2013 with 14 conditions including condition #14 requiring a status report within 120 days. The applicant's source material is generally obtained from a sand mine located in Pepin County. There was a moratorium in Pepin County for returning the material back to the source. The moratorium expired in June 2013. In September 2013, Mr. Bechel provided the Pepin County Land Conservation Department a revised reclamation plan and I guess they determined that plan was incomplete. So the material doesn't go back there and in the interim they have taken some of the waste product to Bill Holst's pit in the Town of Trenton and then recently Mr. Bechel purchased the Diesing pit in the Town of Isabelle which they worked out an agreement with the Town of Isabelle to move some sand into that facility using one of the Town roads. The agreement conditions are as follows:

1. The agreement would be reviewed month by month with a maximum of 3 months.
2. Fifteen loads per day are allowed into the sand pit 6 days per week, no Sunday hauling.
3. Mr. Bechel provided a \$5,000 bond to address any road damage to 150th Ave. that was videotaped prior to hauling beginning on Dec. 6, 2013.
4. Letters were sent to the neighbors prior to hauling. No complaints have been received to date.

Chad Johnson, Pierce County Highway Commissioner, responded affirmatively to a request by Muskie Proppant LLC to temporarily haul sand from Knapp, WI along County Road CC connecting State Hwy 29 and US Highway 10. The request was for testing of 2500 tons of sand over three days early in December 2013. Conditions established at the September 4, 2013 LMC meeting are as follows:

1. 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.
2. Activities shall be conducted as submitted in the application and as presented to the LMC unless modified by another condition of this CUP.
3. Applicant understands that expansion or intensification for this use will require modification to the conditional use permit.
4. Applicant shall obtain all necessary permits and approvals for any construction and signage for the site.

5. Raw product and load out stockpiles shall be limited to 35 feet in height above grade.
6. No jake brakes shall be used in sensitive areas when approaching the facility along the designated haul route.
7. The fugitive dust plan shall be adhered to.
8. Byproduct shall be utilized in a reclamation of an existing licensed nonmetallic mine or disposed of or stockpiled consistent with the Pierce County Solid Waste Code.
9. Any potential new or modified haul route shall be reported to the Land Management Department and road agreements shall be secured from applicable municipalities prior to route use.
10. The facility 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.
11. All polyacrylamide flocculants must be used consistent with WI DNR permit requirements.
12. Any unforeseen dust and/or erosion issues that arise shall be addressed to the satisfaction of the County.
13. The conditional use permit shall expire in one year.
14. Applicant shall provide a status report before the Land Management Committee within 120 days.

Staff Recommendation: Staff recommends the LMC consider the information presented in this report concerning compliance with the permit conditions to determine if any modifications to established conditions are warranted prior to the CUP renewal.

Kleinhans stated he witnessed some of the material brought down to the Diesing pit this last week and observed that there was an encroachment into the road right-of-way and he discussed that with Mr. Bechel's staff and this is going to be addressed, similar to what we did with Mr. Diesing back in 2008. He also added that he drives by this facility on a regular basis and as we know in the last couple of weeks we have had a lot of sustained winds and he did not observe the same kind of material migration that he observed last year. He feels they are doing their homework with the fugitive dust plan. Chairperson Fetzer agreed with Mr. Kleinhans. He has seen the same thing. There were some concerns early with dust during load out but they are doing a nice job. Holst stated you are doing good. You listened to the concerns and addressed them in an appropriate manner. Chairperson Fetzer stated because of that, we brought in the 120 days, do we want to stay with that? Holst stated yes, let's leave it at 120 days. That is the way we did it with County Materials. Chairperson Fetzer asked if we need a motion. Pichotta stated what the committee could do is make a motion to accept the status report and to move forward with the same 14 conditions. **Ross moved to approve the status report for Muskie Proppant LLC with the same #1 - #14 conditions/Sanden seconded. All in favor. Passed.**

Discuss take action on a request for approval of the location of a proposed new air shaft by Wisconsin Industrial Sand Company – Maiden Rock Facility, owner, on Agriculture Residential zoned property located in the S ½ of the SE ¼ of Section 11, T24N, R16W, Town of Maiden Rock, Pierce County, WI. Chairperson Fetzer invited Wisconsin Industrial Sand staff forward:

Staff Report – Brad Roy: The applicants are proposing to construct a new ventilation shaft for their existing underground sand mine. The proposed shaft will be similar to those already constructed. Condition #18 of their CUP states that no ventilation shafts or secondary access portals shall be developed until after such time as the proposed location is reviewed by the Town and approved by the LMC. The property that they chose is a 10 acre parcel which is zoned Agriculture Residential. The property is owned by WISC and has an existing residence. The ventilation shaft will be placed in the southeast corner of the property and setback approximately 85' from the south property line and approximately 115' from the east property line. The location was presented to, and approved by, the Town of Maiden Rock in December 2013. A 14 ft diameter culvert casing will be placed in the hole to the bedrock. The culvert will extend approximately 6 ft above the ground. A 12 ft fan will be mounted to culvert and a 8 to 10 ft tall wire mesh housing will be installed around and over the fan. Given that the culvert casing/fan/fencing will be in excess of 6 inches above pre construction grade, a Land Use Permit will be required. Condition #17 of the CUP states that emissions from the ventilation shafts shall be monitored twice annually and the

results shall be submitted to the Town of Maiden Rock and the Land Management Department. We have received those reports for last year, twice.

Staff Recommendation: Staff recommends the Land Management Committee review the proposed site and determine if any changes or modifications to the proposed location are necessary. If no changes are warranted, staff recommends the LMC approve the ventilation shaft in the proposed location.

Holst recused himself from discussion and voting due to possible conflict of interest. Sanden asked if there are any applicable setbacks that apply in this case? Roy stated no different than any other structure and the side yard setbacks are only 10 feet so this is beyond that. **Sanden moved to approve the location of the ventilation shaft as presented for Wisconsin Industrial Sand Company in the Town of Maiden Rock/Aubart seconded. All in favor. Passed with Holst not voting.**

Discuss take action on Travel/Training Requests. Pichotta stated there are two requests; one for Emily Lund to attend DSPS training at the Plaza Hotel in Eau Claire on February 5th, returning the same day, for her POWTS, Soil Testing and Continuing Education to keep her licensure and the second request is for Rand Kluegel to go to Middleton to attend the Wisconsin Land Information Association Annual Conference on February 12th & 13th. It would involve one night stay in a hotel. Pichotta noted that we get an education grant for this conference. **Ross moved to approve the travel/training requests for Emily Lund and Rand Kluegel/Sanden seconded. All in favor. Passed.**

Departmental Update and Future Agenda Items

Site Plan Review for a structure at the City of Red Wing Airport by Wes Converse, owner in the Commercial District.

Discuss take action on a request to amend the Pierce County Outdoor Recreation Plan and move forward with a proposed unbudgeted expenditure of Park Development Funds relating to a bike facility in the Town of Trimble. Basically we're proposing to create a mountain bike trail on 20 acres that was acquired next to the Trimble Recreation Area. It would involve putting a bridge over it and to be multimodal and potentially be used not only by bikers but horse riders or perhaps walkers. We are potentially applying for a grant and need your approval and to go to the Parks Committee as well. Ordinance Amendments to the Chapter 240-41C relating to Wireless Communication service facilities and that is relating to ACT20 which took away our ability to require a conditional use permit for cellphone towers.

Proposed amendments to Chapter 240 relating to Exclusive Agriculture and Cluster Development; none of the Towns have Exclusive Agriculture zoning anymore and Exclusive Agriculture zoning has now changed to Farmland Preservation zoning so we need to amend our code to reflect those changes and then as far as Cluster Development, we are looking at retooling that section and looking for guidance.

Also Andy's performance evaluation.

Motion to adjourn at 7:25pm by Holst/Ross seconded. All in favor. Motion carried. Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, January 15, 2014 – 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 5 th & 19 th , 2014.	Chair
3	Approve minutes of the December 18, 2013 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 Floodplain and Industrial District, pursuant to Pierce County Code, Chapter 240-67A(2), 240-29D and 238-32B 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.	Kleinhans
5	Public hearing to consider and take action on proposed amendments to Chapter 238-20 of the Floodplain Ordinance relating to camping and camping units and to Chapter 240-29D of the Zoning Ordinance relating to the allowable height of industrial and commercial structures.	Kleinhans
6	Discuss take action on a request for site plan approval for Shannon and Angel Zimmerman, owners on property located in part of the SW ¼ of the NW ¼ and part of the SE ¼ of the SW ¼, all in Section 3, T27N, R19W, Town of Clifton, Pierce County, WI.	Roy
7	Discuss take action on status report and potential modification of conditional use permit/site plan approval to address disposal of waste product in the Town of Isabelle for Muskie Proppant LLC Sand Processing Plant located in part of the SE ¼ of the SW ¼ of Section 7, including Lot 1 CSM V4, P165, all in T25N, R15W, Town of Union, Pierce County, WI.	Kleinhans
8	Discuss take action on request for approval of the location of a proposed new air shaft by Wisconsin Industrial Sand Co – Maiden Rock Facility, owner, on Agriculture Residential zoned property located in S ½ of the SE ¼ of Section 11, T24N, R16W, Town of Maiden Rock, Pierce County, WI.	Roy
9	Discuss take action on Travel/Training Requests	Pichotta
10	Future agenda items.	Pichotta
11	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.

(1/3/14)

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, December 16, 2015 – 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	Set next meeting dates: January 6 th & 20 th , February 3 rd & 17 th , March 2 nd & 16 th , all in 2016.	Chair
3	Amend approved minutes of the October 21, 2015 meeting.	Chair
4	Approve minutes of the November 4, 2015 Land Management Committee meeting.	Chair
5	Discuss take action on proposed amendments to the Town of River Falls Zoning Ordinance.	Pichotta
6	Discuss take action on review and update to the Goals, Objectives and Policies of the Land Use Chapter of the Pierce County Comprehensive Plan.	Bechel
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.

(12/4/15)

CANCELLED

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, November 4, 2015

Present: Jon Aubart, Jim Ross and Eric Sanden

Absent: Joe Fetzer, Jeff Holst

Others: Andy Pichotta, Emily Lund, Ryan Bechel and Shari Hartung

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

Next meeting dates: November 18th, December 2nd & December 16th, if necessary, all in 2015.

Approve Minutes: **Sanden moved to approve the October 21, 2015 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 Expansion of a Nonconforming Structure, Nauti Hawg Bar & Grill, in the Commercial District, pursuant to Pierce County Code Chapter 240-67A(2), by J & M Property Holdings LLC, owner on property located in the NW ¼ of the SE ¼ of Section 13, T25N, R19W, Town of Diamond Bluff, Pierce County, WI. Chairperson Ross invited Michael Arnt forward: Mr. Arnt explained they are requesting a conditional use permit to build a storage, walk-in cooler on the outside of the bar. The one on the inside is shot. Sanden asked what the height of the structure is going to be. Mr. Arnt stated it will be about eight feet high. **Staff Report – Emily Lund:** The applicants own the Nauti Hawg Bar & Grill. The property is on a corner lot at the intersection of 290th Avenue and 295th Avenue. The existing establishment is 24.5ft wide x 61ft long. The structure is 27ft from the centerline of 290th Ave and 25ft from the centerline of 295th Ave. The applicants propose to expand the structure by constructing a new 12ft x 24ft x 8ft walk-in cooler on the northwest side of the establishment. This property is <1 acre located in Lot 9, Block E of Quimby’s Addition in Section 13, Town of Diamond Bluff. The property is zoned Commercial. As stated in Pierce County Code §240-67A(2), 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. Pierce County Code §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.” The applicant proposed to attach the cooler to the north wall and keep it 22ft from the north lot line and 64ft from 290th Ave. Pierce County Code §240-27C states “Town highways. Except as provided in Subsection E, the required setback for all structures fronting on all town highways shall be 75 feet from the center line of the road or 77 feet from the edge of the right-of-way, whichever is greater.” The new construction will meet setback to lot line and be out of the right-of-way. The entire structure is within the vision clearance triangle and the addition will also be within the vision clearance triangle. However, the proposed addition is away from the intersection and should not impose any increased hazard. The conventional septic system is located northeast of the structure and the proposed addition will not encroach on any setbacks to the septic system. The existing topography is very flat throughout the entire lot with a slight slope towards 290th Ave. The Town of Diamond Bluff recommended approval of this request on 10-8-2015 without specific conditions (which are attached). The Town did not reference its Comprehensive Plan, so it is assumed that the plan is silent on this request.

Staff Recommendation: Staff recommends the Land Management Committee consider the above and determine whether the proposed expansion would be contrary to the public interest or detrimental or injurious to public health, safety and the character of the area. If found to be not contrary to the above, staff recommends the LMC grant this conditional use permit with the following conditions:

1. 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.
2. The applicant shall work with the local building inspector, All Croix Inspections, LLC and Department of Safety & Professional Services (DSPS) to ensure compliance with the Uniform Commercial Code (UCC) requirements.
3. The use shall be established within 12 months of CUP approval.

Chairperson Ross opened the hearing to the public. No public comment. **Chairperson Ross closed the public hearing.** Sanden wanted to make sure the eight foot height is not higher than the actual building. Lund stated that it is not.

Sanden moved to approve the conditional use permit for expansion of a nonconforming structure for J & M Property Holdings LLC with conditions #1 - #3/Aubart seconded. All in favor. Passed.

Discuss take action on site plan review for Expansion of a Nonconforming Structure in the Commercial District for Nauti Hawg Bar & Grill, J & M Property Holdings LLC, owners on property located in the NW ¼ of the SE ¼ of Section 13, T25N, R19W, Town of Diamond Bluff, Pierce County, WI. Staff Report – Emily Lund: The applicants are seeking site plan approval for the construction of a new walk-in cooler as mentioned in the previous staff report. This will allow the owners to rearrange the inside of the establishment and gain more room in the kitchen area. Pierce County Code §240-75 states that the purpose of site plan review is to assure site designs which promote compatibility between land uses, create safe and attractive site layouts and structures, provide proper access to streets and transportations, protect property values and contribute to efficient land use in Pierce County. The property is located in Section 13, Town of Diamond Bluff. The property is zoned Commercial. Pierce County Zoning Code §240-15 Purpose and Intent of Zoning Districts: Commercial: This district is established to provide for retail shopping and personal service uses to be developed either as a unit or in individual parcels to serve the needs of nearby residential neighborhoods as well as the entire county. The purpose of the district is to provide sufficient space in appropriate locations for certain commercial and other nonresidential uses while affording protection to surrounding properties from excessive noise, traffic, drainage or other nuisance factors. Adjacent zoning districts are Commercial and Rural Residential 20. Access to this establishment is along both intersecting roads 290th Ave and 295th Ave. The applicant proposes to construct a 12ft x 24ft walk-in cooler that will be 8ft tall. There is no exterior lighting or signs proposed. Lighting is proposed to be installed inside the walk-in cooler. Screening potential is limited on-site. The applicant owns the neighboring property to the northwest, which is also zoned commercial. Pierce County Zoning Code §240-31B regarding landscape buffers states, “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. Commercial and industrial parcels which are developed as of the effective date of this chapter are exempt from this provision, except such parcels shall comply when the parcel is expanded in size or the use expands to an adjacent parcel which was previously undeveloped for such use. The Nauti Hawg Bar & Grill employs 2 full-time and 14 part-time employees year-round. Pierce County Code §240-54 requires 1 space per employee during peak shift as well as a minimum of 1 parking space per 200 square feet of primary floor area. The Nauti Hawg has 1,495 square feet of primary floor area and requires a minimum of 7 parking spaces with one for handicapped parking. The plans submitted show 16 parking spaces with one being handicapped parking. The applicants have submitted plans to the Department of Safety & Professional Services for their septic system to be upgraded with separate grease trap and a pre-treatment unit. All necessary state sanitary permits shall be secured prior to installation. Pierce County Zoning Code – Attachment 2 regarding Table of Dimensional Requirements show that Commercial zoning districts require a setback distance of 40 ft from

residential districts. This walk-in cooler will meet this setback. The applicant proposes to begin construction immediately after it is approved and permitted.

Staff Recommendation: Staff recommends the Land Management Committee review the proposed site plan and determine if any changes or modifications to the plan are necessary. The LMC should consider proposed structures, architectural plans, neighboring uses, use of landscaping and open space, parking areas, driveway location, loading and unloading areas, highway access, traffic generation and circulation, lighting, drainage, water and sewer systems, as well as proposed operations.

The LMC may impose time schedules for completion of buildings, parking areas, open space uses, drainage and erosion control systems and landscaping and may require appropriate sureties to guarantee that requirements will be completed on schedule.

Sanden asked if this is subject to the Landscape Buffer Code? Lund stated that it is. Sanden asked if we need any more details, a map to scale at this point or is a hand-drawn map sufficient? Pichotta stated he thinks it is probably sufficient. It's a commercial area, applicant owns the adjacent property. The area is what it is. This is an opportunity, if you recall the last time we did site plan review, there was a situation where there was an existing drainage problem that we were able to address that we wouldn't have been able to address through the other mechanisms simply because it was a land use permit. We're looking for issues that could be improved by buffering or those sorts of things. From staff's perspective it doesn't seem like there is any opportunity for that, it's a pretty straight forward request. Chairperson Ross stated the aerial photo was taken on flood run, so it's a good thing we're not looking at noise abatement or something. Good thing we're just sticking with a freezer. Sanden stated we already imposed a time schedule on the previous item. So we don't need to. Pichotta stated yes, 12 months once they are issued the CUP. That would be pertinent if you were asking for a row of trees to buffer. Say you were expanding a commercial use next to a residential district and the nature of the expansion was such that would create potential noise issues and you wanted to see trees planted, and you could require that the applicant put up a surety, and you could also impose a schedule for planting of the trees. Sanden stated that the land use restrictions are going to cover all of that. Pichotta stated yes, it is.

Sanden moved to approve the site plan for expansion of a nonconforming structure, as presented for J & M Property Holdings LLC, Nauti Hawg Bar & Grill/Aubart seconded. All in favor. Passed.

Discuss take action on a request for site plan review for Mikael Andrews, agent for Gregory & Susan Andrews, owners on property located in Lot 5, Certified Survey Map (CSM) V10, P111 in the SW ¼ of the SE ¼ of Section 35, T25N, R18W, Town of Trenton, Pierce County, WI. Staff Report – Emily Lund:

The applicants own a business call M.A.R. Power Sports that is located in a shed on the south side of the property. This business is a small engine repair shop and lawn equipment dealership. They are seeking site plan approval for the construction of a lean-to north of the existing building for more storage. Pierce County Code §240-75 states that the purpose of site plan review is to assure site designs which promote compatibility between land uses, create safe and attractive site layouts and structures, provide proper access to streets and transportation, protect property values and contribute to efficient land use in Pierce County. This property is 1.01 acres located in Lot 5, CSM V10, P111 in Section 35, Town of Trenton. The property is zoned Commercial. Pierce County Zoning Code §240-15 Purpose and Intent of Zoning Districts, The purpose of the district is to provide sufficient space in appropriate locations for certain commercial and other nonresidential uses while affording protection to surrounding properties from excessive noise, traffic, drainage or other nuisance factors. Adjacent zoning districts are Commercial. Access to this lot is along both intersecting roads 180th Avenue and 785th Street. The applicants propose to construct a 12ft wide x 56ft long open-sided lean-to with post frame construction that will be 10ft tall along the side of the existing shed. There are no new advertising signs proposed. The exterior lighting is an existing outdoor security light and nothing new is planned at this time. Screening potential is limited on-site. Pierce County Zoning Code §240-31B regarding landscape buffers states, Commercial and industrial parcels which are developed as of the effective date of this chapter are exempt from this provision. M.A.R. Power Sports employs 1 full-time employee year round. Pierce County Code §240-54 requires a minimum of 2 parking spaces with one for handicapped parking. M.A. R. Power Sports plans show 5 parking spaces with one being handicapped parking. The property has an existing

conventional septic system that is operational and being maintained. The applicant proposes to begin construction immediately after it is approved and permitted. They also plan to submit an application soon for a conditional use permit for Expansion of a Nonconforming Structure to add a lean-to on the east of the structure. **Staff Recommendation:** Staff recommends the Land Management Committee review the proposed site plan and determine if any changes or modifications to the plan are necessary. The LMC should consider proposed structures, architectural plans, neighboring uses, use of landscaping and open space, parking areas, driveway location, loading and unloading areas, highway access, traffic generation and circulation, lighting, drainage, water and sewer systems, as well as proposed operations. The LMC may impose time schedules for completion of buildings, parking areas, open space uses, drainage and erosion control systems and landscaping and may require appropriate sureties to guarantee that requirements will be completed on schedule. Sanden asked Mr. Andrews what his timeline is on this. Mr. Andrews stated hopefully within a month of getting permitted, a pretty short timeframe. **Aubart moved to approve the site plan for construction on a Commercial Structure, as presented for Gregory & Susan Andrews by Mikael Andrews, agent/Sanden seconded. All in favor. Passed.**

Discuss take action on a request for renewal and possible modification of a conditional use permit for Ellsworth Baseball Association on property located in the NW ¼ of the NW ¼ of Section 2, T24N, R18W, Town of Trenton, Pierce County, WI. Staff Report – Ryan Bechel: The facility was deeded to the Ellsworth Baseball Association in 2007. The site contains a baseball field, volleyball courts, playground equipment and recently added two softball fields. Two soccer fields were removed to make room for the softball fields. The CUP was first renewed in November of 2011. It was modified in 2012 to address ongoing issues with neighboring properties. The CUP was renewed again in November 2013. The property is located in the Town of Trenton and zoned Rural Residential 20 and Commercial. Private Outdoor Recreational Uses are conditionally permitted in the Commercial District. Prior to 2012 Private Outdoor Recreational Uses were also conditionally permitted in the Rural Residential 20 District. In 2012, the Zoning Code was modified and made Private Outdoor Recreational Uses no longer conditionally permitted in the Rural Residential 20 District. This use is now considered a Preexisting Nonconforming Use which can continue. Any expansion of the use would require a conditional use permit. Tom Diercks is the current manager of the Ellsworth Baseball Association Inc. In 2012 the Association submitted a plan to address impacts to neighboring properties. The backstop was raised 4 feet in 2012 to help limit foul balls from leaving the site. Netting was installed above the fence on the third-base side in 2013 and along the first-base side in 2014 to help contain foul balls. The plan also addressed lighting issues. It states that the number of night games will be limited and that shrouds are to be placed on some of the fixtures to better contain the light on the site. Due to cost, shrouds have not been installed on the lights. An estimated maximum of 12 night games were played during the 2015 season. Conditions 12 and 13 were added at the modification in 2012. Staff has not received a current notice of liability insurance at this time. Hours of operation were posted on the site via a temporary sign. A permanent sign and post is being donated to the Association. Entrance gates are closed when the park is not open. Conditions 14 and 15 were added during the CUP renewal in 2013. Netting was installed and operations were conducted consistent with the January 3, 2012 letter to the Zoning Administrator. No compliance issues have occurred since the 2013 CUP renewal. Staff has not received any complaints since the modification in 2012. Staff contacted the Chairperson of the Town of Trenton regarding this renewal. He stated that he had not received any complaints and had no concerns about renewing the permit. The Association Manager has not received any complaints since the 2013 CUP renewal either. The existing conditions are listed #1 through #15 in the staff report.

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 Private Outdoor Recreational Use with the following conditions:

1. *This permit shall be reviewed administratively every two years to verify compliance with established conditions. Renewal may be completed administratively if no compliance issues exist.*
2. A land use permit shall be issued for any buildings located or constructed on the site.

3. On-premise signs located along the public roads shall be permitted by Pierce County.
4. Adequate portable satellite waste stations shall be provided, one additional satellite for the proposed softball fields.
5. Solid waste dumpsters or waste containers be located on site and maintained.
6. Operation and maintenance plan be submitted with a contact number for a local responsible party, to the Land Management Department.
7. Hours of operation shall be 8:00am to 10:15pm, Sunday through Thursday, 8:00am to 10:45pm, Friday and Saturday.
8. Alleviate lighting overflow problems for adjacent property owners.
9. Proof of adequate liability insurance shall be maintained and submitted to the Land Management Department.
10. Post a sign with hours of operation. Facility to be vacated by closing time.
11. Netting shall be installed and operations conducted consistent with the January 3, 2012 letter to the Zoning Administrator.
12. Failure to comply with one or more of the above conditions may result in the issuance of an order by Land Management staff to suspend this use, pursuant to 240-84, and/or termination of this conditional use permit by action of the Land Management Committee, pursuant to 240-76(I).

Aubart asked about the lighting and shrouds, again we address that in condition #8. Doesn't sound like there have been any additional problems or complaints from the neighbors. Are we saying on condition #8 that we are not going to require the shrouds? Only that we leave it in if it becomes a problem. Pichotta stated that is how he would view it. He thinks if you recall, there was one specific neighbor that had a number of issues. One was with the lighting and also with balls landing in their yard. He thinks that the steps that have been taken were adequate to alleviate the issues with that person. He thinks if they leave that in, if there is someone that brings up the issue of overflow lighting, we could rely on that condition to ask these folks to address. Aubart stated it always amazes him that people complain about kids playing ball and balls in the yard, whether they would prefer that they steal from them or do something else. Dean DeGross it's been good with her, as of late, she comes and watches the games. The shrouds are really expensive and it's really hard to do. They are still trying to figure out if they can get money for it or how they are going to do it. Sanden asked about the liability insurance. Will current notice of that be forthcoming? Mr. DeGross stated Mr. Diercks was unable to leave work so he called and asked Mr. DeGross to come to the meeting tonight last minute. He stated Mr. Diercks has all that information.

Sanden moved to approve the renewal of a conditional use permit for Ellsworth Baseball Association with conditions #1 - #12/Aubart seconded. All in favor. Passed.

Agenda item #8 has been removed from this evenings agenda.

Discuss take action on Travel/Training Requests. Pichotta stated he has one request for Emily Lund to attend a WCZA District meeting in Eau Claire on December 9th, 9:00am to 3:00pm. Item of interest on the agenda is a model ordinance presentation by Kay Lutz, Wisconsin DNR, relating to new shoreland rules. **Aubart moved to approve the travel/training request for Emily Lund for December 9, 2015/Sanden seconded. All in favor. Passed.** Aubart asked about Ryan Bechel and the soil test certification, did he pass? Pichotta stated yes, he did.

Departmental Update and Future Agenda Items

Pichotta stated we have no items for the next agenda, no renewals, no CUP requests so he proposes not to meet on November 18th. The next meeting will be December 2, 2015.

Motion to adjourn at 6:32pm by Aubart/Sanden seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING REVISED AGENDA
Wednesday, November 4, 2015 – 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: November 18 th , December 2 nd & December 16 th , if needed, all in 2015.	Chair
3	Approve minutes of the October 21, 2015 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, Nauti Hawg Bar & Grill, in the Commercial District, pursuant to Pierce County Code Chapter 240-67A(2), by J & M Property Holdings LLC, owner on property located in the NW ¼ of the SE ¼ of Section 13, T25N, R19W, Town of Diamond Bluff, Pierce County, WI.	Lund
5	Discuss take action on site plan review for Expansion of a Nonconforming Structure in the Commercial District for Nauti Hawg Bar & Grill, J & M Property Holdings LLC, owners on property located in the NW ¼ of the SE ¼ of Section 13, T25N, R19W, Town of Diamond Bluff, Pierce County, WI.	Lund
6	Discuss take action on request for Site Plan Review for Michael Andrews, agent for Gregory & Susan Andrews, on property located in Lot 5 of Certified Survey Map (CSM) V10, P111 in the SW ¼ of the SE ¼ of Section 35, T25N, R18W, Town of Trenton, Pierce County, WI.	Lund
7	Discuss take action on a request for renewal and possible modification of a conditional use permit for Ellsworth Baseball Association on property located in the NW ¼ of the NW ¼ of Section 2, T24N, R18W, Town of Trenton, Pierce County, WI.	Bechel
8	Discuss take action on review and update to the Goals, Objectives and Policies of the Land Use Chapter of the Pierce County Comprehensive Plan.	Bechel
9	Discuss take action on Travel/Training Requests	Pichotta
10	Future agenda items.	Pichotta
11	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.

(10/23/15)

- **Revised October 27, 2015 @ 8:51am.**
- **Revised October 27, 2015 @ 2:30pm.**

PIERCE COUNTY WISCONSIN
DEPARTMENT OF LAND MANAGEMENT & RECORDS
PLANNING, ZONING, SURVEYING & GIS
414 W. Main Street P.O. BOX 647
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MINUTES - Pierce County Land Management Committee Meeting, October 21, 2015

Present: Jon Aubart, Jeff Holst, Jim Ross and Eric Sanden

Absent: Joe Fetzer

Others: Andy Pichotta, Brad Roy and Shari Hartung

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

Next meeting dates: November 4th & 18th, December 2nd & December 16th, if necessary, all in 2015.

Approve Minutes: **Ross moved to approve the September 16, 2015 Land Management Committee minutes/Aubart seconded. All in favor. Passed.**

Public hearing to consider the adoption of an updated map of farmland preservation areas in the Town of River Falls as part of the Pierce County Farmland Preservation Plan and to amend the Pierce County Comprehensive Plan to include said map. Staff Report – Andy Pichotta: The Town of River Falls has requested that Pierce County amend its Farmland Preservation Plan to include an updated map of land within the Town that are “suitable for preservation.” This map is referred to in the Plan as the “Farmland Preservation Map for the Town of River Falls.” This map will be utilized as the basis for the formulation of Farmland Preservation Zoning by the Town of River Falls and also used to support the establishment of the proposed Agriculture Enterprise Area being referred to as the “North West Pierce County AEA.” The Land Conservation Committee (LCC) approved the proposed map revision at their September 24, 2015 meeting. Given that the County’s Farmland Preservation Plan has been adopted by ordinance as an addendum to the Comprehensive Plan, approval by the County Board of Supervisors will be necessary. Pichotta stated we do have folks in attendance from the Town of River Falls and he will let Mr. Rodewald talk a little bit about the criteria that they used to generate the map. It is his understanding that there have been no changes to it since the committee last saw it. Mr. Rodewald stated that the criteria used was land outside the sewer service boundary of the City of River Falls. By using that boundary rather than the one they used, which was the Extra Territorial Zone (ETZ), as they were working along with this, they felt that everything in the Extra Territorial Zone was planned for development. In meeting with the City of River Falls, their concept was if it’s outside the sewer service boundary, it’s not planned for development. That allowed them to include quite a bit of land that was very good quality farm land. It also gave them a chance to look at and use a more soils based system to determine land suitable for preservation. They looked at the size of the parcel and any parcel that was over 50% productive farmland using the GIS Maps provided by Mr. Pichotta’s group. So they worked hand-in-hand with them and feel they have a map that is very workable. Sanden asked what capability classes did you consider as productive farmland soil types? Mr. Rodewald stated 1, 2 & 3. Which is the one that they have used historically and one that goes back to 1985 Farmland Preservation Map. Sanden stated by historically, he would assume that was also used for the Exclusive Agriculture Zone? Mr. Rodewald stated correct. Ross asked Jerry Kosin if he is still on Land Conservation Committee and if there was anything that came out of that meeting. Mr. Kosin stated yes he is on the committee and no, nothing came out of that meeting. Mr. Rodewald explained he met with Land Conservation two months ago and it was received very favorably. **Chairperson Holst opened the hearing to the public.** No public comment. **Chairperson Holst closed the public hearing. Aubart moved to approve**

the amended Farmland Preservation Map for the Town of River Falls and forward a recommendation for adoption to the County Board of Supervisors/Sanden seconded. All in favor. Passed.

Discuss take action on Site Plan Review for Hager City Telephone Company in the Commercial District on property located in the NE ¼ of the NE ¼ of Section 3, T24N, R18W, Town of Trenton, Pierce County, WI. Chairperson Holst invited Chad Whitcomb forward: Mr. Whitcomb explained that they are looking to put up a storage building next to their existing telephone company building. They provide telephone, internet and TV service within the community of Hager City, Bay City and some of the rural surrounding areas. The storage building will be used for fiber optic and copper spools which recently they have had some theft of at some of their plant facilities. Trying to protect that more and also they have acquired some more equipment for plowing in cable, to store that as well and expand their storage.

Staff Report – Brad Roy: The applicant is seeking site plan approval for the construction of a storage building. The building to be constructed will be utilized for storage of telecommunications installation equipment including cable spools, plows and trenches to prevent theft which has become an issue for some of their other shops. Due to unique site limitations, the applicant sought a variance. In September 2015, the Board of Adjustment authorized the applicant to locate the proposed structure no closer than 14 feet from the west property line, which abuts a 20 foot wide undeveloped right-of-way. The property is bordered primarily by residential housing to the east, south and west. Vieth’s Bar borders the property immediately to the north. Adjacent zoning districts include Rural Residential 20 to the east, south and west and Commercial to the north. The applicant has proposed to construct a 30ft x 40ft storage shed that is 17ft 4in in height. The shop will have a gravel floor and will not be served with water or sewer. A gravel driveway will be constructed from the shop to the existing paved driveway to the north. The Board of Adjustment imposed two conditions upon granting the variance.

Condition 1: The color of the building is to be representative of housing colors found in the neighborhood. The applicant has proposed a light gray base and roof with the remainder of the building being “snow” colored. The color scheme is similar to that of a neighboring business (Hager City Glass).

Condition 2: Vegetative screening is to be planted on the 14 feet between the right-of-way and buildings. The applicant submitted a vegetative screening plan that includes the planting of 5 evergreen trees that are projected to reach 6 to 8 feet in height within 5 years.

The proposed building will adhere to all other applicable setbacks. The driveway access for the property is located off of County Road VV. No exterior lighting is proposed for the shop as it is anticipated that existing exterior lighting will be sufficient. No signs are proposed. Staff has received concerns about the storm water runoff currently leaving the site by a property owner to the north. The proposed structure will likely increase the runoff from the site to neighboring properties. The applicant has not generated a storm water plan for the site. The proposed construction is exempt from Landscape Buffer requirements per Pierce County Code §240-31B. Upon completion of the site plan review the applicant will obtain a Land Use Permit for general retail and services as outlined in Pierce County Code §240-36. Pierce County Code §240-54 requires a minimum of one parking space and the current parking on site is sufficient.

Staff Recommendation: The Land Management Committee review the proposed site plan and determine if any changes or modifications are necessary. The LMC should consider proposed structures, architectural plans, neighboring uses, use of landscaping and open space, parking areas, driveway location, loading and unloading areas, highway access, traffic generation and circulation, lighting, drainage, water and sewer systems, as well as proposed operations.

The LMC may impose time schedules for completion of buildings, parking areas, open space uses, drainage and erosion control systems and landscaping and may require appropriate sureties to guarantee that requirements will be completed on schedule. Staff recommends the LMC place any condition(s) that it deems necessary, as well as the following:

1. The applicant shall submit a storm water management plan which addresses impacts to adjacent properties to the Land Management Department for review and approval prior to the issuance of a land use permit.

Sanden asked Chad if there is concern about trying to fit those trees that are going to get to be 6 – 7 feet tall in that 14 foot space, with roots interfering with the building at some point? Mr. Whitcomb stated he talked to Nesbitt's Nursery and there shouldn't be any problem.

Sanden asked if they are taking material currently being stored outside and going to put it indoors. Mr. Whitcomb stated yes. **Sanden moved to approve the site plan as presented for Hager City Telephone Company with condition #1/Ross seconded.** Aubart asked if we need to add the Board of Adjustment conditions. Roy stated what they have presented would comply with those conditions. Sanden asked if we need to delay this approval until the storm water plan is submitted and verify it is sufficient. Pichotta stated that is how the recommended condition is phrased. We wouldn't be able to issue the land use permit until such time as a plan has been submitted. **All in favor. Passed.**

Discuss take action on review and potential modification of Food and Wine Plan for Belle Vinez Winery, in the General Rural Flexible 8 District for Shannon & 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. Chairperson Holst invited Mr. Zimmerman forward: Mr. Zimmerman explained they were originally approved to operate between the dates of May 15th and December 31st. As a condition that was imposed, wine sales were to be dominant and food and/or all other sales to be subordinate to wine sales, therefore being a winery. The original food plan that they submitted, they submitted a bit conservative just estimating that they would want to trim back on the back half of the year in case food sales were higher. Having now operated officially as of May 16th until the 20th of this month when they submitted this, wine sales are dominating their revenue 69% to 31%. So as a part of that is they are asking two things tonight, one is that they can continue as is, until their approved date of December 31st. Then they had originally asked during the process for the ability to host a wedding and they are getting a lot of requests. They won't do it this year but potentially next year. As part of those requests, it was made clear, as part of appetizers which is a very broad definition, cupcakes or a cake for an after wedding thing is a pretty big deal to the bride. So they are asking that be allowed as well. Those are the two specific requests and because of the contentious nature early on, year-to-date they have seen just over 7,000 human beings walk through the doors. The number surprised him when he ran the report and the reason he points this out is there have been no valid complaints. With that many people coming through already, he would submit that the process and the structure that they have set up is working. It's a good flow, it's not ridiculous traffic. These are adults. This isn't a college, crazy environment. Economically speaking, which is something they all care about; they are getting a huge amount of folks from across the river that stop at their place and maybe stop at other places to spend money in this County. Their wine is now being distributed throughout River Falls and Hudson next week. It's gaining traction.

Staff Report – Brad Roy: Brad stated he isn't sure what to add, given that the explanation was good and he doesn't think there is anything that needs to be added.

Staff Recommendation: Staff recommends the Land Management Committee review the information provided in this report and by the applicant to determine whether the modified plan adequately demonstrates that food service has been and will continue to be subordinate to winery operations. If it is determined that food will remain subordinate to wine sales, staff recommends the LMC approve the amended Food and Wine Plan which would be the extended food service days to the end of the year which complies with condition #12. Then add dessert options to the menu, for weddings and special events.

Sanden asked if the 69%/31% is on-site sales or does that include the off-site sales? Mr. Zimmerman stated the numbers he has here are on-site and that does not include off-site at this point in time. We are literally a week and a half in. It's brand new. Sanden asked staff if we need to put any wording in since they are having off-site sales, that the revenue be subordinate and specify on-site revenue? For example, if the off-site sales got really high and that was dominating their revenue stream, they could still have a lot of food being served and overall it would be subordinate but on-site it may actually be less. Pichotta suggested that is probably not necessary as long as the committee recognizes that what that means is that on-site sales of food are to be subordinate versus on-site sales of wine. The next time we do a renewal, we could tweak the conditions. The way the agenda item reads at this point, we can't change the conditions because the agenda item reads to take action on the food and

wine plan. Mr. Zimmerman stated your point is taken and he can carve that out anytime they come back declaring the percentage of on-site and the ratio. Sanden stated kudos to you for making this work. We always kind of take a risk, especially when you have neighbors that are not sold on this to begin with. Mr. Zimmerman said thank you and stated that they do care about the community. Aubart stated he drove by the establishment and stated it's a very beautiful facility; it's very nice and it fits well. **Ross moved to approve the amended Food and Wine Plan as presented for Belle Vinez Winery/Aubart seconded. All in favor. Passed.**

Discuss take action on a request by the Town of Union for an extension to the 90 day timeframe that a town has to generate a recommendation for a conditional use permit application, per LMC policy (6.5.13). Staff Report – Andy Pichotta: Pursuant to the LMC Policy (6.5.13), the Town of Union is requesting a 60 day extension to the 90 day timeframe to generate a recommendation regarding Muskie Proppant's request for a conditional use permit for nonmetallic mining. Muskie Proppant requested that the Town of Union place them on an agenda to secure a Town Recommendation on August 27, 2015. Given the LMC's policy, the Town would have until November 25, 2015 to generate a recommendation before the applicant could potentially submit an application without a formal town recommendation. The Town of Union requested an extension on October 12, 2015 which is within 60 days of the applicants request to be placed on an agenda. The Town Recommendation Policy adopted by the LMC on June 15, 2013, states: "In cases where a Town is unwilling or unable to generate a Town Recommendation regarding a proposed rezone or conditionally permitted use within 90 days of a request to be placed on a town agenda, the Land Management Department may accept an application that does not contain a completed Town Recommendation Form. A town may submit a written request to the Land Management Committee (LMC) requesting that an extended timeframe beyond 90 days be authorized. Said request must explain why an extension is warranted and establish a timeframe within which formal action would be taken. Such extension must be requested within 60 days of an applicant's initial request to be placed on a town agenda. Additional extensions may be granted. If an application for a rezone or conditionally permitted use is accepted without a Town Recommendation the LMC will utilize guidance given by that town's comprehensive plan, if applicable, when considering the request." Correspondence from the Town of Union regarding their request for an extension is attached. Basically the reason they are asking for an extension is two-fold, although their correspondence details one more than the other. The proposed mine is 160 acre above-ground mine that is located within the Village of Plum City's jurisdiction if they were to exercise Extra Territorial Zoning, it would be within that boundary, so they are seeking an opportunity to hold a joint meeting with the folks from the Village of Plum City to garner their input. Pichotta feels that is a good idea given that it's in an area as our comp plan refers to a contiguous growth area of an existing municipality. So if the Town didn't solicit input from the Village, we would likely need to. He would like to note that the Town has also submitted a request to Muskie Proppant requesting additional information. He thinks they have outlined 10 or 11 different items that they would like to have additional information provided regarding the actual plan that they would utilize. The Town also stipulated that unless that information is provided, they are not going to be able to generate a recommendation. Until it is, they will continue to request extensions, so if Muskie does not bring in information for them that satisfies their request, they will in all likelihood be back in another 60 days requesting another extension until such time as that information is provided. Mr. Krings from the Town of Union is present and Andy doesn't know if he has anything to add. Mr. Krings stated no, Andy did a good job. **Staff Recommendation:** Staff recommends the LMC consider and act upon the Town of Union's request for an extended timeframe to generate a Town Recommendation, an additional 60 days is what they are requesting. Chairperson Holst stated what they are requesting from Muskie and what they are requesting from us is well within reason and he feels that it should be granted. **Aubart moved to approve the Town of Union's request for an extension to the 90 day timeframe that a town has to generate a recommendation for a conditional use permit application/Ross seconded. All in favor. Passed.**

Discuss take action on review and update to the Goals, Objectives and Policies of the Housing and Economic Development Chapters of the Pierce County Comprehensive Plan. Staff Report – Andy

Pichotta: You have in front of you an information packet and the first section is on housing. It includes a lot of statistics which he will go into as much detail as the committee wants. Housing: Being the primary developed land use in Pierce County, housing directly affects almost all other elements of the comprehensive plan. Providing an adequate supply of safe, accessible, affordable and well-designed housing for the people of Pierce County is paramount to achieving the vision of an exceptional quality of life for residents. Given the susceptibility of housing to changes in demographics, economy and market pressures it can be one of the more challenging elements to impact through county comprehensive planning. An analysis of current housing conditions will help Pierce County gain a better understanding of the changes that have occurred and provide insight into future changes that can be anticipated. The Pierce County Comprehensive Plan housing stock assessment includes the age, value and type of existing housing units; as well as occupancy characteristics such as tenure and affordability. This data is valuable in forecasting the future housing demand to plan for future development. The purpose of this element is to assess the current housing stock and identify changes that have taken place in housing conditions since the initial data collection phase was completed to determine if modifications to the Comprehensive Plan's Goals, Objectives and Policies are warranted to further the County's housing vision.

Housing Vision:

In the year 2029, Pierce County offers a variety of housing types to meet the lifestyle, demographic and economic needs and desires of its residents. Housing developments are designed in harmony with local farms and natural green spaces. Alternative housing choices (such as condominiums, apartments, townhouses and so on) buffer nearby single family residential neighborhoods from business areas and offer a housing choice for residents who want to live in a development close enough to walk to stores, restaurants, services and local employers. Additional senior housing development has also been established in Pierce County. County codes and ordinances promote attractive housing with abundant green spaces and trail access in accordance with the recommendations outlined in the Pierce County Comprehensive Plan. On the second page, you can see a map that demonstrates housing density in Pierce County in 2010 and note that the higher density is pretty much where you would anticipate it to be within existing municipalities and also within some of the areas in the Towns of Clifton and Oak Grove that are characterized by rural residential subdivisions. The next page shows the number of housing units that were constructed historically in each of the towns. The towns that you would expect a substantial amount of change especially from 2000 to 2010, Towns of Clifton and Oak Grove, a substantial amount of growth, interestingly enough the Town of Gilman also saw a 26% change in housing units. Some of the towns that didn't see much growth are a bit surprising, Ellsworth saw 1.3% growth; River Falls saw 1.5% growth which is interesting given its proximity to other high growth areas that might be attributable to limitations on the ability to build houses on 1, 2 & 3. It could be the development that did occur happened within the City of River Falls. Spring Lake was also on the low end. It saw 1% growth in that decade. On the bottom of the page is Household Projections. The projection for 2015 is another 650 housing units and 1,000 beyond that for 2020, probably a little generous. The next page is Housing Tenure, just demonstrates owner occupy versus renter occupied. Owner to renter ratios have remained fairly static at about 7:3. Estimates of occupancy, where 95% of the housing stock in Pierce County was occupied as of 2013. Year Structure Built: you can see a total of 16,000 units; 17.75 were built between 2000 and 2009. The other peak year was the mid 70's. Chairperson Holst stated there are quite a few in 1939 and older, your highest percent. Pichotta, Single family homes comprise newly 80% of all housing units. Housing values continue their rapid rise that began in the 90's and median home price increased by nearly \$70,000.00 in the last 15 years. Page 7 discusses Monthly Mortgage Costs as a Percentage of Household Income. The take away there is that 33.5% of county homeowners exceeded the affordability threshold in 2013, that being greater than 30% of household income. The same holds true for tenants that have passed the affordability threshold, it's 46%. Ross asked on page 6, the increase of nearly \$70,000.00 was that averaged out over the bad years through 2010? Do you think that affected the numbers pretty good? Pichotta stated it certainly did. Ross said if you look at that rise up until the fall, there would have been a much higher number. Pichotta stated given that it goes through 2013, you can see the sale prices on the next scale, where it topped out and then came back down.

Existing Goals, Objectives and Policies:

Goal:

- Manage housing development to insure that a full range of housing opportunities exist for Pierce County residents.

Objectives:

- Encourage at appropriate locations an affordable variety of housing types commensurate with demands created by current needs and future growth.
- Encourage the improvement of deteriorating residential areas and assure safe, healthy and attractive communities through preventive maintenance and appropriate reinvestment.
- Utilize and/or explore various programs and development concepts that encourage creative methods to preserve county character and natural resources.

Policies:

- Encourage the development of housing surrounding existing municipalities at suburban or countryside densities in a sequence that follows an orderly pattern of annexation, zoning, subdivision and the extension of public facilities. In cases where properties are contiguous to existing urban densities, similar urban densities may be extended into the contiguous growth areas.
- Encourage towns, villages and cities to plan for residential subdivision growth through comprehensive planning.
- Direct residential subdivision development to planned growth areas identified in town, city and village comprehensive plans.

Recommendations:

The LMC should consider whether changes or additions to the Comprehensive Plan's Goals, Objectives and Policies are warranted to further the county's housing vision. Given the data observed it may be warranted to include an additional policy to address issues concerning increased housing cost in Pierce County. Staff suggests the LMC consider the addition of the following policy statement:

Policy:

Encourage towns to recognize the impact that standards contained in a town subdivision ordinance may have on the cost of housing. Basically, if you are looking to provide cheaper housing options, having large minimum lot sizes don't really do that. It may be that some towns have that in an effort to ensure that a higher standard of home but it may be warranted to include a policy to ensure towns think about those sorts of things when considering adopting subdivision ordinances. Sanden stated it warrants attention as you have given it. The way you have done it is adequately hands off. Make them aware of it but not impose requirements at this point. Chairperson Holst stated it would be a drastic change in approach and he doesn't believe the towns are so naïve that they can't figure out that smaller lot sizes are more economically viable. Being on the Town Board, he wouldn't want the County to tell him what he can have in his subdivision ordinance. Chairperson Holst asked Mr. Krings if he has anything to add to that. Mr. Krings stated that some of these five acre sites and three acres of it grows up into weeds. Pichotta stated he doesn't think the approach has been to tell the towns anything. Chairperson Holst stated perception and there are 17 people as Town Chairman and some of us are going to perceive it as more than a suggestion. Pichotta suggested that the policy didn't need to be included. Chairperson Holst stated Eric said it right and not at this time, maybe at another time. Sanden stated he would encourage including it. He stated we just wouldn't want to be any more heavy-handed at this time. Chairperson Holst stated a long time ago, in the 80's, he was told what a wonderful committee this was and how us people that are here are real open to everything and we'll listen to everything. Shortly after that, they started cramming stuff down everybody's throat. Zoning got way tougher in the County, hands down. Pichotta asked if there is some way we can rephrase this that would make you more comfortable. He suggested that "encourage Town's to recognize," is about as soft a pedal as one can do. Chairperson Holst stated at one time we are telling them to have subdivision ordinances and then we're telling them how to write it. Pretty quick we'll be writing their subdivision ordinances. That's just the thought process that he has. Pichotta stated he has actually written a couple at the request of the Town's. Chairperson Holst stated his township is probably one of them. That is different when they request it. When we encourage the Town's participation in their plans, subdivision

ordinances are the Town's right, now the County is going to start suggesting what they are going to do. Ross asked what he was trying to achieve. Chairperson Holst stated he says we should have smaller lot sizes, more affordable housing. Some Townships are still at one acre minimum, two acre minimum. Pichotta noted that no Town that has a subdivision ordinance has a one acre minimum. Chairperson Holst stated then it's those of us that don't have one that are still at the one acre minimum. Pichotta stated arguably you are providing more affordable housing options or the potential for them. Chairperson Holst stated he agrees with Mr. Krings that larger lot sizes tend to just grow more weeds. But that also was, for a long period of time, what attracted people to move to the country. They wanted a five acre lot with three acres of weeds. Two acres is about all you can maintain unless you make it a full-time job. Pichotta stated that is still the case, many folks still move to the County because they want a hobby farm sort of a thing. Sanden stated he likes it. Ross stated he is OK with it; it's soft enough that he doesn't think it would be a runaway problem but he doesn't sit on a Town Board either. Chairperson Holst asked Mr. Krings and Ms Smith if they will talk about this at their Town Board meeting? Ms Smith asked Andy how they are going to get this information out to the Town's. Pichotta stated it would be through this plan or if you read "Encourage towns, villages and cities to plan for residential subdivision growth through comprehensive planning." We haven't done any specific outreach to them and said "Hey, we want you to go out and plan." This is the way that most of the plan is phrased. Ms Smith stated her question comes from the fact that they are looking at their ordinances and comprehensive plan right now. If you were to send something, they would include it. She doesn't think she sees encourage as a detriment. It would just be a heads up. She would agree with Jeff that a policy that said they have to do this, wouldn't sit well in the Town of River Falls but the fact that they are looking at those things for them to take that into consideration, doesn't seem to be an unreasonable request. Pichotta stated when we consider adoption of all of this, when we get through all of these different chapters, each Town will be provided a copy of this. Ms Smith asked if they would be sending out a letter saying this is the policy now we want you to take a look at your subdivision ordinance. Pichotta stated no. Chairperson Holst suggested that will come later. Ms Smith stated as long as you're on the committee, she is sure that won't happen. If that is the way you are proceeding, she doesn't think her Town is going to take offense at that. We would take offense at a policy that says now Pierce County has done this and we want you to do that. Pichotta said he understood. Sanden stated he doesn't think anyone on this committee is inclined to do that, if he can speak for them, but he appreciates her comments. Pichotta asked Mr. Aubart if he is comfortable with the phrasing. Mr. Aubart stated he thinks he understands what Andy is trying to accomplish which is to make them aware of the potential impact. He was just trying to think of how you could word it different and say the same thing. Pichotta stated what he would anticipate in an ideal world, when a Town was to look at their local comprehensive plan, which is the basis for their subdivision ordinance, they would consider what the County plan has to say because they kind of work in concert with one another. That is how he hoped these would be taken; to use them for guidance when they formulate their local ordinance, for a resource for the Town should they choose to use it.

Economic Development:

The primary purpose of economic development element is to promote the stabilization, retention or expansion of the economic base and to provide quality employment opportunities in the county and region. There is an important distinction to be made between economic growth and economic development. Economic growth is concerned solely with job creation, tax base growth and product output growth. True economic development, the aim of this element of the comprehensive plan, creates quality communities and work environments, increases business competitiveness and allows for entrepreneurial spirit and innovation. Economic development is about working together to maintain a strong economy by creating and retaining desirable jobs, which provide a good standard of living for individuals. This includes assisting existing businesses, encouraging business expansion, recruiting new businesses, building a culture of trust and entrepreneurship and strategically planning important capital improvements and related infrastructure expenditures. The economic development element provides important data regarding key economic health indicators such as employment and income data. These statistics are important to analyze the strengths and weaknesses of the county with respect to attracting and retaining businesses and industries. In reviewing updated data concerning economic development the county

can determine whether modifications to the existing goals, objectives and policies are needed to further the county's economic development vision.

Economic Development Vision:

In the year 2029, Pierce County offers a variety of shopping, restaurant and entertainment choices for its residents. In addition to a variety of commercial uses and residential development, industrial businesses have established near high access corridors. These businesses offer quality employment opportunities and are an important asset to the county's tax base. Many residents continue to also find a great variety of employment opportunities in nearby communities that are easily accessible via regional highway corridors. Overall, economic development in Pierce County is in harmony with the county's natural environment.

The next page is a list of the largest employers in the County. The largest employer continues to be University of WI River Falls. Notable exception is the United Natural Foods Distribution Center which was constructed in 2014. That facility employs 140 individuals with plans to double that number in the next three years according to Pierce County Herald reports. The next page illustrates employment characteristics in 2013; breaks down employment by a variety of industries. The bottom of the page has occupational characteristics from the Bureau of Census in 2010. Page 13 gets into household median income trends, illustrated over time and the percent change from 1989 – 1999 and 1999 – 2009. Income projections from 2015 to 2020 are listed at the bottom of that page. For the past twenty years the median income has increased nearly 20%. Income projections predict that the median household income will increase by 18% by 2020. Chairperson Holst asked what year dollars? Pichotta stated current dollars; that also seems generous. The next page covers wages by industry. According to the 2013 Census Bureau data public administrative jobs command the highest average wages in Pierce County. On the bottom of that page, Place of Work, state of residence versus county of residence, outside county of residence and Pierce County's proximity to the Twin Cities Metro Area. There are a number of residents, particularly on the west side of the county that work in Minnesota. The table shows a gradual shift over time of residents seeking out of state employment. Nearly two-thirds of the County's resident workforce seeks employment outside of Pierce County. 44% of all resident workers cross over into Minnesota for employment. Occupational projections for West Central Wisconsin for 2010 – 2020; health care occupations are projected to see the highest growth in terms of number of positions, adding over 5,000 jobs by the end of the decade. Unemployment rates on the next page and there is a listing of environmental clean-up and brownfield sites. It seems a little out of place but it was with the original data collection and this was where it was so we included it here too. There are eight active brownfield sites within the County.

Existing Goals, Objectives and Policies:

Goal:

- Develop a strong, diversified base of industry, commerce, agriculture and education that provides a broad range of job opportunities, a healthy tax base and improved quality of services to county residents.

Objectives:

- Encourage and increase opportunities for Pierce County residents to work within Pierce County.
- Encourage the preservation and function of existing business districts.
- Encourage the attraction, retention and expansion of industries and businesses to provide a healthy tax and employment base.
- Encourage the development of more diversity in employment opportunities in proximity to the existing work force.
- Encourage the location of commercial and industrial development in accordance with sound land use principles (i.e. transportation, utility infrastructure).
- Encourage the development of regional aviation facilities that contribute to the economic viability of employment areas.
- Maintain and support agriculture as a strong component of the county's economy.
- Promote ongoing dialogue between county planning entities and economic development groups to ensure economic development projects are consistent with plan goals and objectives.
- Promote development of tourism/agri-tourism and recreation throughout the county.

- Encourage the creation of new ventures.
- Encourage competition and further the development of communication and information technology infrastructure.

Policies:

- Encourage the development of employment concentrations in areas capable of being served by adequate infrastructure.
- Encourage the development of multi-use trail systems that link major residential areas to employment centers, public facilities and recreation areas.
- Encourage the use of land that adjoins or is in proximity to significant transportation facilities to associate with and benefit from these facilities. In this way, airport facilities, railroad corridors, highways and river shipping will lend the greatest leverage toward economic development.
- Encourage entrepreneurship (e.g. home occupations, home business, farm and home businesses).
- Encourage the promotion of appropriate recreational opportunities while maintaining the rural character of the area.
- Pursue establishment of conditional use permitting procedures that allow for site specific, multifaceted, entrepreneurial activities and allow for limited lodging and accommodations (e.g. vineyard with retail component and lodging/conference facilities).

Recommendation:

The LMC should consider whether changes or additions to the Comprehensive Plan's Goals, Objectives and Policies to further the County's Economic Development vision are warranted.

Note that the final policy listed; Pursue establishment of conditional use permitting procedures that allow for site specific, multifaceted, entrepreneurial activities, we have done that, it's in place and we can probably strike that one. Any thoughts on changes or conditions, as staff we didn't necessarily come up with anything. We thought we did a pretty decent job a few years back.

Sanden asked if we should, in the vision statement, change the date to 2035, are we looking out twenty years. He is assuming we did the 2029 because we adopted this in 2009. Pichotta stated typically the effective life is twenty years. That would make sense. We will start making the change. The approach here is to take this chapter by chapter and get some guidance. Then we will compile it all into a document that we will take action on as a whole. Ross asked about the objectives and so forth, did you talk to our economic people, Paul Schwebach. Pichotta stated, not this go round but we sure did, Bill Warner was involved in every step and he attended every meeting when the plan was drafted. Sanden asked if anyone ever came up with the idea of business incubator. Chairperson Holst stated business incubators have been talked about for twenty years in Pierce County. Pichotta suggested that the zoning code allows you to use your home as a business incubator. That's basically what a Farm and Home Business is. It enables you to run a business until you need more than eight employees or five thousand square feet in an accessory structure. The assumption, at that point, is that you would move to an appropriate district. He has always viewed that as a mechanism to encourage start up businesses. Chairperson Holst stated at one point the University talked about a business incubator. Ross stated they are building it in St Croix County, Sterling Ponds, the final approval just came through to build the incubator which will be a combination of innovative business solutions coming out of the university and also small business development along with St Croix County. The final funding just came through so they will be breaking ground, doing a winter build on that facility. Pichotta suggested that if LMC members come up with ideas after this meeting, and also when this comes forward as a package, we can continue to tweak it. Sanden stated as to your point with the last bullet, to strike it given that we have already done it, would there be any value to put in again, not to overuse the word, "encourage the establishment". In as much as the town's, for the same reason that we have the suggestion with housing, to encourage conditional use permit procedures that would allow for this. Pichotta stated we do require a Town Recommendation as part of the application for any conditional use permit. So he isn't sure what we would encourage them to do. Did you think we should strike it? Sanden stated he doesn't see any reason that it shouldn't be there. Pichotta stated certainly if one were to challenge our ordinance and wanted to know why it was we did what we did; it would provide that justification

which is the basis for comprehensive plans. Sanden stated he would leave it. Pichotta stated he would suggest they approve what was presented thus far and we'll continue to move forward with additional chapters as we meet. Sanded asked if he needs a formal motion. Pichotta stated just if committee consensus is to move forward as presented that is what staff will do.

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

Departmental Update and Future Agenda Items

Public hearing to consider a request for a CUP for Expansion of a Nonconforming Structure, the Nauti Hawg Bar & Grill.

Discuss take action request for Site Plan review for Mikael Andrews, agent for Gregory & Susan Andrews, in the Town of Trenton for an addition to a structure in the Commercial District.

Discuss take action on a request for renewal and potential modification of a CUP for Ellsworth Baseball Association. We still have that before the committee. Chairperson Holst asked when we can get rid of that.

Pichotta stated we can stop after this next renewal. We can go to administrative renewal unless issues arise.

Discuss take action on Goals, Objectives and Policies for the Land Use Chapter of the Pierce County Comprehensive Plan.

Motion to adjourn at 7:08pm by Aubart/Ross seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, October 21, 2015 – 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: November 4 th & 18 th , December 2 nd & 16 th , if necessary, all in 2015.	Chair
3	Approve minutes of the September 16, 2015 Land Management Committee meeting.	Chair
4	Public hearing to consider the adoption of an updated map of farmland preservation areas in the Town of River Falls as part of the Pierce County Farmland Preservation Plan, and to amend the Pierce County Comprehensive Plan to include said map.	Pichotta
5	Discuss take action on Site Plan Review for Hager City Telephone Company in the Commercial District on property located in the NE ¼ of the NE ¼ of Section 3, T24N, R18W, Town of Trenton, Pierce County, WI.	Bechel
6	Discuss take action on review and potential modification of Food and Wine Plan for Belle Vinez Winery, in the General Rural Flexible 8 District, for Shannon & Angel Zimmerman, owners on property located in part of the SW ¼ of the NW ¼ of Section 3, T27N, R19W, Town of Clifton, Pierce County, WI.	Roy
7	Discuss take action on a request by the Town of Union for an extension to the 90 day timeframe that a town has to generate a recommendation for a conditional use permit application, per LMC policy (6.5.13).	Pichotta
8	Discuss take action on review and update to the Goals, Objectives and Policies of the Housing and Economic Development Chapters of the Pierce County Comprehensive Plan.	Bechel
9	Discuss take action on Travel/Training Requests	Pichotta
10	Future agenda items.	Pichotta
11	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.

(10/9/15)

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, Wednesday, September 16, 2015.

Present: Jon Aubart Jim Ross & Eric Sanden

Absent: Joe Fetzer & Jeff Holst

Staff: Ryan Bechel, Emily Lund, Andy Pichotta & Tracie Wold

Others: Pat Brookshaw & Connie Brookshaw, Collin Cain, Mellissa Deyo & Donald Dufek, Corrie Hamblin, Dave Sauer, Susan Wallin

Chairperson Jim Ross called the Land Management Committee meeting to order on Wednesday, September 16, 2015 at 6:00 pm at the Pierce County Courthouse in the County Board Room, Ellsworth, Wisconsin.

Next meeting dates: October 21st, November 4th, 18th all in 2015.

Approve Minutes: **Aubart moved to approve the September 2, 2015 Land Management Committee minutes/Sanden seconded. All in favor. Motion carried.**

Public notice is hereby given to all persons in Pierce County WI that a public hearing will be held on the 16th day of September 2015 at 6:00 pm in the County Board Room in the Courthouse in Ellsworth, WI before the Land Management Committee to consider and take action on a request for a conditional use permit for sludge disposal in the Agricultural-Residential & Rural Residential-8 districts by David Sauer, Cedar Corporation, agent for Ralston Purina & Nestle Purina Petcare Co., agent on property owned by Roger Dosedall, Amy Dosedall, Sharon Hirdler, Kemmerer FMTR, Bradley Kemmerer, Brian Kemmerer, Jean Ann Kemmerer TR, Stanley & Catherine Kemmerer TR, Troy & Amy Kemmerer, MOAP LLC, Troll King LLC, and Holst Farms Inc. On property located in the NW ¼ and the W ½ of the SW ¼ of Section 6, the SW ¼ of the SW ¼ and the SE ¼ of Section 7, the W ½ of the NW ¼ of Section 17, E ½ of Section 18, all in T25N, R18W, NE ¼, the SE ¼, the SW ¼ and part of the NW ¼ of Section 2, the N ½ of Section 11, and the E ½ of the SE ¼ of Section 12, all in T25N, R19W, all in the Town of Diamond Bluff, Pierce County, Wisconsin. All persons interested are invited to said hearing and to be heard.

Dave Sauer from Cedar Corporation stated that he is working with Nestle Purina and Collin Cain. This is an application of what some people call sludge, but they call it bio-solids. There is beneficial use of products in this material that is being land spread. This material from Nestle is a food grade product material that they send out. While making this product, flavor enhancements for dog food, cat food and other materials, there is a wash water and a waste water that is generated. The waste water is then treated on site with a waste water treatment plant; it operates 365 days a year. After it is treated, it is allowed to settle. The settled material is the bio-solids/ sludge by-products. They have been doing this every 2-4 years depending on how much production is at the plant. That material is now to the point where it is best for the company and the treatment plant to remove some of the sludge material that is built up in the two storage lagoons they have

on site. They have done testing on it and the test results are very consistent with what they have done in the past. The amount of Nitrogen that's in the product per 1,000 gallons is in the range of 15 pounds per 1,000 gallons. Phosphorus is about 12 pounds per 1,000 gallons. Chloride is about 6 pounds per 1,000 gallons, not a problem for the soil. Potassium is less than 1 pound per 1,000 gallons. All the farmers they have lined up and in the application all have a nutrient management plan and an agronomist who has looked at all the test results. They are going to take the test results into account depending on what sites they use. The farmers will now be able to adjust their fertilizer application since Nestle can give them Nitrogen and Phosphorus which will be a cost saver. In all of the sites they have listed, there is well over 1,000 acres. All they really need to use is in the range of 100 to 200 acres at the rates they are proposing to spread on. They have also sent this request onto the DNR and Dave received the approval letter. The approval was forwarded to Emily. They have gone through all the steps with the farmers and their nutrient plans. All of the sites they are using this time around are the same list of sites they used four years ago; all of those sites were approved four years ago by the DNR. The only thing that changed was the application rates because they did new test results on the sludge. There is a whole set of limits and regulations for the DNR on setbacks from private wells and inhabited residents. There is a whole list of requirements they are obligated to follow and they have followed them in the past. The whole operation is going to take a couple weeks of time once they start. They would like to start sometime this fall when the crops come off. One request Dave asked to have considered is if they don't have enough time to get all the material out, is if the approval could carry over into the spring and fall of next year. The DNR approval is pretty much written that as long as they use the same site and follow all their guidelines, they don't have to submit it a second time. It would maybe save everyone some time if it could be extended. Sanden asked what the consistency is. Dave stated the solids content is anywhere from 3-4%, so it is pretty watery. It is dirty water, it's not thick sludge. The last few years they have actually incorporated it into the ground with an aggregator; they have not just spread it on top of the soil. Most of the farmers want it tilled into the land. Collin Cain stated waste water treatment may sound like a lot of operation and work going into it. Nestle adds absolutely nothing to it. It's the cleanup at the end of the week or during the production processes when cleaning needs to take place. Once it goes out into the waste treatment system, they add air to break down micro-organisms. It is constantly stirred and moving then it's drained off and they just let it settle. There are two ponds. They will be filling one, draining the clear water off of the other one and whenever it is needed or equalized, they can switch and do the other one. It's not like manufacturing with a lot of chemicals going into it. It is a very benign operation. Sanden asked about bacteria and active sludge. Collin stated they don't add anything to it. He has worked at other Nestle facilities where they work to balance the PH, but they don't have any need to do that here, it takes care of its self very nicely. Sanden asked them to compare the odor when it's on the field to manure spreading. Collin Cain stated he grew up on a farm with hogs and turkeys, the smell was terrible. This does not begin to compare to that, it's so minimal. Sanden noted that some of the area that is open for spreading, is out of the flood plain and slope zone, except for a tiny little piece in the NW corner of the Western piece. Does the DNR regulate that you stay out of the flood plains when you apply it? Dave stated yes. Sanden questioned whether they had all their appropriate DNR permits, Dave stated they do. The WI DNR form 3400-053 had been submitted since the original CUP submittal. Sanden asked the staff about a condition stating a time table. Pichotta stated typically conditionally permitted uses need to occur or take place within 12 months, if you wanted to extend it out, you could add an additional condition, "activities authorized by this CUP shall occur within 16 months", if in fact that is something that you

wanted to add. Sanden asked if we do approve it for 16 months, we don't have to worry about you applying it to frozen ground because the WI DNR permits wouldn't allow that, Dave confirmed.

Staff Report-Emily Lund: The Diamond Bluff Town Board recommended approval of this request. Pierce County Zoning Code Ch. 240 Attachment 1:1 Table of Uses define sludge disposal as a conditionally permitted use in the Agriculture Residential zoning district. Technical information that was described was submitted and additional information that was described by Dave Sauer was submitted with DNR approval. NR 214.18(2)(f) indicated that sludge spreading sites are limited to slopes of 12% or less when the temperatures are above freezing and 2% or less when the ground is frozen or snow covered. Buffers will be recommended by WI DNR to be protected. The soils on each field that have 0-12% slopes are Seaton silt loam, Meridian silt loam, Chaseburg silt loam, and Finchford loamy sand. The remaining soils are too steep for sludge spreading. The applicant is planning to land spread this year before it freezes at a rate approved by the WI DNR. Some of the DNR setbacks are listed to wells, dwellings, dry runs, etc. It is recommended that the properties receiving sludge update their NRCS 590 Nutrient Management Plan to reflect the new fertilizer and future fertilizer needs. For example, the amount of phosphorus applied to the land from this sludge would have enough to feed plants up to four years. Staff recommends the Land Management Committee consider the above and determine whether the proposed land spreading of sludge at the proposed locations would be contrary to the public interest, or would be detrimental or injurious to public health, safety, or character of the area. If found to be not contrary to the above, staff recommends that the LMC grant this conditional use permit with the following conditions: 1) Applicant shall adhere to all conditions and recommendations of the WI DNR. 2) Applicant shall update the land spreading site maps to reflect required WI DNR setbacks and slopes. 3) Sludge shall be applied only during daylight hours. 4) Sludge application shall cease if the ground becomes frozen or too wet for land injection. 5) Field access points shall be protected to control field soils and sludge from being tracked onto public roads. 6) Sludge spreading locations need to follow all WI DNR specified slope and setback requirements (i.e. to wells, to dwellings, to surface water, to dry runs with or without vegetative buffers, to bedrock or groundwater). 7) Any damage to roads shall be the responsibility of the applicant. 8) Applicant shall contact the Land Management Department when sludge spreading begins.

Ross opened the floor to public comments. Susan Wallin asked if it had an odor. Collin stated yes, when you stir the sludge up there is an odor to it. But they put it into enclosed tankers and transport it. It is land injected. The farmers appreciate because they get their tilling done in addition to fertilizer benefits. Corrie Hamblin asked how the amount of nitrogen and potassium have changed in four years, have they gone up or down or stayed the same? Dave said some have gone up and some have gone down. But of that 15 pounds of nitrogen per 1,000 gallons it has maybe changed 1 out of the 15. Same goes for phosphorus, potassium & chloride. Dave also stated there is always going to be some variability when you do these tests, but for the most part, it doesn't really affect your application rates very much. A pound per 1,000 gallons when your only applying 10 pounds, it's less than 10% of the total rate. Corrie asked if they changed, did they all go up. Dave stated no. There were some that were a little less. Over all it was in the realm of data variability for waste water. Waste water is an odd thing, you get variability. Corrie asked if there was someone who knows the "pounds-per-thousand" looked into it and decided it was safe. Emily stated the DNR has a limit and range that Dave was mentioning and it is within that limit. They have a maximum amount of liquid they can apply per acre, and they are going to stay within that limit as well. Corrie asked if the permit wasn't extended into next

year, what would happen. Pichotta stated another meeting would be back here next fall if it was only for 12 months. Ross added that this particular CUP is brought back every so often. 1997 was the first issuance. The committee relies on the WI DNR to provide their permitting and data. Ross assured the community that if there are ever any issues or problems, the committee will convene and address issues if warranted. He feels it is an important distinction. Even though they may issue a CUP, they always have the option to revoke them or in some cases they have brought people back every three months if there is a problem. In this case, it has gone pretty well and the DNR keeps a good handle on things as well. **Sanden stated finding this proposal is not contrary to public interest, detrimental or injurious to public health, safety or character, he moves to approve the conditional use permit for land spreading of sludge with conditions 1-8, adding condition 9, "this CUP will be active for 16 months from the date of issuance"/ Aubart seconded the motion. All in favor. Motion carried.**

Discuss and take action on a status report and potential modification of conditional use permit for a retreat center in the Primary Agriculture district for Mellissa Deyo and Donald Dufek. Owners on property located on the SE ¼ of the SE ¼ of Section 33 in the Town of Martell, Pierce County, WI. Mellissa Deyo stated they are finally close to being done with everything and being officially open. They have started booking weddings for next year and have had a couple of dry runs for friends and family, so they are working out the kinks, and feel really good about how everything has gone so far. They expect the engineering architect to come tomorrow (9/17/15) to do the final-final inspection on the compliance issues for handicapped accessibility. They have done everything on the check list and are confident they will pass that without any trouble at all. **Staff Report-** Emily Lund: Status report and potential modification to the CUP for a Retreat Center. The owners purchased the property on 4-17-2012 and received CUP approval on 5-2-2012 to change the use of the agriculture barn to a retreat center for country-style weddings and receptions. Many neighbors were in opposition of the change in use, so a status review was conditioned part of the approval. The preparation for the use has taken longer to complete because a few expensive projects were not anticipated. On 9-3-2014, a status report was presented to the LMC, condition #3 amended, and conditions 10-12 were added. The spruce trees and other landscape screening were planted before the meeting. Between September 2014 and 2015, the owners made adjustments to their property as the Building Inspector directed. The stairs were widened to 48 inches, the bathroom stall dividers were installed and accommodate handicapped accessibility, emergency lighting was installed outside, the parking lot was graveled, the area for handicapped parking is designated with signs, and UCC final inspection is/was scheduled for 9-10-2015. The owners had a few family members get married at the retreat center. They have been advertising their retreat center and have 6 bookings for 2016. The owners have had personal parties and weddings at this property, but no commercial weddings have taken place at this time. The property is located in Section 33 in the Town of Martell. The property is in the Primary Agriculture zoning district. The existing conditions are listed 1-12. Staff recommends that the Land Management Committee consider whether established conditions continue to be 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 that no action be taken. Sanden asked since there has been a few events and parties, has there been any complaints received. Emily stated no, not even from Town board members. Sanden asked if the landscaping is doing well and Mellissa

stated yes. Emily added it is very pretty out there, there is a nice orchard with fruit trees, and it looks very nice. **Committee determined that no action was necessary.**

Discuss take action on site plan review for a pavilion for BHH, Inc. (DBA, The Bluffs) in a Commercial zoning District pursuant to section 240-75 on property located on Lot 1 CSM V 2 Page 114. Being part of the NW ¼ of the SE ¼ in Section 35, T25N, R18W, Town of Trenton, Pierce County, WI.

Pat Brookshaw stated they want to obtain a permit to build a pavilion that is 24' x 30' to do some outdoor weddings and service outside.

Staff Report-Emily Lund: The Bluff's Bar & Grill employs 4 full-time and 14 part-time employees year-round and cook a variety of food for different groups, banquets, and events. The applicant is seeking site plan approval for the construction of a new pavilion to allow customers to eat outside. Different groups can reserve the new pavilion for events, like weddings, graduations, birthday parties, etc. Pierce County Code §240-75 states that the purpose of site plan review is to assure site designs which promote compatibility between land uses, create safe and attractive site layouts and structures, provide proper access to streets and transportation, protect property values and contribute to efficient land use in Pierce County. This 2 acre property is located in Section 35 in the Town of Trenton. It is zoned Commercial. The purpose of the district is to provide sufficient space in appropriate locations for certain commercial and other nonresidential uses while affording protection to surrounding properties from excessive noise, traffic, drainage, or other nuisance factors. The driveway access is located on a frontage road (785th St) that connects to US Hwy 63. Adjacent zoning districts are Commercial and Rural Residential-8. The applicant proposes to construct a 24' x 30' pavilion that will be 17.5' tall with a 6/12 hip roof. Lighting is proposed to be installed on the interior ceiling area with 24 Lux LED recessed can lights. The Bluffs have the area screened with some trees along the west property line, to the north, and up towards the bluff. The applicant recently installed 8 ft. tall white vinyl fencing to separate outside seating / pavilion area and the parking/septic system area. Pierce County Code § 240-54 requires a minimum of 1 parking space per 200 square feet of primary floor area. The Bluffs has 14,400 square feet primary floor area and requires a minimum of 72 parking spaces with one for handicapped parking. The plans submitted show 109 parking spaces with two for handicapped parking. In 2011, the applicant hired a plumber to up-grade the septic system from a holding tank to a mound with a pre-treatment unit. All necessary sanitary permits were secured at that time. Pierce County Zoning Code - Attachment 2 regarding Table of Dimensional Requirements show that Commercial zoning districts require a setback distance of 40 from residential districts. This pavilion meets this setback. Upon completion of the site plan review, the applicant will need to obtain a Land Use Permit to enable construction. Galen Seipel, Town of Trenton Building Inspector, stated that because the proposed building is less than 25,000 cubic feet it does not require state plan review and approval or a state inspection. The applicant proposes to begin construction immediately after it is approved and permitted. They anticipate construction being completed in the fall of 2015. Staff recommends that the Land Management Committee review the proposed site plan and determine if any changes or modifications to the plan are necessary. The LMC should consider proposed structures, architectural plans, neighboring uses, use of landscaping and open space, parking areas, driveway location, loading and unloading areas, highway access, traffic generation and circulation, lighting, drainage, water and sewer systems, as well as proposed operations. The LMC may impose time schedules for completion of

buildings, parking areas, open space uses, drainage and erosion control systems and landscaping and may require appropriate sureties to guarantee that requirements will be completed on schedule.

Aubart asked if they plan on finishing this fall. Pat stated they are going to try to. The pavilion shouldn't take much to put up, there is no water or anything out there. The landscaping will consist of tree planting to block off neighbors parking lot, rock, water fall, etc. Sanden asked if they don't specify a completion time, does this site plan approval time out in 12 months. Pichotta confirmed and added that a land use permit is good for one year. **Sanden made a motion to approve the site plan for commercial construction for BHH, Inc./ Aubart seconded. All in favor. Motion carried.**

Discuss take action on review and update of goals, objectives and policies of the Transportation, Utilities & Community Facilities Chapters of the Pierce County Comprehensive Plan.

Staff Report-Ryan Bechel: Transportation: A diversified, well balanced transportation system can have a significant influence on land use, development, and quality of life for county residents. The various modes of transportation in the county include highways, transit, transportation systems for persons with disabilities, bicycles, electric personal assistive mobility devices, walking, railroads, air transportation, trucking, and water transportation. Well-maintained and properly planned transportation systems aid in economic development, support a diverse array of land uses, provide links among community facilities, and facilitate the provision of various public and emergency services. The transportation infrastructure of a county must be developed in recognition of the evolving needs of its residents, local businesses, visitors, and through-traffic. The review of the Pierce County Comprehensive Plan's transportation element will focus on analyzing changes that have occurred since the initial data collection process and determining whether existing goals, objectives and policies are adequate to support the county's transportation vision. The existing Transportation vision is: In the year 2029, Pierce County has a well-connected multimodal transportation system that provides for the safe and efficient movement of people and goods. Daily commuting patterns saw a 4.7% increase in the 2000 census for people who live in Pierce County but work outside of the county, with Minnesota being the number one destination for those workers. Pierce County employers are attracting about 2,500 people into the county, or about a quarter of the Counties work force, St. Croix being the number one county coming into work here. Population growth since 2010 has been relatively stagnant, a little bit of a decline of .1%, but some of that could be in the variability you get in data year-to-year. We are projected to grow about 5.8%, adding about 2,500 people by 2020. We are half way there and haven't added any by this point, so that might be a little over shooting. Commute time has seen about a 2.2 minute increase since the 2000 census data came out. The average worker commutes about 27.3 minutes, that's an 8% increase. The number of people traveling to work in that same time frame actually decreased about 3%. Vehicle miles traveled for Pierce County saw about a 20% increase, about 75 million miles from 2009 to 2013, not a trend that is not matched state or nationwide, as vehicle miles kind of flattened out in 2004 and declined in most other places, but being we are a rural county and everybody drives to work solo for the most part, that's kind of to be expected. 78% of our commuters are solo commuters using car, van or truck. A little bit of an increase since the last census and that increase came from a decrease in car pooling and public transportation. Looking at future road infrastructure improvements, there has been about 3 new miles of public road added since 2009 in Pierce County. There is \$52 million allocated for State and Federal road improvements over the next six years, but was unable to find a budget for County roads. Existing Goals, Objectives & Policies: Goal: Develop and support a safe and well-

maintained transportation network which through its location, capacity and design, will effectively serve existing land uses and meet anticipated transportation demand generated by future development. Objectives: Coordinate transportation planning with land use development by providing a transportation framework with which the proposed land development patterns can be supported. Guide future development to roadways capable of accommodating resulting traffic. Encourage the development of opportunities for making walking and bicycling viable, convenient, and safe transportation choices within the county. Explore opportunities for multi-use trails/routes. Encourage towns to adopt uniform town road standards. Encourage the realization of the cost effectiveness of utilizing the existing road network to accommodate most future development. Policies: Encourage the use of non-automotive modes of transportation. Encourage the development of employment concentrations to areas that will support transit options. Encourage the development of multi-use trail system that links major residential areas to employment centers, public facilities, and recreation areas. When appropriate, encourage the use of utility rights-of-way and any abandoned railroad corridors as part of an open space trail system. Encourage the development of corridors, including those along high-capacity roadways, railroads, and rivers, for uses that benefit by those transportation resources. Encourage the concentration of non-agricultural employment within the high accessibility corridors and within close proximity to support services. Recommendations: The LMC should consider whether changes or additions to the Comprehensive Plan's Goals, Objectives, and Policies are warranted to further the County's Transportation vision.

Ross wanted to make a point that the county gets a number of visitors that come through from multiple different clubs and association. A lot of the reason the area is selected is our roads and scenic beauty, it really draws people in. With the Great River Road, MRT route, Ride Across America, etc., Ross will ask them about their ride through our region. There are two things that most all of them point out: 1) the shoulders are nice and they are ride able. 2) The curtesy of our drivers, including our truck drivers, they always give them room. Sanden feels the Goals, Policies & Objectives are relevant and good. Sanden understands the reality that haven't gone through a great deal of growth and budgets are anything but abundant. But as far as putting some of these objectives into action, like promoting multi-modal transportation, that is a great goal and objective. He was wondering what we would do to perhaps start building bike trails or something like that. He doesn't want to force it and since there are huge head winds against it and we don't have the budget, but just something to think of for 20 years down the road. Should we start maybe some preliminary planning for that day when the population might boom? Sanden doesn't want to push the issue or add anything to this plan, he is just thinking long term. For 20 years down the road, maybe we should be considering some type of network. An example would be Spring Valley. They have their bike trail and maybe linking that up and making that more of a continues thing. Those are just observations for the future. Aubart doesn't think we have to look too far. At the F & P meeting when they presented the Red Wing bridge project there was a lot of discussion about the trail, granted it is an extra cost. It's a trail that would be on the bridge and coming off and dumping into Pierce County. Pichotta stated a lot of the time you can apply for additional funding through the Feds and language like this that is included in the Comprehensive Plan adds credence to your application in that you have identified that as a want and a need for the County. Sanden feels we could add something to the plan that states we would like to pursue funding sources that could promote multimodal trails. Pichotta stated if we were to see a development of mixed uses, we would as staff point out some of the goals, policies and objectives and attempt to further through the approval process. If someone was going to put in an

employment center that perhaps included some residential or something, as part of that, we would want to see them consider some type of multimodal component to assure those folks who live close enough could bike. The reality of it is that some of these may never be used but should there be an opportunity to do so if it's there, we can use it. Aubart added he didn't think of the comprehensive plan during the F & P meeting regarding the Red Wing Bridge when they were discussing it the upkeep and what you want to do with a trail head, etc. The LMC agreed that the existing Goals, Objectives & Policies are adequate at this time. Utilities Community and Facilities. Often referred to as "public works," utilities and community facilities consist of the physical infrastructure that allows a community to function and grow. Utilities include sanitary sewer, storm sewer and water systems, electricity, natural gas, telecommunications, and solid waste disposal systems. Community facilities include municipal offices, parks, schools, police stations, fire stations, and libraries, among other things. The purpose of this section is to provide an updated inventory of utilities and community facilities in each town. During the data collection phase of comprehensive plan development community facilities were assessed and documented for planning purposes in the initial report. The focus of this section will be to review the components of this element that have changed since the initial data collection component was completed, and determining whether existing goals, objectives and policies continue to adequately support the county's Utilities and Community Facilities vision. Utilities & Community Facilities vision is in the year 2029, Pierce County coordinates with municipalities and towns to ensure that residents have convenient access to quality services and facilities. Many lists follow, there are really no highlights to point out. There is the Prescott School project which is a major school that is coming. There are a few small schools left. It has been pretty static with the exception of the private business with health care and clinics, a lot of name changes and that sort of thing. As far as quantity, a slight increase, maybe 1 per category, but overall everything has been maintained relatively static. Existing Goals, Objectives and Policies: Goal: Provide public facilities and services in a healthful, economical manner. Objective: Maintain a level of public utilities and facilities that ensures not only the health, safety, and welfare of the county's population, but also maintains the highest community standards obtainable within adopted budget constraints. Target the provision of public facilities as a prerequisite to urban development. Provide an equitable level of community and human services throughout the county. Ensure an appropriate amount and distribution of land for parks and open space throughout the county, placing special emphasis on preserving and enhancing the natural and scenic environment. Encourage the adequate provision of community facilities, which add to the attractiveness of the county to employers and employees. Continually recognize, identify, and when appropriate, provide for the recreational needs and priorities of residents of the county. Promote quality schools and access to educational opportunities for everyone. Policies: Encourage the establishment of growth areas served by central utility systems, with varying suburban, countryside, and urban densities. Encourage the location of public schools, parks, and libraries in locations that are central to existing and planned developed areas so that automobile driving and the need for schools bus facilities can be minimized. Encourage the development of multi-use trail systems that links major residential areas to employment centers, public facilities, and recreation areas. Coordinate planning efforts with the incorporated municipalities and towns in the provision of facilities and utilities so as to reduce undesirable environmental and fiscal impacts. Continually evaluate opportunities to increase coordination and effectiveness between law enforcement officials, local fire departments and emergency service providers, towns, and local departments on meeting the needs of county residents. Promote effective solid waste disposal and recycling service that

protect the public health, natural environment, and general appearance of land use within the county.

Recommendations: Pierce County's Utilities and Community Facilities have remained largely unchanged since the adoption of the County Comprehensive Plan 5 years ago. The LMC should consider whether changes or additions to the Comprehensive Plan's Goals, Objectives, and Policies to further the County's Utilities and Community Facilities vision are warranted.

Sanden questioned the pre-requisite of "urban development". He couldn't remember why we use that term; high density, industrial? Is it because they would be the ones to require utility infrastructure like sewer lines or high voltage power lines? Pichotta stated yes. If someone wanted to come in and put in a big box development, that may not be something we want sitting out in the hinter-land. That is something that would be more appropriately placed within the contiguous growth areas or somewhere that is served by city sewer and water. Aubart noted some names have changed and some are not listed on the Clinic & Solid Waste list. Pichotta suggested if there were corrections, we might as well do them now. The medical clinic in River Falls is now Vibrant Health. Veolia ES is now Advantage Disposal. Waste Management is not noted on the list. The committee agreed to move forward with updating the name changes/corrections, and leave the Goals, Objectives and Policies as is given that they appear to be adequate as written. No action taken.

Travel Training request for Kevin Etherton to attend a GIS conference in Duluth on October 7th & 8th. It would require travel and two nights in a hotel. Pichotta stated we do get \$1,000 training grant through the Wisconsin Land Information program so this would not be out of general funds. **Aubart made a motion to approve/Sanden second. All in favor. Motion carried.**

Pichotta noted that the only agenda item for the next meeting is the continued review of the Comprehensive Plan and suggested that the LMC not meet. Committee agreed. No meeting for October 7th, 2015.

Sanden made a motion to adjourn at 7:07pm/Aubart second. All in favor. Motion carried.

**LAND MANAGEMENT COMMITTEE
MEETING REVISED AGENDA
Wednesday, September 16, 2015 – 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: October 7 th & 21 st , November 4 th & 18 th , all in 2015.	Chair
3	Approve minutes of the September 2, 2015 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for a conditional use permit for Sludge Disposal in the Agriculture Residential and Rural Residential 8 Districts by David Sauer, Cedar Corporation, agent for Ralston Purina & Nestle Purina Petcare Co, agent on property owned by Roger Dosdall, Amy Dosdall, Sharon Hirdler, Kemmerer FMTR, Bradley Kemmerer, Brian Kemmerer, Jean Ann Kemmerer TR, Stanley & Catherine Kemmerer TR, Troy & Amy Kemmerer, MOAP LLC, Troll King LLC, Holst Farms Inc on property located in the NW ¼ and the W ½ of the SW ¼ of Section 6, the SW ¼ of the SW ¼ and the SE ¼ of Section 7, the W ½ of the NW ¼ of Section 17, the E ½ of Section 18, the SW ¼ of the NE ¼ and the N ½ of the SE ¼ of Section 34 , all in T25N, R18W, and located in the NE ¼, the SE ¼, the SW ¼ and part of the NW ¼ of Section 2, the N ½ of Section 11 and the E ½ of the SE ¼ of Section 12, all in T25N, R19W, all in the Town of Diamond Bluff, Pierce County, WI.	Lund
5	Discuss take action on a status report and potential modification of a conditional use permit for a Retreat Center 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, Town of Martell, Pierce County, WI.	Roy
6	Discuss take action on site plan review for a pavilion for BHH Inc (DBA The Bluffs) in a Commercial Zoning District pursuant to Section 240-75, on property located in Lot 1 CSM vol 2 pg 114 being part of the NW 1/4 of the SE 1/4 of Section 35, T25N, R18W, Town of Trenton, Pierce County, WI.	Lund
7	Discuss take action on review and update to the Goals, Objectives and Policies of the Transportation, Utilities & Community Facilities Chapters of the Pierce County Comprehensive Plan.	Bechel
8	Discuss take action on Travel/Training Requests	Pichotta
9	Future agenda items.	Pichotta
10	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.

(9/3/15)

- **Revised September 8, 2015 at 9:48am.**

PIERCE COUNTY WISCONSIN
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MINUTES - Pierce County Land Management Committee Meeting, September 2, 2015

Present: Jon Aubart, Joe Fetzer, Jeff Holst and Jim Ross

Absent: Eric Sanden

Others: Andy Pichotta, Brad Roy, Emily Lund, Ryan Bechel and Shari Hartung

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

Next meeting dates: September 16th, October 7th & 21st, all in 2015.

Approve Minutes: **Ross moved to approve the August 19, 2015 Land Management Committee minutes/Aubart seconded. All in favor. Passed.**

Public hearing to consider and take action on proposed amendments to Chapter 240 of the Zoning Code, Article VIII, Chapter 240-36, Chapter 240-74, Chapter 240-88, relating to Signs/Lighting. Staff Report – Ryan Bechel: Recent Supreme Court case rulings prompted a staff review of Pierce County’s existing sign code, exposing potential conflicts with First Amendment “free speech” rights. In an effort to conform to established legal precedent, staff has proposed amendments to remove existing “content-based” language. The proposed changes regulate sign construction and permitting requirements in a content-neutral manner based on zoning district; with differing regulations for Residential, Agricultural and Commercial/Light Industrial/Industrial districts. The proposed Sign Code amendments seek to respect the free speech rights of the public, enhance sign language clarity and protect public health and safety. A number of Supreme Court cases, including the June 2015 decision of *Reed v Town of Gilbert*, have established that sign regulation that requires a consideration of a sign’s content to determine how that sign will be regulated is “content-based” and subject to “strict scrutiny,” with the burden of proof to show a “compelling governmental interest” placed on the government unit. Pierce County has historically addressed sign regulation through the use of a content-based sign ordinance. Without the ability to regulate signs based on content, ordinance language was amended to regulate signs in a “content neutral” manner based on zoning district. The number of allowable signs and sign face area regulations in the existing code were carried over into the proposed amendment. Proposed amendments include new standards regulating message duration, transition time and display brightness based on completed government and industry research on the relationship between digital display signs and motorist safety. To improve clarity, language regarding on-premises signs was relocated allowing an unnecessary section to be removed. Temporary sign regulations contained in the existing code have been condensed into an all-encompassing section containing temporary sign requirements. Chapter 240-36 was amended to remove the existing sign regulations based on permitted use. Chapter 240-74 relating to sign permit requirements was amended to reflect relocated standards in the amended Pierce County Code. Chapter 240-88 was amended to remove “content-based” definitions and provide new definitions for digital display signs and temporary signs. **Staff Recommendation:** Staff recommends the Land Management Committee review the proposed amendments and if determined to be appropriate, approve said amendments and forward a recommendation to the Finance and Personnel Committee and the County Board of Supervisors for approval and adoption. **Chairperson Fetzer opened the hearing to the public.** No public comment. **Public hearing closed. Holst moved to approve the proposed amendments to Chapter 240 of the Zoning Code, Article VIII, Chapter 240-36, Chapter 240-74, Chapter 240-88, relating to Signs/Lighting and forward a recommendation to the**

Finance and Personnel Committee and the County Board of Supervisors for approval and adoption/Ross seconded. All in favor. Passed.

Discuss take action on approval of amended Farmland Preservation Map for the Town of River Falls.

Staff Report – Andy Pichotta: The Town of River Falls previously submitted an updated map of lands within the Town that are “suitable for preservation” for inclusion in Pierce County’s Farmland Preservation Plan. This map is referred to in the Plan as the “Farmland Preservation Map for the Town of River Falls.” That map was reviewed and approved by both the LMC and the LCC and a public hearing to consider its adoption scheduled. Prior to the holding of the public hearing, the Town made a number of changes to the proposed map. These changes necessitated that the LMC and LCC again review and approve the map proposed for inclusion in the County’s Farmland Preservation Plan. A new public hearing will also need to be scheduled to consider its adoption once review by the LMC and LCC is complete. In correspondence received from the Town (attached to staff report) it is stated that the latest revisions were necessary, primarily, to correct errors relating to ownership issues and contiguous parcels under common ownership. Criteria that the Town used to generate the proposed map include:

- Land outside the Sewer Service Boundary of the City of River Falls
- Land currently Zoned A-1 Exclusive Agriculture or having a Farmland Preservation Contract
- Parcels of land contiguous common ownership 35 acres or larger
- Land containing 50% or more Productive Farmland based on soil type

This map will be utilized as the basis for the formulation of Farmland Preservation Zoning (formerly referred to as Exclusive Agriculture Zoning) by the Town of River Falls and also used to support the establishment of the proposed Agriculture Enterprise Area being referred to as the “North West Pierce County AEA.” We have in attendance, Jerome Rodewald, Zoning Administrator for the Town of River Falls and he can give a better explanation of the changes from the previous map and the one we currently have. Mr. Rodewald, it was additional work that went into clarifying some errors on the previous map. As Mr. Pichotta stated in the background information, the Town of River Falls Zoning Map is required by State Statute, 91.381G the Town cannot zone land, or take land out of the map that is in front of you, but we cannot add land to it. They went back and compared the two maps, side by side so they knew they had as accurate a map on both sides as they could possible get. They feel this map is as close to 100% as they can see today. Holst asked if Mr. Rodewald could explain why he chose to divide his land in the manner in which you did. Mr. Rodewald stated that his land falls within the plat review area of the City of River Falls. When they went outside the ETZ into the plat review area, he wanted to separate his land so each one of his six children could have a 20 acre parcel. They set it up specifically that way so there were no contiguous parcels; his son and him owning one and his wife and son owning the adjoining parcel. It was pretty easy to pick up the same last name on all of them, even though the parcel lines were there. Holst asked if other people were afforded the same opportunity. Mr. Rodewald stated yes. Holst asked if they were afforded the same information. Mr. Rodewald stated yes. Holst asked if he could tell him the number of acres in his corrected map, the changes from the previous one that we OK’d to this one. Mr. Rodewald stated he is going to defer to Andy on this one, wasn’t it something like 600 in and 300 out or the other way around. It was both ways. Pichotta stated it was both ways. Mr. Rodewald stated this one was 15,917, the other one was 16,240, he doesn’t have it in front of him, about 300 acres difference. Pichotta stated it is 344.6 acres were previously not identified for being suitable for preservation and now are and the converse was 365 were changed from being suitable for preservation to now not being suitable for preservation. Holst stated you were just premature in bringing us this other map to OK. Mr. Rodewald stated possibly it goes back to the work that was done last spring on the AEA. It was the map that was submitted for the AEA. At that point, the Town had not been working as diligently on the zoning map. We had brought them to Andy for his review and at first we had a little confusion with the difference between the zoning map and the farmland preservation map. Andy kept telling him that you have a zoning map not a farmland preservation map. He finally got that through his head; the difference. They started working more diligently on the zoning map and then looked at State Statutes and those two things have to fit like hand in glove. Yes, we were probably premature or the

submission of the AEA was probably premature. Holst asked if they ever had changes in their previous zoning map that didn't go through the rezone process. Mr. Rodewald stated no. Holst asked if they ever did. Mr. Rodewald stated no. Ross stated he wants to be clear, Mr. Holst asked if others were communicating and afforded this same opportunity. How did word get to the other land owners to know? Mr. Rodewald stated there was public notice in the paper when the City of River Falls was considering moving out beyond the ETZ. One point they considered going out three miles which basically took almost all of the township. Then they went back in and went about three-fourths or about a mile outside of the ETZ because they wanted to freeze the subdivision of land that at some point could be annexed to the City. That is one per 35 and it's like Exclusive Ag zoning, but there was public notice and people could react to it.

Staff Recommendation: Staff recommends the Land Management Committee approve the amended map submitted by the Town of River Falls and direct staff to schedule a public hearing to consider adoption of the amended map as part of the County's Comprehensive Plan/Farmland Preservation Plan. **Aubart moved to approve the amended Farmland Preservation Map for the Town of River Falls and schedule a public hearing for adoption of amended map as part of the County's Comprehensive Plan/Holst seconded. All in favor. Passed.**

Discuss take action on a request for a rule exception from the required lot width at the building setback line established in Chapter 237-26F for a 1-Lot Minor Certified Survey Map (CSM) for Chris and Dianna Kusilek, owners on property located in the NW ¼ of the SW ¼ of Section 3, T27N, R19W, Town of Clifton, Pierce County, WI. Chairperson Fetzer invited Mr. Kusilek forward: Mr. Kusilek explained quite a few years ago he lot-ed it off. They didn't do the certified survey map or record it. He did a perk test and left 66 feet. He didn't even realize that it changed until he contacted S&N to do the Certified Survey Map and he said it had changed.

Staff Report – Emily Lund: The applicants are requesting a rule exception to required 100 foot lot width at the building setback line on a 1-Lot Certified Survey Map (CSM) pursuant to Chapter 237-26G (Subdivision Code). The applicants subdivided Lot 1 CSM V5 P4 (5.00 acres) in 1994 and Lot 2 CSM V5 P20 (5.91 acres) in 1995 from a 40 acre parcel. They planned to create a proposed Lot 3 for their daughter (shown on the attachment) using a strip of land between Lot 1 & 2 for access to additional land they own located to the east. In 1998 the Pierce County Subdivision Code was changed to require that newly created lots be 100 ft wide at the building setback line (per 237-26G). The applicants have proposed to access proposed Lot 3 via a 66 ft wide strip of land situated between the two existing lots. As the proposed Lot 3 would not widen to the required 100 ft at the building setback line, the applicants are requesting an exception to that subdivision requirement. The property is located in Section 3, Town of Clifton. Pierce County Code (PCC) Subdivision of Land § 237-26F states, "There shall be a building setback line on each lot of 75 feet from the road centerline unless a greater building setback is required by Pierce County Zoning Ordinance." Pierce County Code (PCC) Subdivision of Land §237-26G states, "Lot width at the building setback line and at the building construction line shall be 100 ft. Given that the proposed CSM is less than 100 ft wide at the building setback line (or 75 ft from the centerline of 1090th Street) the CSM cannot be approved and recorded unless a rule exception is granted by the LMC. Pierce County Code 237 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.

In your folders, you have a copy of the purpose and intent of the code.

- B. A majority vote of the entire membership of the Land Management Committee shall be required to grant any rule exception to these regulations and any rule exception thus granted shall be entered into the minutes of the Committee setting forth the reasons which, in the judgment of the Committee, justified the rule exception."

Staff Recommendation: Staff recommends the Land Management Committee determine whether or not this situation warrants a rule exception.

Chairperson Fetzner asked how many acres was the total before splitting some off, was it a full 40? Mr. Kusilek stated yes, he believes it was a full 40 acre. Holst stated your family also owns the land directly to the south of this parcel, how wide is that? Mr. Kusilek stated yes, there's 50 acres there. Holst stated the steepness of the hill and the topography is the same if whether you come in from the south or off the 66 feet. Mr. Kusilek stated from the south he couldn't get up there. He put the driveway up there 20 some years ago. Holst stated on the gradient lines, it looks about the same. You have 20 foot gradients here and they both start at about 940 and end up at 1060 roughly. Mr. Kusilek but the distance to the bottom would be too steep. The point of that hill is straight up and down. Holst asked what the slope is going to be. Mr. Kusilek stated right now it's between 11 & 12%, it varies. Holst stated. young lady, do you know that building on that hill you are going to have a hell of a time getting up and down that. Did your dad explain that to you? He isn't always going to be around to plow your road for free. There are going to be expenses along the way that you are going to incur for building up there.

Aubart moved to approve the rule exception from the required lot width at the building setback line established in Chapter 237-26F for a 1-Lot Minor Certified Survey Map (CSM) for Chris and Dianna Kusilek based on information presented and due to the fact this will not have the effect of nullifying the intent and purpose of this chapter/Holst seconded. All in favor. Passed.

Discuss take action on a request for a Height Exemption, pursuant to Chapter 240-29D, for Verizon Wireless on 2 proposed wireless communication service facilities located in the SE ¼ of the SE ¼ of Section 5, T25N, R16W, Town of Salem and the SE ¼ of the SW ¼ of Section 14, T27N, R17W, Town of Martell, Pierce County, WI. Staff Report – Ryan Bechel: Verizon Wireless is seeking height exemptions pursuant to Pierce County Code §240-29D to construct two new Wireless Communication Service Facilities (WCSF) exceeding 35' in height in the towns of Salem and Martell. The complete project proposals include erecting self-support wireless communication towers, constructing prefabricated equipment shelters and installing supporting equipment to improve service in the area. Newly adopted code amendments removed Conditional Use Permit requirements for Wireless Communication Service Facilities. Wireless Communication Service Facilities are now permitted administratively through a Land Use Permit. The newly adopted code requires towers to comply with the height requirements of other commercial structures per PCC §240-29. Verizon Wireless is proposing two towers greater than 35 feet. PCC §240-29A states: Height limitation: Except as provided in Subsections B and C, no building, structure or sign shall exceed 35 feet in height above the grade elevation. PCC §240-29D states: Industrial and commercial structure heights may be granted exemptions by the Land Management Committee, provided that all required setback and yards are increased by not less than one foot for each foot the structure exceeds 35 feet. PCC §240-41C(3)(d) states, WCSF Support Structures shall comply with the height requirements of §240-29D. PCC §240-41C(3)(d)(1) states, If engineering certification reveals that the WCSF support structure or an existing structure is designed to collapse within a smaller area than the requirements of 240-29D , the certified fall zone shall be applied to the setback requirements of 240-29D. Each of the proposed towers will have engineered certification that the towers will collapse within 50% of its height. PCC §240-27A addresses state and federal highway setbacks. PCC §240-27A states: State and federal highways, Except as provided in Subsections E & F, the required setback for all structures fronting state and federal highways shall be 110 feet from the centerline of the road or 77 feet from the edge of the right-of-way, whichever is greater. PCC §240-27C addresses town road setbacks. PCC §240-27C states: Town highways, Except as provided in Subsection E, the required setback for all structures fronting on all town highways shall be 75 feet from the centerline of the road or 42 feet from the edge of the right-of-way, whichever is greater. PCC §240-88 defines:
FALL ZONE – the area over which a support structure is designed to collapse.
SUPPORT STRUCTURE – an existing or new structure that supports or can support a mobile service facility, including a mobile service support structure, utility pole, water tower, building or other structure.
YARD – A required area on a lot, unoccupied by buildings and open to the sky, extending along a lot line to a specified depth or width.

YARD, REAR – A yard extending along an entire rear lot line from the rear lot line to the depth or width as specified in the yard requirements for the applicable district.

YARD, SIDE – A yard extending along an entire side lot line from the side lot line to the depth or width specified in the yard requirements for the applicable district.

The proposed Rush River WCSF is located in the Town of Salem. The property is zoned General Rural. PCC §240-23 requires 10 foot side and rear yards in this zoning district. Access to the Rush River site is off of 370th Ave. The site to be leased by Verizon Wireless is currently agricultural land owned by the David Gilles Trust. The neighboring properties to the north, east and south are agricultural land. There are two residences located on the properties west of the proposed tower location. The proposed structure is a self-support tower with an overall height of 259 feet. The applicant intends to submit engineering certifications with a proposed certified fall zone of 129.5 feet, making the right-of-way setback 136.5 feet and the side and rear yard setbacks 104.5 feet. In its proposed location, the tower is 152'2" from the 370th Ave right-of-way and 231' from the nearest side or rear property line. The proposed Martell WCSF is located in the Town of Martell. The property is zoned Primary Agriculture. PCC §240-23 requires 10 foot side and rear yards in this zoning district. The neighboring properties to the north, east and south are agricultural land. A dairy farm is located to the west. Access to the Martell site is off of 780th Ave. The site to be leased by Verizon Wireless is currently Ag land owned by Wiff Farms Inc. The proposed structure is a self-support tower with an overall height of 259 feet. The applicant intends to submit engineering certifications with a proposed certified fall zone of 129.5 feet, making the right-of-way setback 136.5 feet from the town road, 171.5 feet from State Hwy 63 and 104.5 feet from side and rear yard lines. In its proposed location, the tower is 144'7" from the 780th Ave right-of-way, 669'2" from State Hwy 63 and greater than 400 feet from the nearest side or rear property line. Staff visited both tower sites and observed no structures located within the 259 foot fall zones of either proposed tower location. If no engineering certification is submitted, both towers will be required to be setback 266 feet from town road right-of-ways, 301 feet from state or federal right-of-ways and 234 feet from side and rear yard property lines. Staff will verify appropriate setbacks prior to issuing a Land Use Permit for the structures.

Staff Recommendation: Staff recommends the LMC review the proposed WCSF height exemptions and determine, if any changes or modifications are necessary. If none, staff recommends the LMC grant approval of height exemptions.

Chairperson Fetzer asked how long before the engineering certification will be submitted. Roy stated we did receive those in the mail. Holst asked if they were for these structures. Roy stated yes. **Ross moved to approve the Height Exemption, pursuant to Chapter 240-29D, for Verizon Wireless on two proposed wireless communication service facilities/Holst seconded. All in favor. Passed.**

Discuss take action on draft Pierce County Outdoor Recreation Plan 2015 – 2019. Staff Report – Andy Pichotta: The Mississippi River Regional Planning Commission (MRRPC) has updated Pierce County's Outdoor Recreation Plan and has submitted a final draft plan for review and approval. The purpose of the plan is to provide information to help develop and improve the County's recreation resources and to make the County and other participating local governments eligible for WDNR grants. The plan lists the County's "goals and actions" to improve the recreational opportunities in the county, which are listed on pages 45 – 46. These were developed by the Parks Committee on July 24, 2014 and the Land Management Committee on September 17, 2014. The draft plan is enclosed for your review. Staff is still working with the Towns of Clifton and River Falls for inclusion in the plan. Town plans will be finalized prior to a public hearing.

Staff Recommendation: The LMC should review the plan to determine if any changes or additions are necessary and direct staff to schedule a public hearing to consider its adoption.

Pichotta stated as you look through it, you will see that it is largely the same. We have been doing these every four years since he has been there. What changes typically are the County's priorities which are listed on page 45 – 46. Also the inclusion of Town and Municipal plans as appendices and the reason a Town would submit a plan is that it enables them to access grant dollars that they wouldn't otherwise be eligible for. Holst stated it looks fine. The townships will have to tie in and we will be ready to go. Pichotta asked if it was committee consensus and staff will schedule a public hearing. Committee agreed.

Discuss take action on proposed 2016 Land Management Department Budget. Staff Report – Andy

Pichotta: You should have in your packets a number of sheets. They look a bit different than you're used to seeing. Given that they are a bit different, he is going to give a bit more information in the narrative than he typically does. He will go through the sheets and give you the cliff notes version of each budget. Basically the table on the front page summarizes the 2015 Budget and the proposed 2016 Budget. You will see there is an overall change that is proposed to be a 4.4% less than in 2015. In 2015, our budget was \$805,384.00. For 2016 it is proposed to be \$771,254.00. The Planning Budget is basically consistent from the prior year. There are some cost reductions for lower health insurance costs due to employee plan changes. He has proposed to increase the supplies line item from \$2850 to \$7850 to enable the purchase of a quality hand-held GPS. Our current equipment is not compatible with the County's current operating system and is nearing obsolescence. Basically we use the hand-held GPS to identify the locations of sanitary systems and also to identify the open acreage associated with nonmetallic mines as part of the nonmetallic mining reclamation program. The Zoning Budget: This is also largely consistent with some reduction. He has proposed an increase in the training budget for zoning personnel from \$2000 to \$3000. As you recall, we had \$25,000.00 budgeted last year to replace the Jeep which we have done. We bought the 2014 GMC Terrain. He has proposed to increase that to \$30,000.00 to enable us to purchase a pick-up truck. He believes we can purchase one for about \$28,000.00. He doesn't think we can get one for \$25,000.00.

GIS Budget: This budget saw a fairly substantial reduction in health insurance costs. A slight reduction in training funds is proposed due to an increase in training funds available through the Wisconsin Land Information Program. Basically they used to give us \$300.00 from the Land Information Program, they increased it to \$1,000.00. So he has decreased that in that line item.

Surveyor Budget: This budget is largely the same as last year with only a minor increase in personnel costs. This increase was offset by a decrease in the amount budgeted for gasoline. Unless we see a real serious spike in gas prices, he didn't anticipate that we would spend \$5,000.00 in a year on gasoline.

Land Records Modernization Fund and Grant: Each county participating in Wisconsin's Land Information Program retains a portion of the fees associated with the recording of documents in the Register of Deeds Office. These fees are placed into a Land Records Modernization Fund and are to be utilized to implement the County's Land Records Modernization Fund. Retained fees, when combined with available grant dollars typically result in \$100,000 being available each year for implementation of a county's Land Records Plan. The Land Records Fund currently has an unencumbered balance in excess of 30K. The Land Information Council met on August 19th and recommended the following expenditures in 2016:

\$41,504 Pictometry (LiDAR, 6" Orthoimagery, 9" Oblique's)

We are going to pay for that in two more payments. We paid about \$90,000.00 earlier this year. We are going to make another payment of \$41,500.00 in 2016 and a final payment of \$41,504.00 in 2017.

We are a little behind in COGOing parcels, just because of a communication error with ProWest. So we need to spend about \$32,000.00 to COGO parcels all of Oak Grove and half of Clifton.

\$32,000 COGO Parcels (All of Oak Grove, 1/2 of Clifton)

Pictometry has partnered with Houston Engineering so we need to do some value added things, digital elevation model creation and quality control report to ensure that our two foot contours are accepted by FEMA which will give us much better flood insurance rate maps.

\$ 9,370 Houston Engineering (LiDAR DEM Creation/QC Report)

\$ 3,000 Parcels Updates/Changes

\$ 3,500 GIS maintenance

\$ 2,800 LINK (ProWest) Maintenance Annual

\$ 3,600 ArcGIS Licenses

\$ 7,493 Fujitsu FI-6670 Flatbed Scanner for ROD Office

\$ 3,000 Tax Information Module on Website, this is something that the ROD office has requested.

\$ 500 Configure Receipt Printers

Revenues: Revenues include land use permit fees, public hearing fees, sanitary and soil test review fees, GIS fees, CSM and plat review fees, Wisconsin Fund, etc. Revenue is expected to remain consistent with 2015 levels. Staff has noted that, in the last few years at least, when land use permit revenue is up, a reduction in the revenue generated by public hearings is experienced and vice versa. Given this staff is anticipating revenues in 2016 to be very similar to 2015. That is the cliff notes version of the budget. The first page is the County Surveyor, the first column deals with personnel costs and the bottom of the page deals with operating totals. As you will see the operating is largely consistent with those changes that he noted early on. It should be noted that overall, out of the entire budget, about 4½ % is operating versus personnel. We are fairly tight on that. He asked if the committee would like him to go through each page. Ross asked on page 3, line 21, we show nothing for publishing legal notices. Pichotta stated over the course of the years, rather than have repetitive line items in publishing legal notices in the Planning budget and publishing legal notices in the Zoning budget. He just put them all in one. Ross stated it's a job well done. Pichotta asked if the committee was comfortable with the budget and also noted that they should review the two pages at the end of the report. They are the three-year budget and staffing summary. This is where, if we were going to pursue new staff, we would make that known. He is anticipating 8 ½ live bodies indefinitely. As far as capital improvements, he just anticipates the \$30,000.00 for a new pick-up truck in 2016, nothing in 2017 or 2018. Capital Improvements, he has listed the three vehicles that the department does have, proposing to replace the 2002 Ford F150 in 2016. We have the 2014 F150 that is the Surveyor vehicle and the 2014 GMC Terrain. He doesn't anticipate replacing those for a decade. Chairperson Fetzer asked how many miles are typically put on vehicles a year. Pichotta stated 8,000 or 9,000. It might be more than that; it depends on which one gets primarily used. For example, the Jeep which was recently sold had about a 120,000 miles on it but it was essentially the backup vehicle for the last four or five years. **Aubart moved to approve the 2016 Land Management Department Budget as presented/Ross seconded. All in favor. Passed.** Chairperson Fetzer stated it is impressive how Andy keeps coming in with his budget at or below. It doesn't always work like that.

Discuss take action on Travel/Training Requests. Pichotta stated he has two travel/training requests, for Ryan and Emily to attend the WCZA District Meeting at the Polk County Courthouse on September 10, 2015. It will be just travel costs, leaving at 8:00am and returning at 4:00pm. **Aubart moved to approve the travel/training request for Ryan Bechel and Emily Lund to the WCZA District Meeting on September 10, 2015/Ross seconded. All in favor. Passed.**

Departmental Update and Future Agenda Items

Public hearing to consider a CUP for Sludge Disposal in the Town of Diamond Bluff.

Status report and potential modification for a CUP for a Retreat Center for Melissa Deyo and Donald Dufek in the Town of Martell. This is the wedding barn, coming back after the summer wedding season. Roy stated they had problems getting all their inspections passed so he doesn't know if they have yet to have a wedding out there other than their own. He talked to them on the phone and they have passed their final inspection.

Discuss take action for site plan review for BHH Inc (the Bluff's) in the Commercial Zoning District in the Town of Trenton.

Discuss take action on the review and update of the Goals, Objectives and Policies of the Transportation, Utility and Community Facilities Chapter of the Comprehensive Plan.

Motion to adjourn at 6:55pm by Holst/Ross seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, September 2, 2015 – 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: September 16 th , October 7 th & 21 st , all in 2015.	Chair
3	Approve minutes of the August 19, 2015 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on proposed amendments to Chapter 240 of the Zoning Code, Article VIII, Chapter 240-36, Chapter 240-74, Chapter 240-88, relating to Signs/Lighting.	Bechel
5	Discuss take action on approval of amended Farmland Preservation Map for the Town of River Falls.	Pichotta
6	Discuss take action on a request for a rule exception from the required lot width at the building setback line established in Chapter 237-26(F) for a 1-Lot Minor Certified Survey Map (CSM) for Chris and Dianna Kusilek, owners on property located in the NW ¼ of the SW ¼ of Section 3, T27N, R19W, Town of Clifton, Pierce County, WI.	Lund
7	Discuss take action on a request for a Height Exemption, pursuant to Chapter 240-29D, for Verizon Wireless on 2 proposed wireless communication service facilities located in the SE ¼ of the SE ¼ of Section 5, T25N, R16W, Town of Salem and the SE ¼ of the SW ¼ of Section 14, T27N, R17W, Town of Martell, Pierce County, WI.	Bechel
8	Discuss take action on draft Pierce County Outdoor Recreation Plan 2015-2019.	Roy
9	Discuss take action on proposed 2016 Land Management Department Budget.	Pichotta
10	Discuss take action on Travel/Training Requests	Pichotta
11	Future agenda items.	Pichotta
12	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.

(8/21/15)

PIERCE COUNTY WISCONSIN
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MINUTES - Pierce County Land Management Committee Meeting, August 19, 2015

Present: Jon Aubart, Joe Fetzer, Jeff Holst, Jim Ross and Eric Sanden

Others: Andy Pichotta, Ryan Bechel and Shari Hartung

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

Next meeting dates: September 2nd & 16th, October 7th & 21st, all in 2015.

Approve Minutes: **Holst moved to approve the August 5, 2015 Land Management Committee minutes/Ross seconded. All in favor. Passed.**

Chairperson Fetzer stated Agenda #4, public hearing on adoption of an updated map for farmland preservation areas in the Town of River Falls has been stricken from the agenda. Pichotta stated that the Town of River Falls some time ago presented a map of land suitable for preservation within the Town on which the committee took action and directed staff to schedule a public hearing to consider its adoption. In the meantime, the Town of River Falls looked at the map and decided to make some changes to it. We will be putting the issue back on the next agenda as a discuss take action item for the committee to re-review it with the changes. At that point he anticipates we will move forward and schedule another public hearing. Chairperson Fetzer stated it will be a discuss take action, not a public hearing. Sanden asked if there will be a public hearing following that. Pichotta stated yes, once the committee is comfortable with the rational associated with its development and you direct staff to schedule another public hearing. Pichotta noted that this is a Class I public hearing notice with only one publication at least 30 days prior to the holding of the public hearing. Ross asked if it would need to go back before Land Conservation in any capacity. Pichotta stated that yes it would also need to go to Land Conservation Committee. We also took action to support the establishment of an ag enterprise area, given that that map will also change, we will have to also retake action on that. We have taken a bit of a step backwards.

Discuss take action on review and update of Goals, Objectives and Policies of the Agricultural, Natural and Cultural Resources chapter of the Comprehensive Plan. Pichotta: It's been five years since we adopted our Comprehensive Plan and we will be using the Land Management Committee as the sounding board to look at the Goals, Objectives and Policies of each of nine different elements. Trying to bite off different size chunks to do it over the course of the next 4, 5 or 6 months, it may be that 80% – 85% of this isn't going to need much tweaking because he thinks the Goals, Objectives & Policies were well thought out in the first place. A lot of the change that we will see will probably be in the implementation side of things. We will probably need to redefine our relationship with the Towns given our recent court cases and those sorts of things. Basically, defining how the County Comprehensive Plan will interact with Town Comprehensive Plans. It doesn't mean we shouldn't go through all of the other elements and review the existing Goals, Objectives and Policies and see if some things could be either worded better or perhaps there should be some additional statements that should be added.

Staff Report – Ryan Bechel: Starting with the vision for the Agricultural, Natural and Cultural Resources: In the year 2029, throughout Pierce County, natural areas, farmland and open spaces enhance recreational opportunities for residents and provide habitat for wildlife. Woodlands, wetlands, agricultural lands, rivers and

streams remain the landscape features in the county. What we did was try to dive back into the data that was collected in 2009, in the initial draft of this plan and see what we could observe for relevant changes. Looking at the data for the Agricultural Resources first, we found that USGS data showed about a .1% decrease in lands in pasture and cultivated crops from 2006 to 2011, equivalent to about 240 acres. So remaining relatively constant in the amount of ag land. One thing that was significant was the increase in land prices. We saw about a 28% increase to just below \$4500.00 an acre from 2009 to 2014. That was reflected statewide, about 22%, so a little higher in Pierce County. A trend that hasn't been seen in a couple decades that we saw from some US data was the trend of ag land prices surpassing that of development prices. Saw about a 22% increase in ag land prices from 2009 to 2013 versus just an 18% increase for lands being diverted for other uses. A reemerging issue that was recently discussed by County Officials and USDA Officials was the reemerging of soil erosion as an issue affecting prime agricultural soils in the County. We saw about a 13% increase of the topsoil lost per acre in the last 5 to 7 years. The existing Goals, Objectives and Policies for Agricultural Resources are as follows:

Goal: Maintain the operational efficiency, viability and productivity of the County's agricultural areas for current and future generations.

Objectives: To support land use practices that reduce potential conflicts between agriculture and other land uses. Strive to reduce the conversion of productive farmland to non-agricultural development.

Encourage towns to recognize their responsibility in ensuring the future viability of agriculture in their town, such as the identification of agriculture clusters and farmland preservation programs.

Preserve natural resources, including productive farmland, woodlands, open water, wetlands and other features in their natural condition, consistent with town plans.

Policies: Encourage greater use of density transfer mechanism.

Discourage residential subdivision development on agricultural land.

Encourage uses such as agri-business/agri-tourism which retain the agricultural productivity and viability of the land while allowing for nontraditional uses.

Staff Recommendation: Staff recommends the Land Management Committee consider whether changes or additions to the Comprehensive Plan's Goals, Objective and Policies to further the County's Agricultural Resources vision are warranted.

Given the data observed it may be warranted to include an additional objective and policy to address issues concerning the loss of prime agricultural soils. Staff suggests the LMC consider the addition of the following objective and policy statements:

Objective: Promote the preservation of prime agricultural lands and maintenance of the health and productivity of agricultural soils.

Policy: Encourage landowners to adopt modern crop production methods and to utilize Best Management Practices that preserve agricultural soils.

Pichotta noted if you recall that throughout the Comp Plan, they used the phrase encourage and discourage a lot. Just because the County Plan discourages a particular activity doesn't mean its not allowed, if a Town takes an action that is supported by their Comprehensive Plan that is not consistent with the county plan doesn't mean we don't allow it. It just means that it's not the preferred thing that we would like to see. One of the things we had talked about though the development of the comp plan is that we would strive to create incentives or disincentives for activities that we wanted to encourage versus those that we wanted to discourage. Some of those things might have been reduced fees for the things that we wanted to encourage and perhaps fees that reflect the full costs of providing a given service for things that we want to discourage. We had some discussion about potentially doing just that a couple years back when we took a look at our fee structure and at that point the committee wasn't comfortable, given the state of the economy, in necessarily doing anything too creative with our fee structure. One of the things we will be discussing at an upcoming meeting is how do we encourage behaviors we want to see and discourage those we don't want to see. As we go through all of this please keep that in the back of your mind; strategies that we might use; things that would be ultimately palatable to everyone. Any thoughts on the suggested objectives and policies. Does that seem like something you would like to include? Holst stated modern crop production methods seem to be what are causing erosion in the County. It's his opinion, they went from a three-crop rotation to a two-crop rotation and some of the more progressive

people, in their mind are busy rolling and some of them are just rolling soybeans. They started with small grains, went to soybeans, they liked it so well, they went to corn. They are still tilling and rolling, in his mind the custom sprayers and even the farm sprayers have forgotten what a waterway is. The soil husbandry skills have moved us back where we were in 1957. Chairperson Fetzer stated we are losing more topsoil. Sanden asked if by rolling he means cultipacking. Holst stated no, not a cultipacker, the big rollers. Sanden stated he has heard the same thing from one of his students, an intern at the NRCS and they were complaining about that very thing that the rollers are having trouble with the soil structure. It's been noticeable. Holst stated it used to be when Jon and he were kids, they got off their butts and picked rocks, now nobody picks them up, they roll them down and it works really good for that year. But they keep coming up and as a rock control method they work really well. As helping hold your soil, they don't. Chairperson Fetzer stated it basically just gets everything to an ash on top. It busts up all the lumps. Sanden asked if they should change the word modern to optimal. Pichotta suggested Encourage landowners to adopt crop production methods that promote soil conservation and utilize Best Management Practices that preserve agricultural soils. Chairperson Fetzer stated they hire all their spraying done and that seemed to be something that they really forgot. They had to start getting on them to leave the water runs. Holst said that he had GPS'd his water runs and put his chip in their machine this year and he has never seen anybody quite as pissed off at him as the custom applicators. That being said, someone will offer that service. That is the way that they have to go. I can control their sprayer from where I am off fishing someplace. Sanden asked if they are talking about grass waterways. Holst and Chairperson Fetzer stated yes. Holst stated that is the kind of thing we have to look at and how we promote that pretty much goes back to the individual farmer and what they want to do. Some of us adopted it and embraced it and other people when Land Conservation has gone out and talked to them, have pretty much run them off the place. Chairperson Fetzer stated a couple years ago they got flagged for some erosion problems in a field. It was one of those springs where you just got stuff planted and you'd get a gully washer. Some years, you can't do anything. We went from years ago doing everything no-till, now we have to inject all of our manure. So you do the best you can. We are planting rye in the fall on our chopped ground. They are chopping so much now. But you try to do everything just to maintain "T" on everything. Holst stated not everyone has that attitude. There are operations that would just as soon maximize their yield potential today and not care whatever the cost. There is no financial incentive to make them not be that way. Ross asked if there is a more prevalent problem with those that rent their land, absentee land lords? Chairperson Fetzer stated he wouldn't say that. Holst stated they will do it to their own land as quick as they will do it to someone else's. Pichotta noted that the reality is that through Land Management we are not necessarily going to have a mechanism to necessarily achieve this. It will mostly lend support to the activities of Land Conservation. Holst stated the verbiage that you have come up with sounds good. Sanden asked if wood lots are included with the umbrella of the agriculture. Pichotta stated he thinks they would be. Certainly a natural resource, the next section for sure. Sanden asked if we are treating production wood lots that are managed as production acreage, do we count that as under the agricultural section or the natural resource section? Pichotta stated he feels it could be addressed under both or either given that trees are just another crop; they just take a little longer. With that we move into Natural Resources. Bechel, data from Natural Resources, he took a look at the endangered and threatened species list for the WI DNR just to see if there was any changes; the one notable change of conditions of multiple bat species. That has happened across the country. That is mostly a fungus that is affecting the bats and not loss of habitat associated with just Pierce County. Holst asked about Wild Parsnip and stated a lot of it seems to be a lot more prevalent and expanding annually. We have to not cut the road ditches until after July 4th for nesting blackbirds. In the meantime, we have allowed this invasive species to run rampant. I know this is probably just a sounding board and there isn't anything we can do about it. Sanden stated speaking of the ditch mowing, a lot of times it is spreading that Wild Parsnip. They are mowing the ditches right after it goes to seed. Holst stated they are mowing too late, if they would mow it earlier, before it goes to seed. Then it wouldn't spread. We are promoting it. Maybe mowing isn't the answer anymore. We go back to herbicides and just kill it off or selectively kill it. Use something that will kill the broadleaf and not the grass. Bechel stated looking at water use data, we saw a 12% increase in groundwater use from 2005 to 2010, that is per USGS data. It also had a 42% increase in surface water usage. Holst asked how they arrived at that figure; it seems kind of high. Bechel stated

we dug into that to try to figure out what was going on there and it looked like that 42% increase is coming from surface water use from mining activities. Holst asked if that was recycled water. He thinks they are way off base there. Pichotta stated we have struggled with that too and couldn't figure out where that would come from because most water that is used in mining is coming out of high cap wells. Holst stated and then it is recycled. Pichotta stated so it's not surface water and you can't just divert a trout stream. We were confused by that number also. Bechel stated other things of note: there were three waters removed from the Impaired Waters list since 2008. Morgan Coulee Creek was the only named one. They were removed for no longer being impaired with sediment loads. Holst stated he grew up there and there never was a creek there anyway. It could have been removed 60 years ago. Pichotta noted that there are multiple Morgan Coulees. Holst stated yes, but which one did they take off. Pichotta stated we aren't sure. Bechel stated Lake Pepin is supposed to be put on and that would be for phosphorus load. Existing Goals, Objectives and Policies concerning Natural Resources are:

Goals: Use the County's land resources in a manner sensitive to environmental limitations.

Promote stewardship of the County's land and water resources.

Objectives: Protect natural drainage areas, flood plains and wetlands to avoid costly storm water projects.

Prevent the disruption of the natural environment by ensuring that land developments and other activities are sensitive to the character and limitations of the natural environment.

Encourage the preservation of areas of significant forested lands, wetlands, wildlife habitat corridors and areas, bluffs, springs, groundwater recharge areas, and other lands of geological or physical significance for use and enjoyment by wildlife and humans and for the balance they contribute to the Pierce County ecology.

Encourage land use practices that minimize environmental pollution.

Policy: Encourage the preservation of open space and protection of natural resources before, during and after development of land uses.

Encourage preservation of woodlands, conservation areas and open spaces close to developed areas to protect the natural environment so that the effects of urbanization and the loss of the character of the area can be minimized.

Encourage the linking of open spaces and natural resource areas of significance to increase the usefulness and accessibility of individual open spaces, (i.e. discourage fragmentation).

Plan for the reclamation of mining areas.

We don't have any additions to suggest to the existing Goals, Objectives and Policies. Pichotta stated he has come up with one suggestion as we have talked here: Discourage land use practices that spread invasive plant species. Sanden asked Pichotta if the Protect all drainage areas, does that include all surface waters, rivers and lakes. Pichotta stated yes. Sanden stated he only brings it up because whenever they do polls of the public, they are always talking about preserving the water quality. Pichotta again noted that our ability to impact some of these things is not going to be great. However, if funding opportunities should come up for Land Conservation to pursue a grant to do a certain thing and we have language in our Comprehensive Plan that supports, it adds credence to their application. So there is a value to having these things in place. Sanden stated also to the public so they know that we value what they have voiced as a concern. Pichotta stated moving onto Cultural Resources. Bechel asked if there is a noxious weed program in the County that has existed. Ross stated through the DNR. Holst stated the Town Chair has a list of Canadian Thistle, about three or four. He thinks our worst threat today is this Wild Parsnip. Jerome Rodewald noted that Japanese Knot Weed is terrible stuff. Holst stated they had a little bit of that but they mowed it and sprayed it with 2, 4-D a few times and it kind of went away. He stated usually all that stuff seems to come alongside a road. Sanden stated you have to be careful with Knot Weed because it actually spreads by moving parts of the plant so if you mow it, just make sure you aren't dragging it someplace else. That's how it spreads. Holst stated they just kept grinding in a little circle. Bechel stated the last section is Cultural Resources, not a lot of changes.

Goals: Maintain, preserve and enhance the cultural, historical and archeological resources of Pierce County.

Objectives: Increase awareness of the culture, history and archeology upon which Pierce County is built.

Foster tourism that promotes the natural resource base and the unique cultural, historical and archeological heritage of the county.

Policy: Encourage the preservation and enhancement of cultural, historical and archeological sites and structures within urbanized communities and utilize cultural, historical and archeological resources in the revitalization of the communities.

Encourage the preservation and enhancement of places of cultural, historical and archeological significance in historic or cultural preservation sites, consistent with town plans.

Encourage the development of cultural, historical and archeological sites for passive recreation, education and tourism.

Unless you came up with something, we don't have any recommendations as far as additions to those existing goals, objectives and policies. Pichotta stated he has no suggestions. Chairperson Fetzer asked if anyone has anything to offer. Pichotta asked if the committee is comfortable with this approach, working through chapter by chapter. Committee consensus was to continue with the current approach. When we have short chapters, we will take a couple at a time, moving along as quickly as we can. Some will be a bit more involved when we start talking about mechanisms for interaction with other municipalities. **Holst moved to approve the Agricultural, Natural and Cultural Resources section of the Comprehensive Plan as presented with changes/Ross seconded. All in favor. Passed.**

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

Departmental Update and Future Agenda Items

Discuss take action of the approval of the amended Farmland Preservation Map for the Town of River Falls, please note the amended map that they would like you to consider is in your folders.

Discuss take action on a request for a rule exception for Chris Kusilek in the Town of Clifton

Discuss take action on another chapter of the Comp Plan; Transportation, Utilities and Community Facilities

We may have a request for a height exemption on a cellphone tower. That is now the mechanism through which we allow folks to go above 35 feet for a commercial structure.

Discuss take action on the proposed Pierce County Outdoor Recreation Plan

Discuss take action on proposed 2016 Budget

Motion to adjourn at 6:31pm by Aubart/Ross seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, August 19, 2015 – 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: September 2 nd & 16 th , October 7 th & 21 st , all in 2015.	Chair
3	Approve minutes of the August 5, 2015 Land Management Committee meeting.	Chair
4	Public hearing to consider the adoption of an updated map of farmland preservation areas in the Town of River Falls as part of the Pierce County Farmland Preservation Plan and to amend the Pierce County Comprehensive Plan to include said map.	Pichotta
5	Discuss take action to review and update the Goals, Objectives and Policies of the Agricultural, Natural and Cultural Resources chapter of the Comprehensive Plan.	Bechel/Pichotta
6	Discuss take action on Travel/Training Requests	Pichotta
7	Future agenda items.	Pichotta
8	Adjourn	Members
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A quorum of County Board supervisors may be present.

(8/7/15)

PIERCE COUNTY WISCONSIN
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MINUTES - Pierce County Land Management Committee Meeting, August 5, 2015

Present: Jon Aubart, Joe Fetzer, Jeff Holst, Jim Ross and Eric Sanden

Others: Andy Pichotta, Brad Roy, Emily Lund, Ryan Bechel and Shari Hartung

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

Next meeting dates: August 19th, September 2nd & 16th, October 7th & 21st, all in 2015.

Approve Minutes: **Holst moved to approve the July 15, 2015 Land Management Committee**

minutes/Sanden seconded. All in favor. Passed with Fetzer and Ross abstaining because of absence at the last meeting.

Discuss take action on a request for renewal of a conditional use permit for a Nonmetallic Mining Operation in the Agricultural Residential District pursuant to Pierce County Code 240-37 for Wisconsin Industrial Sand Company, owner and agent for Wisconsin Frac Sand Inc, John & Marjorie Kralewski Family Partnership, Dean & Mary Holden, Edmund & Dawn Daleiden, William & JoAnn Steele, Jeffrey & Kelly Von Holtum and Schaul's Gas Inc, owners, on property located in the S ½ of the SE ¼ of Section 3 and the N ½ of the NE ¼, the SW ¼ of the NE ¼, the E ½ of the SE ¼ of the NE ¼ and the N ½ of the SE ¼ of Section 10, the W ½ and parts of the SE ¼ of Section 11, the W ½ of the NW ¼, the E ½ of the NE ¼, the N ½ of the SW ¼, the W ¼ of the SW ¼, the SW ¼ of the SW ¼, the SW ¼ of the NE ¼ and parts of the E ½ of the NW ¼, parts of the E ½ of the SE ¼, parts of the NW ¼ of the NE ¼, all in Section 14 and the W ½ of the SW ¼, the NE ¼ of the SW ¼, the W ½ of the SE ¼ of the SW ¼, part of the S ½ of the NW ¼, part of the NE ¼ of the NW ¼, of Section 13, all in T24N, R16W, Town of Maiden Rock, Pierce County, WI. Holst recused himself from discussion and voting due to possible conflict of interest.

Chairperson Fetzer invited WISC forward: Al Nelson stated they are here to request renewal of the conditional use permit. To their knowledge, they have had no complaints at the site since the last renewal. He is not aware of any at the Township or County level. They are requesting removing conditions #12b, ventilation shaft air monitoring and #17. They are going on their fifth year of testing. To date they feel they have proven their case, that there are no noxious fumes emitted from the shaft. Their studies, depending on the wind speed, all fumes seem to be non-detectable at 100 – 200 feet from the shaft. They haven't heard any complaints of any odors. With the mine itself, they have had no DPM issues, no NOX issues with their blasting. They are requesting that you consider removing those conditions. They don't believe it was intended to be long term, just a study to address some concerns or questions. Mr. Nelson introduced Danielle Dohms, Line Manager and Chris Chapek, just started this year as Production Superintendent at the site.

Staff Report - Emily Lund: The WISC mining operation encompasses approximately 2,077 acres total with approximately 1,587 acres located in the Town of Maiden Rock and the remainder located in the Village of Maiden Rock. Of the 1,587 permitted acres in the Town, approximately 370 acres have been mined to date. The mine typically operates 24 hours a day, seven days a week and employs 58 people. The mine received its first CUP from the Land Management Committee (LMC) in 2004. The mining operation's CUP has been renewed every other year. In April 2012, a new loadout facility was constructed with a conveyor and railcar loading spout. This loadout facility increased efficiency, while reducing noise and dust. A fugitive dust plan was developed for the loadout facility. WISC began using a new wash plant with a water recycling system that reduced the amount of water used in their process. An updated Reclamation Plan was submitted and approved.

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The LMC renewed the mining operation on January 2, 2013. Then on August 7, 2013, the LMC approved a 377 acre expansion to the underground mining operation. Most of the activity associated with the operation takes place within the Village of Maiden Rock, which houses the processing plant. The LMC approved the location and construction of a new 14 foot diameter culvert cased ventilation shaft for the underground mine on January 15, 2014. The new vent shaft has not been constructed to date. The properties are located in the Town of Maiden Rock and zoned Agriculture Residential. WISC creates tunnels by blasting and uses a room and pillar mining method. Mining activities take place underground, including blasting and washing. Surface activity is limited to the processing plant in the Village of Maiden Rock. There are two ventilation shafts in the current mining area that extend up to the surface and a new one planned to be constructed. The permitted land currently has agricultural, residential and undeveloped uses present on the surface. There are currently 4 wells located on-site. Three of the wells are high-capacity wells capable of pumping 1,000 gallons per minute, with the other being a residential capacity well. WISC is currently using one of the three high capacity wells for processing activities. The current mining activity takes place at approximately 800-830 ft MSL; the Water-Table elevation in this area is mapped at approximately 750 ft MSL. Blasting typically takes place three or four days a week; the blasts usually occur around 5:30pm. The WI DNR (and other agencies) regulate many of the activities of a mining operator. WISC is still in the process of updating their Storm Water Pollution Prevention Plan, Spill Prevention, Control and Countermeasures Plan and the Wisconsin Pollutant Discharge Elimination System Permit. They agreed to provide staff with updated copies to keep on file when complete. WISC submitted a Groundwater Response Plan for the facility. The plan addresses the source and use of groundwater within the facility as well as measures to protect the quality of the water. As part of this plan, WISC has installed two transducers and data loggers to continuously measure and record groundwater elevations in two residential water supply wells located within the permitted mining area. WISC developed a Damage Response Plan as previously requested by the LMC. Said plan was to be developed jointly with an ad hoc citizens committee. An agreement was unable to be reached regarding draft parameters. The LMC directed WISC to present the proposed Damage Response Plan to the Town of Maiden Rock for review and comment (condition #11). The Town of Maiden Rock, at their April 10, 2013 meeting, reviewed and approved the Damage Response Plan as drafted. Staff has not received any concerns or complaints about this renewal request. Staff contacted the Town of Maiden Rock Chairman regarding this renewal request; the Town did not have any concerns regarding the operation at this time. The existing 18 conditions are listed in the staff report.

Staff Recommendation: Staff recommends the Land Management Committee determine whether the established conditions continue to be 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 Land Management Committee to renew this CUP with the following conditions:

1. Blasting shall occur up to seven days a week with no time limit constraint unless complaints are received. If complaints are received, previous time restrictions shall be reinstated. (Blasting shall occur no earlier than 5am up to four times per week, including Saturday.)
2. Comprehensive water testing will be conducted annually for residential wells located within the boundaries of the mined area. Testing of the wells on properties on which mineral rights are not leased and fall within 1000' of mining activity shall be comprehensively tested, including for suspended solids, nitrates and dissolved solids and chlorides, two times each year. Test results and the base line data tests shall be provided to the Department of Land Management.
3. A 100-foot buffer shall be maintained from the active mining to the boundaries of non-leased properties and where already closer than 100-feet, there shall be no further encroachment. Mining under a leased property shall be a minimum of 100' from any well.
4. Evidence of compliance with applicable state and/or federal regulatory agencies shall be submitted to the Land Management Department.
5. Any intensification of use or change in approved plans will require the issuance of an amended conditional use permit.
6. A map of mining activity and areas of future expansion shall be provided to the Town of Maiden Rock.
7. Applicant agrees that any erosion issues that arise shall be addressed to the satisfaction of the county.

8. A map of the facility and underground tunnels shall be updated annually and submitted to the Land Management Department.
9. This permit shall expire in two years.
10. An annual report demonstrating adherence to approved conditions submitted to the Land Management Department on or before December 31st of each year.
11. The Damage Claim Response Plan, as approved by the Town of Maiden Rock, shall be adhered to.
12. The Town of Maiden Rock's recommendations/comments, from the January 9, 2011 public hearing, shall be adhered to.
 - a. Wisconsin Industrial Sand should be required to establish a historical average for each private water well they are mandated to test. This information should be shared with the owner of the well along with an explanation of what the data means.
 - b. The Commission had concerns about the air from the mines and wanted reassurances that noxious fumes and bad odors would not affect near-by neighbors. Therefore, the Commission recommends that Wisconsin Industrial Sand set up a monitoring system that would test the air from the air shafts before and after blasts are set off in the mine.
 - c. The Planning Commission recommended that no new portals can be built for this site in the Town and that Wisconsin Industrial Sand would not be allowed to build more than 3 air shafts for this permit. If the Sand Company wants to build any additions to this permit they must seek another approval from the Town of Maiden Rock.
13. WISC will be subject to control methods deemed adequate by the LM C for silica emissions if current or future studies suggest a significant public health threat from such emissions.
14. A fugitive dust plan shall be developed for the processing facility and submitted to the Zoning Office.
15. The operator shall provide notice to the County of any orders to cease and desist from MSHA.
16. All polyacrylamide flocculants must be used consistent with WI DNR permit requirements.
17. Emissions from the ventilation shafts shall be monitored twice annually and the results shall be submitted to the Town of Maiden Rock and the Land Management Department.
18. No ventilation shafts or secondary access portals shall be developed until after such time as the proposed location is reviewed by the Town and approved by the LM C.

Sanden asked regarding condition #12b is this data shared with the County or is it only the DNR interested in looking at it. Mr. Nelson stated it is shared with the Township and the County. Sanden stated he is assuming they didn't see any issues with respect to the air quality. Roy stated yes he received it, for the County. Sanden asked if it's the same with the water testing, any concerns there. Roy stated no there hasn't been, occasionally you see a spike on a property here and there but there hasn't been anything ongoing. Sanden asked if condition #14, a Fugitive Dust Plan has been developed and submitted. Roy stated yes. Sanden stated so we can strike #12b. Roy suggested modifying it to say shall be implemented. Pichotta stated he understands that the testing has not shown anything, but he would be more comfortable with the removal of those conditions if staff had been able to raise this question with the Town of Maiden Rock, and suggested only removing it with the consent of the Town. Chairperson Fetzer agreed and suggested adding contingent with Town being comfortable with it, committee agreed. **Sanden moved to approve the renewal of the conditional use permit for a Nonmetallic Mining Operation for Wisconsin Industrial Sand, due to the fact it is not contrary to the public interest, nor detrimental or injurious to public health or public safety or the character of the surrounding area with conditions #1 - #18, striking #12b contingent upon approval of the Town and amending #14 to read A Fugitive Dust Plan shall be implemented and adhered to for the processing facility and striking #17 contingent on Town approval/Ross seconded. All in favor. Passed with Holst not voting.**

Discuss take action on renewal and potential modification of a conditional use permit for Nonmetallic Mining for BS Construction Inc and Steve Schoeder Properties, owners 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. Chairperson Fetzer invited Jeff Schoeder forward: Mr. Schoeder stated he is here again asking for status quo renewal.

Staff Report – Brad Roy: BS Construction/Steve Schoeder Properties owns a mine which was expanded in 2006. County Materials was the previous operator of the site, but did not renew its lease. In 2006 County Materials and the Sylla's 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. On September 5, 2012 the LMC modified the condition regarding peak particle velocity for the blasts. The peak particle velocity was raised from .35 to .50. It was stated that the low peak particle velocity makes it more difficult to blast the rock as it gets closer to the Sylla's structure. The higher peak particle velocity will allow the blasters to obtain a higher frequency in the blast and utilize electronic detonators with proper timing to get better results for the operators and the Sylla's. A signature hole blast was completed on August 5, 2013. An analysis was done of the wave form to determine the optimum blast time utilizing electronic detonators. Since then, there have been two production blasts. Each blast was designed to remove the top half of the mine wall. The blast on August 22 had a peak particle velocity of .41 and the August 26 blast peak particle velocity was .25. The previous operator was instructed to report back to the LMC after the next full-face production blast with the Peak particle velocity limit of .50 to determine if any modifications to the permit are necessary. To date there has not been a full-face production blast with a peak particle velocity limit of .50. The Sylla's continue to want the peak particle velocity limit to be set at .35. They are 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 property is zoned Agriculture Residential. The mining site has approximately 10 unreclaimed acres. Access to the mine is off of County Road S. Mining activity has been significantly less since County Materials lease expired. Previously most of the processing of materials was done at the County Material Spring Lake Quarry. With any new operator(s) more processing may have to be conducted onsite. BS Construction intends to mine one additional acre, towards Cty Rd S, and then close and reclaim the mine. The future production needs of any potential operator(s) cannot be known at this time. The LMC directed County Materials to conduct a full-face blast with a peak particle velocity of .50 and to then appear before the LMC to review impacts; this may not be acceptable for the next operator. Modification to Conditions #6 and #13 may be warranted. The Town of Rock Elm is working with the mine owner regarding a blasting agreement. The Town wants to see the impact of a full-face blast at .50 peak particle velocity before finalizing any agreement. The Town of Rock Elm Chairperson was contacted about this renewal. The Town is concerned about the Financial Assurance for the site and whether the Town would be responsible for any shortfalls. Staff informed the Chair that the County would be responsible for any shortfalls in the financial surety. The Town is also concerned about the impacts of a .50 peak particle velocity production blast. The existing conditions are listed in the staff report #1 - #13.

Staff Recommendation: Staff recommends the Land Management Committee consider whether established conditions continue to be 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 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 to 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.
2. Applicant shall receive all necessary permits form 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 (48 hours) of any planned blasting. Peak particle velocity shall not exceed 0.50 inches per second. A signature hole process will be conducted to minimize vibrations.
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.

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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. **The operator** shall come back before the Land Management Committee as soon as possible after the next production blast for a status report and to review conditions.

Chairperson Fetzer asked if there is anything coming out of the mine right now. Mr. Schoeder stated no, nobody is in there mining, the only thing that might be hauled out is some stockpiles that he periodically goes up and gets. John Eager, Rock Elm Town Chairperson, stated the Town is working on an agreement that basically ties BS Construction pit in with the CUP that the County issues to them. Which lets them be relieved of both their nonmetallic mining ordinance and their blasting ordinance. So it's not that they are making an agreement for blasting, it's all encompassed. There has not been a full-face blast done yet and how he remembers is that there was supposed to be a full-face blast done before the .50 was put in permanently but there is no reference to that in here. Holst stated condition #13 addresses that. Mr. Eager stated condition #13 vaguely addresses that. Holst stated conditions #6 and #13 tied together. They cover it quite well. Chairperson Fetzer stated we haven't had a full-face blast. Mr. Schoeder stated they would like to see it renewed at status quo. He doesn't see any reason to lower it. It used to be at a .35. He isn't a blaster but they are experts and if they feel they can do a better job of protecting structures with a higher frequency. Mr. Schoeder stated he was here when it was set at .35 and that is when County Materials started leasing with us. He was here with Jack Sonnentag and they didn't have a blaster with them. Jack Sonnentag just agreed to the .35, not knowing what he was even getting into. Since then, the blasters have very difficult times holding the .35. Now, what he is being told is that they can do a better job at .50. Chairperson Fetzer stated that is why they have raised it up. He doesn't see any reason to pull back until there is a full-face blast. Pichotta suggested it makes sense to leave conditions #6 & #13 in place and if for some reason, whoever the new operator is, if that doesn't work, they can come back in and before they do a production blast, if they want to do something different then we cross that line. He suggests leaving it as is. Mr. Eager stated the Town doesn't have any problem with the .50. They just want to see the results of it. They want everybody to be happy. Chairperson Fetzer stated for all we know they may take one more acre and there won't be anything else out of there. For now, we leave everything as is. Sanden asked does condition #13 does production blast imply .50, are those synonymous. Roy stated condition #6 would cover the .50, condition #13 would just require them to come back and we can review at that point. The problem would be if someone comes in and does a half-wall blast. We would be back at the same position we are right now. Mr. Schoeder stated if someone comes in, County started doing that. It's a softer rock on top and the harder rock is down below so that separated their two materials when they started doing that. When they get closer to the residence if they can keep the limit down doing that, it's beneficial to continue doing it that way. Holst stated they might shelf the rest of the quarry. Mr. Schoeder stated you don't know, that would make sense to him, shelving the rest of it and you might not see a full-face blast again. Chairperson Fetzer stated County Materials wanted to blend everything so they had better rock and that is why they wanted the full-face blast. **Holst moved to renew the conditional use permit for Nonmetallic Mining for BS Construction/Steve Schoeder Properties with conditions #1 - #13 /Ross seconded. All in favor. Passed.**

Discuss take action on proposed amendments to Chapter 240, Article VIII – Signs/Lighting.

Staff Report – Ryan Bechel: Changes proposed include the removal of “content-based” language in the existing sign code in an effort to conform to legal precedent set in court cases concerning 1st amendment free speech rights. The proposed changes will now regulate sign construction and permitting requirements in a “content-neutral” manner by zoning district; with differing regulations for Residential, Agricultural and Commercial/Light Industrial/Industrial districts. Regulations have been added regarding the use of digital display technology, including the addition of message duration, transition time, luminance and display standards. The temporary sign regulations contained in the existing code have been condensed into an all-encompassing section containing temporary sign requirements. Language regarding on-premise signs was

moved to remove an unnecessary section and improve clarity. Chapter 240-88 was amended to remove “content-based” definitions and provide new definitions for digital display signs and temporary signs. Chapter 240-36 was amended to remove the existing sign regulations based on permitted use. Pierce County has historically addressed sign regulation through the use of a content-based sign ordinance. A new method of “content-neutral” sign regulation was developed in order to conform to established legal precedent. Without the ability to regulate signs based on content it was necessary to develop a new method of sign regulation based on zoning district. The number of allowable signs and sign face area regulations in the existing code were carried over into the proposed amendment. It has become evident that regulations are needed for the use of digital display sign technology in order to minimize any detrimental effects to motorist safety. The proposed amendments include new standards relating to message duration, transition time and display based on completed government and industry research on the relationship between digital display signs and motorist safety. One of the key components in the regulation of digital display sign technology is the regulation of sign luminance, a measurement of the light emitted or reflected from a flat surface as it is detected by the eye. It is often used to characterize the brightness of a display. Luminance is measured in candela per square meter or “nit” which is based on the power of the light, the area of the surface and the angles between the surface and the viewing direction. Research has shown that typical floodlit billboards range anywhere from 100 to 280 nits during nighttime hours. To minimize driver distraction staff is proposing that 300 nits be utilized as a maximum value for nighttime luminance. This is proposed as a compromise between conventional floodlit signs which typically utilize a maximum of 280 nits and the most common regulatory provision utilized by other jurisdictions, that being 500 nits. To ensure adequate visibility for daytime use staff has proposed a value of 5,000 nits to allow for luminance that is approximately equal to that of a sunny daytime sky. To prevent the department from needing to purchase expensive light measuring equipment to verify a sign is meeting standards, language has been drafted requiring the applicant for an illuminated digital display sign to provide documentation demonstrating that a proposed sign can be automated to meet these proposed standards prior to issuance of a permit. In the staff report, there is an overview of the sign area standards from the code and where they can be located.

Staff Recommendation: Staff recommends the Land Management Committee review the proposed revisions and if determined to be appropriate, direct staff to schedule a public hearing to consider their adoption. Pichotta asked if the committee wants to go through the actual language that is proposed. Chairperson Fetzer stated we have gone through all this before. Pichotta stated since you saw it last, we have streamlined a couple things and then the actual language that we are proposing to use that puts the onus on the applicant instead of on us to measure nits - so Mr. Bechel will be brief. Bechel stated we will look at the highlighted starting on the fifth page: the first piece would be adding under the Digital Display and Illuminated Signs (7) Prior to issuance of a permit for a digital display sign, an applicant shall submit documentation demonstrating that the proposed sign can be automated to comply with the above requirements. So we don't have to buy a \$4,000 - \$5,000 light meter to regulate that ourselves. Below that we have struck language pertaining to off-premise signs in that section and moved that to the next page under Freestanding and Projecting Signs. We have combined the on/off premise signs with the freestanding and projecting signs. So the maximum size of an on-premises freestanding and projecting signs shall be as follows: a. Signs located in Commercial, Light Industrial and Industrial districts shall not exceed 32 square feet in sign face area and shall be limited to 3 per parcel. b. Signs located in the Primary Agriculture, General Rural, General Rural Flexible or Agriculture Residential zoning districts shall not exceed 24 square feet in sign face area unless a conditional use permit is issued in accordance with §240-76; in such cases, sign face area shall not exceed 32 square feet. Such signs shall be limited to two per parcel. c. Signs which are located in Rural Residential 8, Rural Residential 12 or Rural Residential 20 zoning districts shall not exceed 24 square feet in sign face area and shall be limited to 1 per parcel. 2. Off-Premises Signs shall be allowed only in the Commercial, Light Industrial and Industrial districts and shall not exceed 32 square feet in sign face area and shall be limited to 2 per parcel. The language all below that has been removed. The final piece is in the definition and that is the addition of the definition of a Parcel as it relates to off-premise signs. Also Sign, Digital Display sign definition. Pichotta asked if there are any comments, questions or concerns. Sanden asked about the justification for 500 nits with other jurisdictions, why that is the standard, did they give a rationale as to why that number is the special limit. Pichotta stated it is difficult to know as typically a rationale

isn't included in an ordinance. Holst stated so they can be irrational is what he took from that. Sanden asked if it's equivalent to headlights at 50 feet. Bechel stated the best equivalency he can give for it is an iPhone or cellphone on full brightness, white at night; that is 500 nits. Sanden stated the setbacks don't need to be addressed in this because they are addressed in the other part of the zoning ordinance.

Aubart moved to direct staff to schedule a public hearing to consider adoption of Chapter 240, Article VIII – Signs/Lighting/Ross seconded. All in favor. Passed.

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

Departmental Update and Future Agenda Items

Public hearing to consider the adoption of an updated map for Farmland Preservation Areas in the Town of River Falls as part of the Pierce County Farmland Preservation Plan and to amend the Piece County Comprehensive Plan to include said map.

Discuss take action to review and update the Goals, Objectives and Policies of the Agricultural, Natural and Cultural Resources chapter of the Comprehensive Plan.

Motion to adjourn at 6:43pm by Aubart/Ross seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING REVISED AGENDA
Wednesday, August 5, 2015 – 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 , October 7 th & 21 st , all in 2015.	Chair
3	Approve minutes of the July 15, 2015 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 Agricultural Residential District pursuant to Pierce County Code 240-37 for Wisconsin Industrial Sand Company, owner and agent for Wisconsin Frac Sand Inc, John & Marjorie Kraleski Family Partnership, Dean & Mary Holden, Edmund & Dawn Daleiden, William & JoAnn Steele, Jeffrey & Kelly Von Holtum and Schaul's Gas Inc, owners, on property located in the S ½ of the SE ¼ of Section 3 and the N ½ of the NE ¼, the SW ¼ of the NE ¼, the E ½ of the SE ¼ of the NE ¼ and the N ½ of the SE ¼ of Section 10, the W ½ and parts of the SE ¼ of Section 11, the W ½ of the NW ¼, the E ½ of the NE ¼, the N ½ of the SW ¼, the W ¼ of the SW ¼, the SW ¼ of the SW ¼, the SW ¼ of the NE ¼ and parts of the E ½ of the NW ¼, parts of the E ½ of the SE ¼, parts of the NW ¼ of the NE ¼, all in Section 14 and the W ½ of the SW ¼, the NE ¼ of the SW ¼, the W ½ of the SE ¼ of the SW ¼, part of the S ½ of the NW ¼, part of the NE ¼ of the NW ¼, of Section 13, all in T24N, R16W, Town of Maiden Rock, Pierce County, WI.	Lund
5	Discuss take action on renewal and 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
6	Discuss take action on site plan review for a storage building for Hager City Telephone Company in the Commercial District pursuant to Chapter 240-75, on property located in the NE ¼ of the NE ¼ of Section 3, T24N, R18W, Town of Trenton, Pierce County, WI.	Bechel
7	Discuss take action on proposed amendments to Chapter 240, Article VIII – Signs/Lighting.	Bechel
8	Discuss take action on Travel/Training Requests	Pichotta
9	Future agenda items.	Pichotta
10	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.

(7/24/15)

- **Revised July 28, 2015 at 3:19pm.**

PIERCE COUNTY WISCONSIN

DEPARTMENT OF LAND MANAGEMENT & RECORDS

Pierce County Courthouse

414 W. Main Street P.O. BOX 647

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MINUTES - Pierce County Land Management Committee Meeting, July 15, 2015

Present: Jon Aubart, Jeff Holst and Eric Sanden

Others: Andy Pichotta, Brad Roy, Ryan Bechel and Shari Hartung

Absent: Joe Fetzer and Jim Ross

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

Next meeting dates: August 5th & 19th, September 2nd & 16th, all in 2015.

Approve Minutes: **Sanden moved to approve the June 17, 2015 Land Management Co mmittee minutes/Aubart seconded. All in favor. Passed.**

Discuss take action on renewal of a conditional use permit for Belle Vinez Winery for Shannon and Angel Zimmerman on property located in part of the SW ¼ of the NW ¼ and part of the SE ¼ of the SW ¼, all in Section 3, T27N, R19W, Town of Clifton, Pierce County, WI.

Staff Report – Brad Roy: The applicant received a Conditional Use Permit to establish the “Belle Vinez” winery with incidental food service in August 2013. The applicants also reside on the 20 acre parcel. The operation is intended to build interest and demand for Belle Vinez brand wine, which is produced onsite. Off-sale wine along with various craft and wine related products are also sold onsite. The Land Management Committee approved the site plan of the operation on January 15, 2014 and also a Food and Wine Plan, detailing how the food operations will be incidental and subordinate to winery operations, on March 5, 2014. The first batch of wine was produced last fall. The operation opened to the public in May 2015. The commercial structure includes a tasting room, kitchen, dining area, restrooms and offices/conference rooms. The site also includes a 4,320 square foot production shed, approximately 4 acres planted with 1600+ vines and an outdoor plaza for customers. The tasting room is permitted to be open from mid-May to December 31st, seven days a week. The hours of operation are 11 am 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 welcome to use the plaza and lounge for seating. The original proposal stated that appetizers would be available seven days per week in the Tasting Room, clarification on condition #12 may be necessary if it was the LMC’s intent to allow appetizer sales in the Tasting Room as was originally proposed. Draft language to clarify this issue has been proposed in recommended conditions. The pizza service is open Thursday through Sunday with hours of operation being 11 am to 9pm with lights out by 10pm. The permit allows sales of the brick-oven pizzas from mid-May to December 31st. Concerns were raised at the CUP hearing about the intention of the applicant and whether the primary focus of the business would be food rather than wine. The LMC approved the winery request with a condition stating that the applicant shall provide a plan for food service operations which demonstrates that food operations are incidental/subordinate to winery operations. At the March 5, 2014 LMC meeting, the LMC approved the presented food and wine plan which stated that the pizza service would be available for approximately 22 weeks and end October 31st. The expected revenue of the operation for this year is approximately 70% from the wine and 30% from food. The cost of two glasses

of wine is relatively equal to one pizza. 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. Currently the website requires reservations for seating on Friday and Saturday nights, the nights of higher demand. The applicants anticipate hosting weddings or small private events. The activities will be limited to the wedding and a small reception, and not include a typical dance or other late evening activities. These events would be done within the business' regular hours of operation. 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. The berm and visual screening has been installed as detailed in the approved site plan. The required signage has been installed. Staff has not received any complaints since the winery opened to the public. The Town of Clifton Chairperson, LeRoy Peterson, was contacted for comments/concerns about this renewal. He stated that he has not received any valid complaints to date and recommended renewal of this permit. The existing conditions #1 - #26 are listed 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 help mitigate impacts on public health, safety, the public interest and character of the area. Staff proposed changes are **bolded**. If no additional changes 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 regulation.
5. The applicant shall obtain necessary licenses from the Town of Clifton.
6. Applicant shall obtain all other necessary permits from state and municipal agencies.
7. The parking lot shall have at least 71 parking spaces. There shall be no on-street parking.
8. Seating capacity for the pavilion and plaza shall not exceed 120.
9. Applicant shall install signs detailing the need for reservations and no parking on the street.
10. Finalized plans of the structures shall be presented to the LMC for review and approval.
11. Winery may be open from mid-May to December 31st. Hours of operation shall be 11am to 9pm.
12. **Full menu** food service (pizza and appetizers) may be provided from mid-May to December 31st, 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.
13. No beer or liquor shall be served in the tasting room.
14. Lighting shall comply with the Land Management Department policy.
15. Sound system shall only be within the structures.
16. No audio bird repellent shall be used onsite.
17. Weddings and special events may not exceed established business hours and must be conducted consistent with the other conditions on this permit.
18. This Conditional Use Permit shall expire in 2 years and a status report shall be presented to the LMC in one year.
19. Applicant understands that any intensification or expansion of the use will require the issuance of a new Conditional Use Permit.
20. Berm shall be established on the east perimeter of the property with adequate vegetative cover.

21. Adequate vegetative cover shall be established to visually screen the parking lot from the road.

22. **Applicant shall adhere to the approved Food and Wine Plan and shall ensure that food operations remain incidental/subordinate to winery operations.**

23. Sound shall be limited to no more than 80 decibels at the property line.

24. Food service shall remain incidental/subordinate to the primary use as a winery.

25. Promoted access route shall be along County Road M.

26. Arrangements shall be made to establish a visual screen along the southern property boundary.

Roy stated we did receive some letters from neighbors. He believes that the committee also received the Borgstadt letter. He also received a letter from Carol Schoenthaler which was put in the committees folders. Holst asked what the correct procedure to report what some people perceive as infractions to a CUP. Should they be reported to the department as they happen? Pichotta stated typically they are reported to the department as they happen. Holst stated if things are going on it would be nice to know about it in a timely fashion so they can be addressed as they happen. Mrs. Borgstadt asked how would you like them to address them, should they call you? Pichotta stated call staff or email us. Mrs. Borgstadt said at 11:00pm at night? Pichotta stated you can contact the office whenever you would like. Sanden asked if Brad could verify on the issues pertaining to the request #3, pizza service is open Thursday through Sunday with hours of operation from mid-May to December 31st, then two paragraphs down it mentions an end date of October 31st. Roy stated the CUP approval in August of 2013 established a timeframe. The food plan that was to demonstrate whether food would be incidental stated that pizza service would end in October. So to comply with the Food Plan, they have to end in October. Holst stated they can continue to serve wine and appetizers through December. Roy stated that is correct. Holst stated this is not a public hearing but we will take comments from the crowd as long as they are limited and specific. Sanden asked if anyone has been on-site to verify the vegetative plan, specifically with respect to condition #21, adequate vegetative cover shall be established to visually screen the parking lot from the road, if that has been accomplished and then condition #26, visually screen along the southern property boundary. Roy stated the site plan had basically a landscaping plan in it and everything from that plan has been installed to the best of his knowledge. So #21 is covered. Condition #26 is in reference to the neighbor to the south who, at the time of approval, had discussed with the applicants potentially wanting a fence or some trees planted but there was never any decision made on what that property owner wanted. Mr. Zimmerman stated Pat wants just trees. He told him if he wants a fence, he would happily put up a fence but he prefers not to look at a fence and let the trees grow. Sanden asked when it says "lights out at 9:00pm" you have to give them some reasonable leeway. If there is a car in the parking lot at 9:15pm does that technically violate the lights out? Pichotta stated you may recall we had this same discussion with Vino in the Valley. There was a concern about what that actually meant. What was determined that meant for Vino in the Valley was when you are done serving, 9:00pm in this case, lights out meant that everyone had basically vacated by that time. The customers had vacated by "lights out" time. It didn't necessarily mean the lights were completely out. It didn't mean that someone wasn't there cleaning. It didn't necessarily mean there weren't cars around too. It just meant that you are done serving and you try to get people off the property by that time. Sanden stated you can't shut the lights off on them when they are in the middle of finishing their dinner. Pichotta stated that is correct, given that was how it was interpreted for Vino in the Valley he is assuming, since we used the same phrasing, that it meant the same thing in this particular case. Marcia Borgstadt, neighbor, why do we have the hours of operation until 9:00pm if we don't anticipate that they will leave until 10:00pm, 10:30pm, whenever. Sanden stated the "lights out" was 10:00pm. Mrs. Borgstadt stated yes, hours of operation are from 11:00am to 9:00pm which means to her, if a store has hours of operation from 11:00am to 9:00pm, the store closes at 9:00pm. She anticipated that this means the same thing. Sanden stated within reason, 10 minutes here, 15 minutes there, to him doesn't mean a violation, personally. Mrs. Borgstadt stated cars in the parking lot at 9:30pm, 10:00pm is not reasonable. Sanden stated he didn't remember reading anything about cars in the parking lot at 10:00pm. Mrs. Borgstadt stated you had an addendum from us. Sanden asked when did we get that addendum? Holst stated it showed up in my mailbox on Monday. Gary Borgstadt stated they should have started by asking if you received the document. Holst again noted this is not the typical way to address concerns regarding

conditions. Typically, they go through the department route and he guessed that if he had a problem on May 23rd, he would have called Land Management Dept up on May 23rd. Mrs. Borgstadt stated they can start doing that. Aubart asked how you identify who these vehicles belong to, are they employees? Mrs. Borgstadt stated they have a separate employee parking lot and a customer parking lot. She would assume that employees park in the employee parking lot and customers are in the customer parking lot. That is why she stated based on vehicles parked in the customer parking lot. Mr. Borgstadt explained you might say what difference does it make to us, well, the later it gets when they tear out of the parking lot and make noise, it is just a further aggravation. Holst asked if they believe patrons are not following the letter of the law on their operation of their vehicles. Mr. & Mrs. Borgstadt stated that is not their concern, their concern is that the hours of operation are not being followed. Lights out at 10:00pm is not being followed. Mr. Zimmerman stated that his interpretation is consistent with Mr. Pichotta's in that the hours of operation conclude at 9:00pm, lights out at 10:00pm. As you have outlined, 9:00pm not a person is served one more piece of food, wine, anything. It is to wrap up and conclude. Unlike a store, however, some people, when they are in a social setting like this, they will hang around for a little bit, they will talk and visit. We have them out of all buildings, plaza facilities before 10:00pm. He can't speak as to exactly what time they exit the parking lot and he would also say that yes, in fact, Josh will park in the parking lot from time to time. So will other members of our staff. He would never want to say that it could never happen; that after they have moved everyone from the building that they don't talk for a few minutes in the parking lot. That could very well be true. His interpretation is consistent with what was shared here and we follow it strictly. Mr. Borgstadt stated he had a slight rebuff, Thursday night, 10:00pm, six people were in the parking lot, four cars, laughing, making a bunch of noise and driving out. These are customers, he watched them leave. To him, he doesn't know how this happens in bars, last call comes before 9:00pm and people are out within a reasonable time. Maybe ten minutes is reasonable but not 10:00pm, an hour later. That is the position they have taken with the information they gave the committee. Sanden asked Mr. Zimmerman if the website advertises appetizers as being available Monday through Wednesday? Mr. Zimmerman stated he doesn't recall if it advertises Monday through Wednesday. He knows they are advertised on there. Monday through Wednesday, they are typically closed unless by appointment because while they have the right to be open, it might not be busy. Most times it's not, unless someone has called to say we have a group that would like to come out and visit, we probably wouldn't be open either way. The website, he can't speak from memory right now, it may say that. Joshua Zimmerman stated he can clarify that. The website does not specifically say Monday through Wednesday, appetizers only but it does say by appointment only. So anybody coming out would make a phone call ahead. Sanden stated so it's a more general statement. Josh Zimmerman stated yes, basically no one would show up randomly on a Wednesday, their doors are always locked. The closed sign is always on. If they are out working in the field, he would not go up there unless there was a reservation made and at that point they would tell them it was for wine service only. Mrs. Borgstadt stated she can go home and print out what she has seen. Pichotta stated that in regards to that particular condition; that was one of the things where that original application stated one thing and the conditions when they were hammered out after the public hearing perhaps didn't quite as artfully reflect things as they might have and that is why we asked for some clarification on that specific condition. He would remind the committee that the applicant has just gotten the operation up and running and there is certainly going to be some hiccups with fine tuning these conditions. That is why we asked what the LMC's intent was when these conditions were placed in the first place. Sometimes the verbiage associated with the conditions doesn't artfully replicate what the committee said or meant. Sanden asked if the bolded edits are staff's attempt at verifying that. Pichotta stated yes that was assuming that was your intent. Aubart asked Brad if the berm has been established on the east perimeter of the property. Roy stated correct. Mrs. Borgstadt asked if the committee saw their concerns with the berm on the east side, photos that have been attached. Sanden asked as far as the plantings? Mr. Borgstadt stated the lack of height and planting. Mrs. Borgstadt stated probably 99.9% of the vegetative cover is weeds. The berm that they established is too steep for anyone to mow it so she is not sure how they would handle that. Holst stated it looks like prairie restoration to him. It's full of pollinators, kind of what we want to see on things today. Sanden agreed and

said he doesn't feel comfortable dictating exactly which species they plant, Kentucky Blue Grass or a nice prairie. That is at their discretion. Mrs. Borgstadt asked if thistles are OK? Holst stated thistle is a pollinator, so long as it's not a noxious weed. Canadian Thistle is a noxious weed and if that is the case, report that to your Town Board Chairperson and he has to go out and make them get rid of it. Sanden stated to Mr. Zimmerman, as you know we are in a very interesting position here trying to balance the needs of the many landowners. We definitely want to promote development and business in the County. We also need to respect the full enjoyment of people's property. So we have to always be trying to thread that needle which is a very difficult thing to do. As Andy said, we will have to be tweaking these things from time to time until we reach that proper balance where everyone can live together and be comfortable together. People are going to be inconvenienced that is just the nature of life, things happen, nothing ever stays the way they were the day you bought your property but we want to try to make reasonable accommodations whenever we can. What he is looking for is that they can negotiate in good faith and that you do your best to follow the intent of the CUP. There are going to be some glitches here and there. What he has seen when we run into problems is that the applicant has taken a long time to respond to any issues or just does not respond at all. Then things start to get pretty difficult and it doesn't seem like a good faith kind of negotiation. He would say, from his experience on this board, it looks like you (the applicant) are accommodating to what they had set out to achieve. Yes, there does seem to be a few little things that need to be tweaked here and there. He hopes you will continue to improve this process for your neighbors. He would then be comfortable with renewing it. Carol Schoenthaler asked on condition #13, just so you know, no beer or liquor is allowed with his liquor license. She would like to see that expanded to say served at all at the winery or taken out. Holst asked if they cater weddings or allow weddings. Mr. Zimmerman stated they do not cater weddings. Holst asked if they allow any carry on. Mr. Zimmerman stated no. Holst asked if they serve beer or liquor. Mr. Zimmerman stated no. Holst stated we could get rid of condition #13 and it wouldn't affect you. Pichotta stated the reason that was put into place was that the CUP was issued before the Town of Clifton issued a liquor license and they had applied for the ability to serve more than just wine. They are tempered by the license they got from the Town. Holst asked if Mr. Pichotta suggests leaving it in at this point. Pichotta stated he doesn't think it hurts to leave it in, it may be that he (the applicant) will at some point acquire an expanded liquor license. Holst stated he would hate to come back and have this argument again twenty years from now with a different group of people sitting here over one item when perhaps he has proven to the current neighbors, in a year or so that he is a good neighbor. Holst noted that he wouldn't mind having the applicant live next to him noting that he lives by the railroad tracks and a car leaving wouldn't affect him much. Mrs. Schoenthaler asked what was the status of condition #13? Holst stated that in his opinion it stays in, as long as they can't use it anyway, what difference does it make? Sanden asked Mr. Zimmerman if there was anything else he would like to tell us. Mr. Zimmerman stated yes, he again has understood the concern from the start and is very aware of the early speculation that this would be a free-for-all college kind of crazy madhouse. He is sorry that a person leaving at 10:00 pm and maybe talking as they are leaving is disturbing. He hopes it's not over 80 decibels for sure. It's probably no different than other neighbors leaving. It has always been their intent to do the right thing by this project and to find a balance. With many that can be had but with some maybe it never can be but we will still continue to try. He would make this comment, they have had the opportunity since they opened, to meet with a lot of people who heard the speculation, heard the concerns. Some of them are very close neighbors and they are now regular customers. He has no intention of having a crazy place until late at night. If this could ever be resolved, short of stopping the business entirely, he would welcome that. The thought of picking at things for the next five years is going to drive you crazy; it's going to drive us crazy. If you could think about crossing the chasm and just thinking about this, he is willing and listening. He will do what he can for the neighbors. Yes, he is going to have a winery. They have put some money into it now and intend for it to be there for his next generation. He is going to do the right thing to the best degree that he can. He can assure you that they are out of that building by 10:00pm and that was his interpretation unless that is changing. Mr. Borgstadt asked if there is a way that you can wrap language around that comment about out by 10:00 pm. We still hold the position that 9:00 pm is ceasing operations and it sounds like ceasing operations is now 10:00 pm. Holst stated to this

member of this committee, 9:00 pm meant that they quit serving. 10:00 pm meant that they were out the door. His position hasn't changed any on that and if you misinterpreted what they said or meant, he is sorry. Sanden stated that is consistent with that statement and other context.

Sanden moved to approve the renewal of the conditional use permit for Belle Vinez Winery for Shannon and Angel Zimmerman with conditions #1 - #26 with the noted edits to #12 and #22/Aubart seconded. Holst asked for discussion, some of these have been met, they were one time conditions, should they be struck? Twenty-six conditions on a conditional use permit, this is a terrible thing. Roy stated as he reads through it again, #10 could have been struck, #26 could too. Now we have run into the problem of vegetative screening. Condition #20 talks about adequate vegetative cover, when trees or plants die with the expectation that it gets replaced. So maybe having some of the vegetative information in will imply that it's maintained not just planted one time and forgotten. Pichotta also noted that if the CUP doesn't say that a Food and Wine Plan is required, say in 10 years it could be forgotten that there was one and that is the mechanism through which one might amend operations if there was something proposed that was short of an intensification or expansion. Holst asked have we seen any results from the Food and Wine Plan or do we wait until the end of the year. Pichotta stated the Food and Wine Plan was basically to demonstrate that incidental/subordinate nature of food versus wine. Holst stated at some point we need proof of that Mr. Zimmerman. Mr. Zimmerman asked to address the issue, there was a discussion around if they turn over all the financials, do we have it validated. He has the information for the committee. He can give it to them right now. It looks like in terms of what he extracted. The first dollar in was May 16th and this report runs through July 12th. Wine sales equated for 71% of all revenue in, non-wine sales were 29%. Non-wine sales are defined as soda, water, food and retail items. He is not sure how that is going to play out. He thinks it's going to move up and down a little bit. It is very clear to them that wine sales do dominate as they had hoped they would. Furthermore, distribution of Belle Vinez wine throughout the western portion of Wisconsin and the eastern Metro will begin within four weeks so it's just going to further that. Their vision and goal has not changed. They want this to be the defined wine brand in this part of the state. **All in favor. Motion passed.**

Discuss take action on renewal of the conditional use permit for a Heavy Industrial Use (Sand Processing Facility) for Muskie Proppant LLC, owner on property located in the South half of Section 7, T25N, R15W, Town of Union, Pierce County, WI. Kenny King introduced Chris Boe, he has been working with Mr. King since January. He is the Environmental Health and Safety Manager.

Staff Report – Ryan Bechel: This facility was permitted in 2011 and began full operation in 2012. Muskie was originally processing sand from a mine located in Pepin County and then later added another mine from Dunn County. For the past year, Muskie was also processing sand from a Wieser Concrete mine located in the Town of Salem in Pierce County. Due to market conditions and low demand, Muskie shut down processing operations on June 30, 2015. They still have approximately 6,000 to 7,000 tons of sand stockpiled at the site to assist with start-up operations. At this time, they are unsure when they will start up operations again. When in operation, sand is trucked to the site, off-loaded, conveyed to a raw sand stockpile, then dried and processed for sale. The facility also has byproduct storage stockpiles, storm water ponds, a high capacity well, process water treatment facilities and elevators for the storage silos. The final product is trucked primarily to St. Paul or Chippewa Falls to be loaded on rail as well as loaded for over-the-road shipping to North Dakota and Montana. The hours of operation are generally five days per week 12 hours per day 6:00am to 6:00pm for the quad axle trucks; semi-trucks hauling are spread out over 20 hours per day. The applicant indicated their intent to expand hours of operation to 24 hours per day, seven days per week when volume dictates. Industrial uses within the Industrial District typically have not had hour restrictions due to the purpose and intent of the district. A Fugitive Dust Plan has been submitted. The plan details potential sources, control measures and daily record keeping. Staff had received multiple complaints regarding dust in the facility's first year of operation. Since the last renewal, no complaints have been received. There have been no changes to the storage of byproduct since the last renewal. The sand is currently being trucked to a mining site in the Town of Trenton for reclamation purposes. There have been no complaints about engine braking since Condition 6 was added. The

applicant has indicated that they are continuing to pursue additional product sources which may result in new travel routes. Staff has contacted the Town of Union Chairman regarding this renewal request; the Town did not have any concerns at this time. PCC §240-76(I) discusses termination of conditional use permit and states, "Termination. If an established conditional use is not conducted in conformity with the permit or this chapter, the conditional use permit may be terminated by action of the Land Management Committee. If an established use permitted as a conditional use ceases for a period of more than 12 months, the conditional use permit shall terminate and all future activity shall require a new conditional use permit." If the applicant wishes to retain "active" status, activities related to processing, even if very minor, will need to be conducted. The existing conditions are listed in the staff report #1 - #13.

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 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. 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.
2. Activities shall be conducted as submitted in the application and as presented to the LMC, unless modified by another condition of this CUP.
3. Applicant understands that expansion or intensification for this use will require modification to the conditional use permit.
4. Applicant shall obtain all necessary permits and approvals for any construction and signage for the site.
5. Raw product and load out stockpiles shall be limited to 35 feet in height above grade.
6. No jake brakes shall be used in sensitive areas when approaching the facility along the designated haul route.
7. The Fugitive Dust Plan shall be adhered to.
8. Byproduct shall be utilized in the reclamation of an existing licensed nonmetallic mine or disposed of or stockpiled consistent with Pierce County Solid Waste Code.
9. Any potential new or modified haul route shall be reported to the Land Management Department and road agreements shall be secured from applicable municipalities prior to route use.
10. The facility 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.
11. All polyacrylamide flocculants must be used consistent with WI DNR permit requirements.
12. Any unforeseen dust and/or erosion issues that arise shall be addressed to the satisfaction of the County.
13. The conditional use permit shall expire in 1 year.

Sanden asked if the reference to the Pierce County Code is suggesting that they have not been conducting operations for twelve months? Bechel stated it is not, it's just referencing should they not restart in the next year their conditional use permit will expire. Some sort of activities need to take place. Sanden asked if they will be doing something in the next 12 months. Mr. King stated correct. This evening they received an order so they will be shipping some sand out tomorrow. He will keep the office notified of when they are running and when they aren't running. Pichotta stated that when a use ceases for a full year. It loses its status. So we were trying to make the applicant aware that if they stayed shut down for an extended period of time that it would be in their interest to ensure that some activities were conducted and documented so it was clear that they hadn't lost active status and needed a new CUP. Sanden asked if they could, if they did, come back for a new CUP. Aubart asked if you receive orders, you are still operational or can operate to a certain extent. Mr. King stated basically they shut the plant down because of recent market conditions. They are going to accept orders if they are favorable for their market. They won't operate the plant in a loss. Holst asked for clarification sake, if you open your plant tomorrow and send out one load of sand, he has fulfilled the use within that one year period. Pichotta stated it resets the clock for another year. Aubart stated his other concern is that we did have a number of complaints early on. With the plant being inactive and the stockpiles being there, does the Fugitive Dust Plan still need to be maintained?

Pichotta stated yes, it does. Aubart asked is that part of the operation? Pichotta stated the primary use being the processing of sand he thinks that function would need to be continued. For example a gas station that had ceased being a gas station but someone came and mowed the lawn. That wouldn't necessarily count as fulfilling the use. Aubart asked if it was a condition of the conditional use permit would it be? **Sanden moved to approve the renewal of the conditional use permit for Heavy Industrial Use for Muskie Proppant LLC with conditions #1 through #13 due to the fact this is not contrary to public interest, nor detrimental or injurious to public health, public safety or the character of the surrounding area/Aubart seconded. All in favor. Passed.**

Discuss take action on bids received for the 1998 Jeep Cherokee SE 4WD.

Staff Report – Andy Pichotta: The Land Management Committee and the Finance and Personnel Committee declared the 1998 Jeep Cherokee formerly utilized by Department staff to be surplus equipment and authorized its sale. An advertisement soliciting sealed bids was placed in the Pierce County Herald for two weeks with a deadline for bid submittal of June 26, 2015 at 4:00pm. Three bids were received prior to the deadline: Jay Carlson, Prescott, WI, \$900, Jason Matthys, Spring Valley, WI, \$1100, and Wisconsin Victory Companies (Wayne Schulte), Ellsworth, WI, \$1717.39.

Staff Recommendation: Staff recommends that the Land Management Committee authorize staff to sell the 1998 Jeep Cherokee to the highest bidder. If that doesn't work out, authorize us to sell it to the second highest bidder.

Aubart moved to authorize the sale of the 1998 Jeep Cherokee to the highest bidder, if that doesn't work out, authorize the sale to the second highest bidder/Sanden seconded. All in favor. Passed.

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

Departmental Update and Future Agenda Items

CUP renewal for Wisconsin Industrial Sand Co. the mine located in the Town of Maiden Rock
Status report and potential modification of CUP for County Materials, agent for BS Construction in the Town of Rock Elm. That is going to change because it is his understanding that County Materials is no longer operating there.

Amended language for Chapter 240, Article 13, regarding signs and lighting, we are proposing some language regarding the regulation of nits.

Motion to adjourn at 6:47pm by Sanden/Aubart seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, July 15, 2015 – 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 5 th & 19 th , September 2 nd & 16 th , all in 2015.	Chair
3	Approve minutes of the June 17, 2015 Land Management Committee meeting.	Chair
4	Discuss take action on renewal of a conditional use permit for Belle Vinez Winery for Shannon and Angel Zimmerman on property located in part of the SW ¼ of the NW ¼ and part of the SE ¼ of the SW ¼, all in Section 3, T27N, R19W, Town of Clifton, Pierce County, WI.	Roy
5	Discuss take action on renewal of the conditional use permit for a Heavy Industrial Use (Sand Processing Facility) for Muskie Proppant LLC, owner on property located in the South half of Section 7, T25N, R15W, Town of Union, Pierce County, WI.	Lund
6	Discuss take action on bids received for the 1998 Jeep Cherokee SE 4WD.	Chair
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.

(7/2/15)

PIERCE COUNTY WISCONSIN

DEPARTMENT OF LAND MANAGEMENT & RECORDS

Pierce County Courthouse

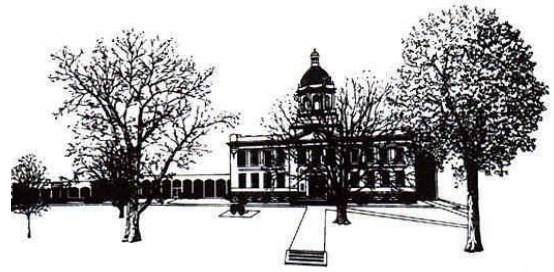
414 W. Main Street P.O. BOX 647

Ellsworth, Wisconsin 54011

ZONING OFFICE 715-273-6747

PLANNING OFFICE 715-273-6746

Fax: 715-273-6864



MINUTES - Pierce County Land Management Committee Meeting, June 17, 2015

Present: Jon Aubart, Joe Fetzer, Jeff Holst, Jim Ross and Eric Sanden

Others: Andy Pichotta and Shari Hartung

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

Next meeting dates: July 1st & 15th, August 5th & 19th, September 2nd & 16th, all in 2015.

Approve Minutes: **Ross moved to approve the June 3, 2015 Land Management Committee minutes/Aubart seconded. All in favor. Passed.**

Discuss take action on approval of amended Farmland Preservation Map for the Town of River Falls. Andy Pichotta noted that a number of representatives from the Town of River Falls were present and indicated that he would defer to them at this point and that he would answer any questions when they are done. Jerome Rodewald, Zoning Administrator, Town of River Falls, stated the staff report was very accurate and factual. The map that was certified by DATCP back in 2013, when they were making the map, it was their understanding that land to be developed would be the ETZ, the zone outside the City of River Falls. That has been established since 1974. After that map and further meetings with the City, they said that they consider their development plan as the sewer service boundary. The sewer service boundary on the south and east side of the City in the ETZ is much smaller and allows them to preserve some very good farmland that lies there somewhere around Mr. Aubart's house. This is land that the family has invested in Agriculture and expansion and really should be a part of the Farmland Preservation effort. There is some additional land on the east side that fits that category as well. That is the real basis for the request. To be able to include that land as a part of our Farmland Preservation and looking further down the road into the next subject is including it in an Ag Enterprise Area because it includes some of our best farmland. That area south along County E. Mr. Rodewald stated that he has worked very closely with Mr. Pichotta and the GIS Mapping Specialist, Kevin Etherton. He feels Kevin has gone the extra mile and found things that needed to be tweaked and fixed. He is very skillful and has been very accommodating.

Staff Report – Andy Pichotta: The Town of River Falls has requested that Pierce County amend its Farmland Preservation Plan to include an updated map of lands within the Town that are “suitable for preservation.” This map is referred to in the Plan as the “Farmland Preservation Map for the Town of River Falls.” Jerome touched a little bit on the issue associated with land within the ETZ and also the Town did provide some correspondence that discusses the criteria that they used to include lands or not include them. This map will be utilized as the basis for the formulation of Farmland Preservation Zoning (formerly referred to as Exclusive Agriculture Zoning) by the Town of River Falls and also used to support the establishment of the proposed Agriculture Enterprise Area being referred to as the “North West Pierce County AEA.” What we saw with other towns, when they submitted maps for our Farmland Preservation Plan, most of those Towns simply identified lands within their borders that were zoned agriculture and included that as an area suitable for preservation. That sort of an approach would not work for the Town of River Falls because they are an Exclusive Ag Town and as such their zoning map has to

be 80% consistent with the map that they use to identify lands that are suitable for preservation. When they submit a new map and a new ordinance, one of the things we will have to weigh that against is the map contained in our Farmland Preservation Plan. So this map will be used for a number of things. Given that the County's Farmland Preservation Plan has been adopted by ordinance as an addendum to the Comprehensive Plan, a public hearing will be required to adopt the amended map. What he is looking for from the committee, if you comfortable with the approach the Town has taken, is to approve the map and direct him to hold a public hearing to consider its adoption.

Staff Recommendation: Staff recommends the Land Management Committee approve the amended map submitted by the Town of River Falls and direct staff to schedule a public hearing to consider adoption of the amended map as part of the County's Comprehensive Plan/Farmland Preservation Plan. The public hearing would be a little different than our typical public hearings. Public hearings associated with comprehensive plan is a Class I versus a Class II so it goes in the paper for one insertion that is 30 days prior to the hearing instead of the two insertions with the second being at least 7 days prior to hearing. Sanden asked about the map that came with the staff report versus the one in the folder tonight, looks like the only difference he can see is that the area that was marked as Farmland Preservation Area is government property and the light blue is now Farmland Preservation Area consistent with the rest of it. Pichotta stated that is absolutely correct. The Town had sought some guidance from DATCP in regard to how they wanted that land labeled and we were told that it should be consistent with the legend contained on all of the other town maps so they didn't want us to differentiate government owned versus land suitable for preservation. Holst asked if the location of the Town Hall is where it's supposed to be. When he drives by there, it doesn't look like its suitable for preservation. Sanden asked about the process used to identify productive farmland based on soil type. Did you use Class I or II? Mr. Rodewald stated that they included Class I, II & III. Sanden asked if the town had used LESA (Land Evaluation and Site Assessment) Mr. Rodewald stated LESA uses a weighted average and they didn't want to go out and do a full site assessment. We've been at this long enough.

Sanden moved to approve the amended map submitted by the Town of River Falls and direct staff to schedule a public hearing to consider adoption of the amended map as part of the County's Comprehensive Plan/Farmland Preservation Plan/Aubart seconded. All in favor. Passed.

Discuss take action on proposed North West Pierce County Agricultural Enterprise Area (AEA) to be located in portions of the Towns of Clifton, River Falls and Martell.

Staff Report – Andy Pichotta: The Working Lands Initiative, which was signed into law in 2009, established Agricultural Enterprise Areas (AEAs). An AEA is an area of contiguous land primarily in agricultural use that has been designated by the Department of Agriculture, Trade and Consumer Protection (DATCP) in response to a locally developed petition. A handout entitled "Understanding Agricultural Enterprise Areas (AEAs) and the Petition Process" is attached for your information. An AEA must be located on lands identified in a DATCP approved Farmland Preservation Plan as being "suitable for preservation". Each town within Pierce County created such a map in conjunction with the development of the County's Farmland preservation Plan. These maps were incorporated into the County's Plan as "Farmland Preservation Maps." The Town of River Falls proposed revision to their "Farmland Preservation Map" is necessary to enable the creation of the proposed AEA. DATCP has indicated that even though the proposed amended map has not yet been formally adopted and included in the County's Farmland Preservation Plan, they will accept and process the petition associated with the proposed AEA, with final approval pending their receipt of required documentation. The Towns of Clifton, River Falls and Martell have each passed a resolution supporting the establishment of an AEA within their borders. These resolutions are attached for your information. A similar resolution is now necessary at the County level. Pierce County's adopted Farmland Preservation Plan states:

Goal #1 Identify and preserve areas suitable for agriculture.

Objective #1 Assist town in preserving productive farmland within their borders consistent with town policies and plans.

Policy #1 Support the creation of Agricultural Enterprise Areas when supported by the impacted towns.

Pichotta noted that even if we aren't able to get this AEA created until 2016 this is a necessary step. So just because DATCP has indicated that this might not go through this year, he doesn't see a reason not to move this forward and get a resolution in front of the County Board supporting this.

Staff Recommendation: Staff recommends the Land Management Committee support the creation of the North West Pierce County AEA and direct staff to work with the Corporation Counsel's Office to draft a resolution for Finance and Personnel Committee and County Board consideration.

He stated he has larger maps of the last two items if anyone wants them or if they want to take them with them. Holst stated Martell seems pretty much the whole township is in this AEA. Pichotta stated yes, Martell is one of those towns that basically anything that is zoned agriculture in their town they included it as land suitable for preservation and as such nearly the entire town was eligible for inclusion in an AEA and they have opted to include the entire town. Sanden asked if the Martell County Forest was included also. Pichotta stated from a certain perspective forests are just a different sort of a crop. Holst stated they may have trouble meeting the financial criteria. Pichotta stated we would expect that folks that own forest land probably wouldn't be entering into Farmland Preservation Agreements specifically relating to their forested land. It would only be if they were working the land. Inclusion in an AEA doesn't obligate anyone to apply for credits. It just enables the potential for it. Sanden asked about the process, wasn't there a time when it was de-funded, where the Governor said you could go ahead and use that money to buy development rights but only the money that was currently in the pot. Pichotta stated that was a different facet of this. Sanden stated was that the Working Lands Initiative. Pichotta stated that is the Working Lands Initiative and there are a number of parts to it. There is the AEA component, and also the purchase of development rights and that is what was discontinued. Mr. Rodewald stated Senator Harsdorf expanded the funds that were available in the AEA basically doubling the amount of acreage that could be considered. Going by memory, he thinks it started out at \$2 million and they funded it to the level of double that. There is good support in Madison for this program and they did back away from the transfer of development rights, the purchase of development rights as the Town of River Falls did because it was just very difficult to manage. When they did their comprehensive plan a couple years ago, they set that up as one of their goals. It seemed like a good idea to move the development out of the township into the ETZ where development should go. No one else could figure out how to make it work, which was their problem. Holst stated it has been his experience with the government, any contract you enter into with them can be changed at their will, so I wouldn't count my ten dollars until it's in my pocket and the check has cleared. Mr. Rodewald agreed with Mr. Holst, and stated that it has been a very frustrating process up to this point. It seemed like when they just about get to the finish line, they change the program. **Holst moved to support the creation of the North West Pierce County AEA and direct staff to work with Corporation Counsel's Office to draft a resolution for Finance and Personnel Committee and County Board consideration/Ross seconded.** Diana Smith, River Falls Town Chairperson, stated one of the things that is important to note, creating an AEA, creates land suitable for preservation and create the ability for the individual. Holst stated God created the land that was suitable for preservation, you didn't. Ms Smith stated the individual farmers; there is a core of them that would like to do this, but anyone else can be part of it but it is based on some criteria. They have to choose to do that, not just because we have created the areas. Holst stated you will have to grow a lot of garlic to cross that financial threshold. That was the problem with your previous stuff that you had going on. Ms Smith stated that is correct. There are a number of farmers that they don't think this will be an issue for so that is the reason that they are going forward and supporting this. Chairperson Fetzer stated there is a motion on the table, **All in favor. Passed.**

6:25pm Committee to convene into closed session pursuant to WI §19.85(1)(c) considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility; to-wit; performance evaluation of Land Management Director. Holst moved to convene into closed session/Ross

seconded. Chairperson Fetzer called for a roll call vote: Holst – yes, Ross – yes, Aubart – yes, Fetzer – yes, Sanden – yes.

6:55 pm Holst moved to reconvene into open session and take action on closed session item, if required/Ross seconded. Roll call vote: Holst-Yes, Aubart -Yes, Ross-Yes, Sanden-Yes, Fetzer - Yes. All in favor. Passed.

Motion by Holst/seconded by Aubart to grant the Land Management Director a step increase, if eligible, based on a favorable annual performance evaluation. All in favor. Passed.

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

Departmental Update and Future Agenda Items

No future agenda items besides accepting the 1998 Jeep Cherokee bid. This will be placed on the agenda of the second meeting date in July.

Motion to adjourn at 7:04pm by Ross/Aubart seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, June 17, 2015 – 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 1 st & 15 th , August 5 th & 19 th , September 2 nd & 16 th , all in 2015.	Chair
3	Approve minutes of the June 3, 2015 Land Management Committee meeting.	Chair
4	Discuss take action on approval of amended Farmland Preservation Map for the Town of River Falls.	Pichotta
5	Discuss take action on proposed North West Pierce County Agricultural Enterprise Area (AEA) to be located in portions of the Towns of Clifton, River Falls and Martell.	Pichotta
6	Committee to convene into closed session pursuant to WI §19.85(1)(c) considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility; to-wit; performance evaluation of Land Management Director.	Chair
7	Committee to reconvene into open session and take action on closed session item, if required.	Chair
8	Discuss take action on Travel/Training Requests	Pichotta
9	Future agenda items.	Pichotta
10	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.

(6/5/15)

PIERCE COUNTY WISCONSIN

DEPARTMENT OF LAND MANAGEMENT & RECORDS

Pierce County Courthouse

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MINUTES - Pierce County Land Management Committee Meeting, June 3, 2015

Present: Jon Aubart, Joe Fetzer, Jeff Holst, Jim Ross and Eric Sanden

Others: Andy Pichotta, Emily Lund and Shari Hartung

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

Next meeting dates: June 17th, July 1st & 15th, all in 2015.

Approve Minutes: **Ross moved to approve the May 20, 2015 Land Management Committee minutes/Aubart seconded. All in favor. Passed with Fetzer not voting because of absence at the last meeting.**

Public hearing to consider and take action on proposed code amendments relating to the regulation and permitting of Wireless Communications Service Facilities (Chapter 240-41C).

Staff Report – Brad Roy: The new law created in 2013 Act 20 (Act 20) states specifically that a political subdivision may regulate cell phone towers in a zoning ordinance, but places strict limits on how it may do so. The new law will require significant changes to §240-41C and modification of the Land Management Department Fee Schedule. The new law standardizes the application and process for new structures. Act 20 also lists specific limitations or regulations that a political subdivision may **not** impose on the construction or modification of a tower. A municipality may not:

- Enact an ordinance prohibiting the placement of a mobile service structure in particular locations.
- Disprove an application based solely on aesthetics.
- Disprove an application based solely on the height.
- Charge a reoccurring fee.
- Impose a setback or fall zone requirement that is different from other types of commercial structures.
- Permit 3rd party consultants to charge the applicant for any travel expenses incurred in the consultant's review of mobile service permits or applications.
- Disprove an application based on an assessment by the political subdivision of the suitability of other locations for conducting the activity.

Currently the county requires a Land Use Permit for the construction of communication tower over 35 feet but less than 70 feet tall. A Conditional Use Permit is required for communication towers over 70 feet. The current code also establishes a height limitation, setback requirements to property lines as well as offsite residences, application requirements and permitting procedures, type of tower and other various requirements. On February 5, 2014 the LMC directed staff to develop code language for an over-the-counter Land Use Permit for Communication Towers with the potential for third-party review in cases where there would be a reduced setback. Act 20 allows for municipalities to require permits for the construction of new towers, structural modifications to an existing tower and the placement of additional antennas on an existing tower. To be consistent with current regulations staff is proposing to require permit for the construction of new towers and "Substantial Modifications: to existing towers. A permit for

Substantial Modifications is necessary since setbacks would have to be verified. The county has not required permits for the placement of additional antennas on existing towers in the past. The application and procedure for permitting is consistent with the requirements of Act 20. WCSFs will continue to be required to follow FAA regulations. The owner of a newly constructed tower will continue to be required to provide the county with a surety to cover the cost of abandonment should the facility fall into disuse, which is a current regulation. Setbacks have been modified to be consistent with the requirements of Act 20. All guy wires, supports and structures accessory to the tower will need to comply with all dimensional standards of the zoning district. The towers will also have to comply with the standards of the zoning district as well as §240-29D. Staff has developed a requirement for third party review in cases where the applicant presents engineering certification for reduced setbacks. (§240-41C2(f)) Fees for new towers currently are \$1,000 + \$2 per foot of height of the tower. Act 20 limits fees for new towers and substantial modifications to \$3,000 and there can be no reoccurring fees. Staff removed all requirements regarding appearance and location. On February 19, 2014 the LMC made the following determinations:

- No permit will be required for the placement of antennas on an existing tower.
- The fee for the construction of a new tower shall be \$3,000.
- The fee for a substantial modification shall be \$500.

Act 20 allows the County to charge up to \$3,000 for a substantial modification. At the February 19, 2014 meeting the LMC suggested charging the maximum allowed, however, a fee of \$500 for a substantial modification was suggested. The fee for a substantial modification should be clarified and established.

Staff Recommendation: Staff recommends the Land Management Committee review the proposed revisions and if determined to be appropriate, approve said revisions and forward a recommendation to the Finance and Personnel Committee and the County Board of Supervisors for approval and adoption. It's been awhile but the code is virtually the same as what you had seen last year. There have been a couple small tweaks on it. It is consistent with Act 20. The only item for discussion is what the fee for Substantial Modification should be. Chairperson Fetzer stated we talked about the \$500 fee last time, what kind of clarification do you need on that? Roy said, looking back at it there was talk about charging the maximum allowed that would be \$3,000. If you wanted to leave it at \$500 or go to the maximum, looking at the minutes, it wasn't real clear how we should go about that. We can stay with \$500 but if you want to discuss it, we can. Holst asked what you anticipate staff costs for issuing substantial modification permits is. Roy stated it would probably be minimal, just verifying new heights and setbacks. Holst asked if \$500 would be sufficient. Pichotta stated one thing to remember with this is we get the initial charge and we never get it again and we are still going to require periodic inspections to ensure the structural integrity of the tower. So there are some yearly costs. That is why we arrived at the \$3,000 for the initial fee. He isn't sure we need to go to the maximum just because we are going to have that fee for that tower even if it gets a substantial modification. He doesn't think there is a need to go to the maximum, \$500.00 is probably adequate. Chairperson Fetzer asked how often do you get modifications. Pichotta stated it's not that often. Typically, it's someone adding additional antennas, which we don't charge a permit for, previously we charged a fee for an accessory structure that would be an equipment shed associated with an antenna and that would require a permit. He thinks we're probably comfortable with the \$500 if the committee is. It was just that the minutes were conflicting so we weren't sure which direction and needed some clarification. Sanden stated he feels Jeff was on track and if it doesn't cost us a lot, there is no need to increase it. Dave Gilles, asked how often the fee schedules are reviewed? Pichotta stated our fee schedule was last adopted in 2004. We reviewed it a few years ago and it was right after the housing bubble burst. When we last reviewed it, the committee didn't make any changes because they felt that the timing was such that we shouldn't necessarily impose larger fees. Mr. Gilles stated that his thoughts are with the economy and the way things are going. Things could go up and down and labor costs never go down. His own personal feeling is that these should be reviewed more often for all fees in Pierce County. At least the \$500 amount seems awful low based on today's labor costs, running costs and the vehicles being used, what have you. He isn't against the fees but he is wondering if we aren't short changing ourselves on some of these fees. Chairperson Fetzer stated we should have saved that for public comment

but that's fine. Sanden stated that is the other side of the argument. Holst stated we reach kind of a break even here at seven years. After that we start digressing from where we were. Sanden asked if the costs do exceed the fees, can we at that point re-evaluate the structure. Pichotta stated we would have to re-evaluate the fee structure. Holst stated we couldn't come back on that structure. It would have to go forward from the date that we re-establish our fees. Any structure after that date would be affected, prior to that date, it wouldn't. Chairperson Fetzer asked what's the typical life on these, 20 years? Pichotta stated at least. Roy stated we have been getting calls about companies wanting to construct new ones. Since last year, he hasn't received anything about a modification other than placing a new antenna on the structure which we say you don't need anything for. He has yet to see anything be proposed or qualify as a substantial modification. Pichotta stated he can't think of a single one that would have been a "substantial modification" in his tenure here. Seems as though when somebody needs a new tower; they just go with a new tower. Chairperson Fetzer stated if you are getting so far into it and going to substantially modify it, it's probably more cost effective to just build a new one. Sanden stated that when his dish company upgrades, they don't even take back the old dish; it's obsolete. This is a little different, it's just a structure. You probably don't update the technology on just a structure. Holst stated it depends on the design of the structure whether it will carry the weight that they are putting on it. Pichotta stated there is usually substantial concrete below the ground in order to counter the height and if you increase the height, it has to still work with the amount of concrete anchoring the structure. Holst stated the FAA deals 200 feet plus, they have to light it so they always want to stay at 199 feet. Pichotta stated they don't mind lighting them. We did that. We had a limitation. We wanted them less than 200 feet so they wouldn't be lit. We didn't prohibit them from being taller, we just said they had to demonstrate why they needed to be taller and nobody ever did.

Chairperson Fetzer opened the hearing to the public. No additional public comment. **Public hearing closed.** Sanden asked just for clarification, if we find this \$500 is insufficient, we can at a later date come back and increase that, not for the past but for future modifications. Holst stated we have to remember that government is not in the business, we can't charge more than what it actually costs us. Pichotta stated there has to be a reasonable relationship between what your costs are and the fee that your charge. Sanden stated that is rough proportionality. **Holst moved to adopt the proposed revisions relating to the regulation and permitting of Wireless Communications Service Facilities (Chapter 240-41C) and forward a recommendation to the Finance and Personnel Committee and the County Board of Supervisors for approval and adoption/Sanden seconded. All in favor. Passed.**

Discuss take action on status report and review of 2015 work plan for Red Wing Airport located in Section 6, Town of Isabelle, Pierce County, WI.

Staff Report – Brad Roy: In 2012 the LMC approved a Conditional Use Permit to the Red Wing Airport for a runway approach lighting system. Condition #5 of that permit states, "The applicant shall provide yearly status reports on Airport issues and activities to the Land Management Committee." A status report was provided to the LMC in 2013. In 2014, the previous Zoning Administrator contacted Airport representatives to inquire about attending a meeting, however no date was finalized. Brad passed out a copy of the 2015 Action Items/Work Tentative Plan received from Red Wing Airport. Items in that plan include building improvements, complete the land use zoning process, apron & taxiway pavement strengthening, runway crack sealing and consultant selection. The Airport Land Use Zoning Ordinance has not yet been approved by the Minnesota Department of Transportation. It has been proposed that the Land Management Department administer the final ordinance. LMC and County Board approval would be required for this to occur. It would also appear that approval by the Towns of Isabelle and Trenton would also be necessary, given the zoning ordinance would apply solely to those two towns. This item will likely be brought back for discussion in the future.

Staff Recommendation: Staff recommends the Land Management Committee review the submitted plan and provide comments and/or recommendations if appropriate.

Rick Moskwa, Public Works Director of the City of Red Wing. He will go through the work plan and discuss some comments that aren't on the work plan as well. Under the Building Improvements, #1

basically some HVAC improvements to their terminal building and aircraft service center, those are just worn out. As Mr. Roy mentioned, the land use zoning process, the State of Minnesota is currently reviewing all of their airport zoning rules. They weren't able to get through the legislative session this session and asked us to be more patient than we have already been with this process and have assured him they are going to address it in 2016. They also have assured him that the commissioner all the way down to their staff is under full understanding that what was approved in our Joint Airport Zoning Board is what this committee and this county wants to see moving forward. He can't guarantee that is what is going to happen but they have made themselves pretty clear on that. Also Representative Kelly, who is our representative is the chair of the Transportation Committee so at some point in time, if we have issues, we think we will be able to have some discussion with the chair on the house side. Our major project for the year is the Apron & Taxiway Pavement Strengthening. They received funding from the State of Minnesota for general airport maintenance. Their pavement index management was rated for very poor to poor on most of the pavement on that site. Every two years they try to put together a program, they get about \$150,000 and bundle that up to get a decent size program. It moves us forward. It's a 95/5 split so that is federal money that comes to the airport based on having the airport. The bids came in at \$434,000 with Hard Drives out of Faribault getting the bid. He thinks Monarch did bid on it. They were close both of them. Monarch got the interior City streets and Hard Drives got the airport job. That is a big project for them. Their consultant does all the engineering for them. That helps them so they don't do that work, it's all bid out. Conversely when you are doing all this new paving you have to do the crack sealing. The consultant, which is SEH, right now they have to do consultant selection. They are supposed to do it every five years and they are a little behind. The airport board members and staff will review consultants and make a decision and ask for council approval. Wes Converse runs Red Wing Aeroplane Company, he put in a significant hangar and office area. That was their last conditional use permit. He is almost there. He built an office area that has the ability to put a flight simulator in it. The simulator will be here in August. They have to build this. It's for the type of planes that he flies. He has ten charter planes that fly out of the airport now. He has about 65 employees. He is a seven day a week/24 hour a day operation. He plans to build another big building to house some of his planes. Right now there is not enough room and some sit outside. He is possibly looking at a smaller one and some office space. Payable for this year, he is paying about \$15,000 in tax. That is a significant increase in the tax base because of his operation. His flight simulator will be for training of his employees and other employees. He will bring people in. He mentioned they stay at the David Motel, right now he has two people that are staying there for the next two and a half weeks. They try to use the local restaurants and stuff. He wanted the committee to be aware of that. He spends a significant amount on fuel purchasing on the airfield. He helps them out and all that fuel tax is paid to the State of Wisconsin. He has done a lot of development. Holst stated he is a good young man from Hager City. Sanden asked if the work plan will go ahead regardless of legislative limbo. Mr. Moskwa stated yes, they will not bring anything forward for zoning until the State of Minnesota gives them something. When they met last, the feeling was that no one was going to do anything until the State of Minnesota signed off on it. Chairperson Fetzer asked if this time of year works well for them to come in. Mr. Moskwa stated yes, it just depends. What works if staff sends him something and then Tammy takes care of trying to get him here.

Discuss take action to amend Resolution 04-16 relating to the fees associated with Wireless Communications Service Facilities.

Staff Report – Brad Roy: The law created in 2013 Act 20 (Act 20) states specifically that a political subdivision may regulate cell phone towers in a zoning ordinance, but places strict limits on how it may do so. The law requires modification of the Land Management Department Fee Schedule. The current fees are \$1,000 + \$2 per ft. for a new Commercial Tower along with an annual fee of \$200. The LMC determined that fee for a new Wireless Communications Service Facilities (WCSF) shall be \$3,000 and a WCSF Substantial Modification shall be \$500 up to \$3,000. 2013 Act 20 no longer allows for reoccurring fees. The Land Management Department Fee Schedule (Resolution 04-16) should be amended to reflect the required changes and determinations made by the LMC, which are:

Wireless Communications Service Facilities \$3,000
Substantial Modification \$500 or up to \$3,000

Staff Recommendation: Staff recommends the Land Management Committee direct staff to work with Corporation Council on drafting a Resolution to establish the approved fees for Wireless Communication Service Facilities and forward it to the Finance and Personnel Committee and County Board for approval.

Holst moved to approve the Resolution 04-16 relating to the fees associated with Wireless Communications Service Facilities/Ross seconded. Pichotta stated just to clarify the fee is at \$500 on the proposed resolution. Chairperson Fetzer stated yes. **All in favor. Passed.**

Discuss take action on Travel/Training Requests. Pichotta stated he has one request for Brad and Emily to attend the WCZA District meeting that will be held in Pepin on June 11th. Holst asked if that was an overnight meeting. Pichotta stated no. **Aubart moved to approve the travel/training request for Brad Roy and Emily Lund on June 11th in Pepin/Ross seconded. All in favor. Passed.**

Departmental Update and Future Agenda Items

Two items for the next meeting relating to the Town of River Falls; the first is the Town is seeking approval for an amended Land Suitable for Preservation Map that would be included in our Farmland Preservation Plan which is adopted as an addendum to the Comprehensive Plan. The second issue is to discuss take action on a proposed North West Pierce County Ag Enterprise Area (AEA) located in portions of the Town of Clifton, River Falls and Martell.

Annual performance evaluation for Andy.

Motion to adjourn at 6:30pm by Holst/Ross seconded. All in favor. Motion carried. Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, June 3, 2015 – 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: June 17 th , July 1 st & 15 th , all in 2015.	Chair
3	Approve minutes of the May 20, 2015 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on proposed code amendments relating to the regulation and permitting of Wireless Communications Service Facilities (Chapter 240-41C).	Roy
5	Discuss take action on status report and review of 2015 work plan for Red Wing Airport located in Section 6, Town of Isabelle, Pierce County, WI.	Roy
6	Discuss take action to amend Resolution 04-16 relating to the fees associated with Wireless Communications Service Facilities.	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.

(5/22/15)

PIERCE COUNTY WISCONSIN

DEPARTMENT OF LAND MANAGEMENT & RECORDS

Pierce County Courthouse

414 W. Main Street P.O. BOX 647

Ellsworth, Wisconsin 54011

ZONING OFFICE 715-273-6747

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MINUTES - Pierce County Land Management Committee Meeting, May 20, 2015

Present: Jon Aubart, Jeff Holst, Jim Ross and Eric Sanden

Others: Andy Pichotta, Emily Lund and Shari Hartung

Absent: Joe Fetzer

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

Next meeting dates: June 3rd & 17th, July 1st & 15th, all in 2015.

Approve Minutes: **Ross moved to approve the May 6, 2015 Land Management Committee minutes/Aubart seconded. All in favor. Passed with Sanden not voting because of absence at the last meeting.**

Public hearing to consider and take action on a request for a conditional use permit for a Farm and Home Based Business for a trucking and excavating business in the Agriculture Residential District, pursuant to Pierce County Code Chapter 240-36D, by Matthew Heath, agent for Gregory S. Bechel, owner on property located in SE ¼ of the SE ¼ of Section 30, T25N, R15W, Town of Union, Pierce County, WI. Chairperson Holst invited Mr. Heath forward: Mr. Heath explained it was brought to their attention that they needed to get their business in compliance with Pierce County Code. They are going through the motions to get the conditional use permit for the business to continue operating at that location which they have done for 10 years.

Staff Report – Emily Lund: The applicant owns a trucking and excavating business called Greg Bechel Trucking & Excavating LLC. He started his business with one truck in 1997 and in 2007 there was an expansion to the business. The applicant is seeking an after-the-fact CUP to bring their property into compliance with Pierce County Code. The applicant's home is situated on a 20 acre parcel located in Section 30, in the Town of Union. Section 240-36D allows for farm and home based businesses accessory to permitted single-family residences through issuance of a conditional use permit in agricultural zoning districts, subject to the four items listed in the staff report. Current and adjacent land uses are residential and agricultural. The business is operated out of a 43' x 110' (4,730 sq ft) shed on his property. The building is used for storage and maintenance of equipment. Bull dozers, excavators and rock trucks, etc are parked on the property between jobs. Quad-axle dump trucks and other heavy duty trucks are parked and maintained on the property daily. The trucking and excavating work is performed off-site. The applicant currently has 7-8 employees on-site. He has other employees that report to a commercially zoned property at W1455 265th Ave just outside the Village of Plum City. Pierce County Code Ch 240-54A requires 2 off-street and 1 handicapped parking spaces for contractor establishments. The property currently meets these standards. Normal business hours of operation are 6AM to 6PM, Monday through Friday and an occasional Saturday. Seasonal hours of operation are 24 hours/day and 7 days/week on an as needed basis. In the winter, they are hired by neighboring municipalities for emergency snow plowing. They also assist local fire departments and are called out to demolish a building during a firefight in order to extinguish the hot spots. The shed has a bathroom for the employees. The LM Department permitted

and inspected the installation of a holding tank to the shed in 2009. The holding tank is pumped and reported to the Department on a regular basis (at least 4 times per year). The applicant may establish one (1) on-site advertising sign with this CUP that will state the company name and telephone number. The sign face area is proposed to be 6' x 4' and shall not exceed 24 sq ft per Pierce County Code 240-60N(1)(d). Applicant has P.I.G. contracted on a weekly basis for trash pick-up. Tires are brought to the Pierce County Recycling Center and the rest of the recycling is brought to the Village of Plum City recycling. The Town Board of Union recommended approval of this request on 4-21-2015 without identifying any specific conditions. Their approval is attached to the staff report.

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 after-the-fact conditional use permit for a farm and home based business with the following conditions:

1. Activities shall be conducted as presented in the application, including hours of operation.
2. The business shall be conducted by the owner of the dwelling unit.
3. No more than 8 persons not residing on-site shall be employed at the site at any given time.
4. The entire business area shall not exceed 5,000 square feet.
5. There shall be at least 2 parking spaces, with a minimum of one space for handicapped parking.
6. The advertising sign shall not exceed 24 square feet, comply with the zoning code standards and signs shall be located outside of road right-of-way.
7. Applicants shall work with Todd Dolan, Town of Union Building Inspector, to determine whether or not commercial plan review and approval is required from the Department of Safety & Professional Services.
8. Applicant shall comply with all relevant local and state ordinances and regulations and secure all necessary permits and licenses (e.g. Department of Safety & Professional Services (DSPA) etc).
9. This conditional use permit shall be renewed every two years. Permit may be renewed administratively if no compliance issues arise.
10. 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.

Chairperson Holst opened the hearing to the public. Gary Hutter, a neighbor, asked if there is containment for fuel spills and such around the fuel barrels. Mr. Heath stated the barrels are double lined. Mr. Hutter asked if there is containment and if it is necessary to have one. Chairperson Holst stated if they are a double-wall tank, they don't need to be. Mr. Hutter asked if there is a plan of action for oil spills in the yard and such? There is a lot of oil that gets spilled out there. Mr. Heath stated yes, they do have a plan of action. If there is an excessive oil spill or any sort of chemical, the employees are to contact him and then they assess it as to how to clean it up. Mr. Hutter asked if it's going to contaminate his well or such. He knows for a fact that there is a lot of oil put on the ground there. Chairperson Holst asked if the vehicles are parked on gravel. Mr. Heath stated they are parked on gravel during the summer; in the winter they are parked inside. Any oil or anything that is leaked, if it's a major spill, or anything like that, they are going to do what they need to do. If it exceeds the standards to where they would get the DNR involved, if it's something catastrophic obviously they are going to do something of that nature. Otherwise, it's disposed of, floor dry, scooped up and disposed of correctly. Sanden asked if the sheds have cement floors. Mr. Heath stated yes. Mr. Hutter asked if all the water goes into this holding tank from the washing. Mr. Heath stated no, any water that is contaminated with oil, they don't just let it go out and seep through the grass. What they do is if there is oil or antifreeze leak in the shop, they squeegee it up and put it in pails. The drain is like a trough drain all the way over to one side of the building so it all drains that direction. If there is a spill when mechanics are working on something, floor dry is used and they do squeegee it up and get it contained somehow. Mr. Hutter stated so there is a plan of action for spills. Mr. Heath stated yes but it's not a written plan. Sanden asked in a business like this is there any protocol of having any testing done or monitoring in case there is an issue out there. Pichotta stated not

necessarily. He asked Mr. Heath if he knows whether the building is built to uniform commercial code. Mr. Heath stated it was built before he was a part of this but he is sure it is. Chairperson Holst stated Mr. Dolan will find out and if it's not it will have to be upgraded. Pichotta stated often times, containment systems are a part of that approval process. Chairperson Holst stated he knows of some other trucking outfits where they run it into a little holding tank. **Public hearing closed.** Aubart stated he is a little bit confused about the floor drain, or shop area that is washed down but there is no containment tank. Mr. Heath asked as far as from the floor drain? Aubart stated correct, where does that floor drain go to? Mr. Heath stated it does go outside just like a normal pole shed drain. Like a standard garage drain. Aubart asked if there is a gray water tank or something like that. Mr. Ross asked if there no way to capture that? Mr. Heath stated that could be a possibility, it's a pipe that goes right outside so they could work that into the system pretty easily. Aubart stated another issue would be if there are spills for whatever reason, diesel fuel or oil on the gravel, what do you consider a major spill or minor one? Mr. Heath stated a major spill, for containment he is thinking it would be a gallon or above, anything like antifreeze, oil, diesel or anything of that sort. Sanden asked if he is aware that because of the dispersive nature of oil, a quart of oil can contaminate about a million gallons of water. Mr. Heath stated he was not aware of that. Sanden stated so a gallon would be 16 million gallons of water contaminated. Mr. Heath stated if the board would like to see a written plan of action as far as a spill, anything of that nature in what you classify a major spill, they can do that. They do practice that at the mine and other operations. That would not be an issue. Ross stated if antifreeze leaked you said you would squeegee it and get it into a bucket, but there is that opportunity to miss that and it gets into the drain. Mr. Heath stated currently, the way it is set up, if we had a catastrophic breakdown or something of that nature, it would eventually seep over into that drain. As far as any major amount of chemicals, would be when they are doing work on the vehicles, that is how they contain it. If they spill something, it is caught in buckets. Chairperson Holst asked if they wash vehicles inside the building. Mr. Heath stated yes, in the winter time they spray them off otherwise in the summer, they do it outside. Pichotta suggested a couple additional conditions for your consideration: #11 Spill Containment Plan shall be submitted within 60 days. #12 Containment system associated with the floor drain shall be installed within 6 months. Aubart stated that you said when you do have spills, you use floor dry and put it into buckets, who disposes of that for you? Mr. Heath stated the floor dry goes through PIG but as far as used oil, there are a couple people that have used oil burners that come and get it. Sanden asked staff about the history of this, this began in 1997 and at that point was a Farm and Home Based Business required? Lund stated she doesn't know what the previous code was. Pichotta stated he started in 2000 and he is not sure what the requirement prior to that time was. We have been trying to play catch up with these folks for a good number of years. When Kleinhans was around, the letters were sent by him. Chairperson Holst stated in 2007 when they expanded, they needed one at that time. If we, and we did, grant them a holding tank permit, we didn't do our job in a timely fashion. Sanden asked what the nature of the expansion was. Mr. Heath stated in 2007, as the report said, they started out with the one truck and then they had a contract with Fairmont Minerals at the time, Sandtrol now, to haul sand from their Bay City mine to the Hager City mine. There were four trucks added. Sanden asked if you received notification from the County or the Township that you needed a permit. Mr. Heath stated that if it happened 2007, he wouldn't know, as he wasn't around. From what he knows is when they did the holding tank and Jim Kleinhans came out to do that, he had realized that this needed to happen. Lund stated she can speak to the fact that after he inspected the tank, he did write a letter and started asking more questions about the commercial business at that time. Sanden asked what the date was. Lund stated December 8, 2009. Pichotta stated Mr. Kleinhans was not as aggressive on this particular issue as he was on some. Sanden stated that after six years it's on the onus of the operator to take care of this. Pichotta stated there were a number of letters sent, it was not just one. Chairperson Holst stated eight people on site; that is a good number, you wouldn't be stretching it. Mr. Heath stated the seven or eight right now; that is what it will continue to be. They have about four other employees that report to another commercially zoned one. Chairperson Holst stated he sees nine trucks in the dump truck row. Do you keep a spare on site? Mr. Heath stated looking at the picture, there is nine there and they have been switching them around so many times. They always like to keep one or two there for back-up. Pichotta

stated basically eight employees is the maximum one can have outside of a commercial district. In the Town of Union, the Town has not adopted a stand-alone comp plan for that Town so it falls on the County Comp Plan and basically a rezone to Commercial in this location would be hard to support. So that eight number is pretty solid and has to be adhered to.

Ross moved to approve the conditional use permit for a Farm and Home Based Business for Gregory S. Bechel with conditions #1 - #10, adding condition #11 Spill Containment Plan shall be submitted within 60 days. And condition #12 Containment system associated with floor drain shall be installed within 6 months. Due to the fact this is not found to be contrary to the public interest, nor detrimental or injurious to the public health, public safety or the character of the surrounding area/Aubart seconded. Aubart asked for clarification on the spill containment plan, is this for the exterior or the whole site? Pichotta stated for the whole site, interior and exterior. Aubart stated the containment tank is for the interior of the shop. Chairperson Holst asked to amend condition #12, he feels 6 months is a little long for a company that is in the business of excavating. There is an outfit that supplies containment vessels in our county. He thinks 3 months gives them ample time. The neighbors have lived there for a long time, he thinks, and he has voiced some interesting concerns. It would go a long way toward being a good neighbor if you would expedite this. Mr. Heath stated they can do it in three months. **Ross accepted modification to 3 months and Aubart agreed. All in favor. Passed.** Mr. Heath asked if when they have a containment vessel should they check with Land Management before they tear everything apart? Chairperson Holst stated yes.

Discuss take action on Department use of POWTS Cooperating Electrician Form:

Staff Report – Emily Lund: The LMC approved the Department's use of the POWTS Cooperating Electrician Form on April 16, 2014 due to the State's then recent adoption of WI ACT 143. The WI Dept of Safety and Professional Services (DSPS) has taken the past year to fully interpret and administer the law. During recent continuing education classes, it was brought to staff's attention that DSPS did not technically mandate that DSPS Wastewater Specialists and County personnel enforce the inspection of the electrical components to septic systems. Instead, it has been clarified that DSPS requires a Uniform Dwelling Code (UDC) Inspector to inspect and enforce the outside plumbing electrical procedures as part of the required electrical inspection. Since it has now been clarified that this function is part of the UDC Inspector's duties, the form is no longer necessary.

Staff Recommendation: Staff recommends the Land Management Committee authorize staff to discontinue the use of the Private on-site Wastewater Treatment System (POWTS) Cooperating Electrician Form.

Aubart moved to approve the discontinued use of the POWTS Cooperating Electrician form/Ross seconded. All in favor. Passed.

Discuss take action to declare surplus and authorize the sale of 1998 Jeep Cherokee.

Staff Report – Andy Pichotta: As you are aware, a 2014 GMC Terrain was recently purchased to replace the 1998 Jeep Cherokee that was utilized by Land Management staff. It is now appropriate to declare the Jeep surplus and authorize its sale.

Staff Recommendation: Staff recommends the Land Management Committee declare the 1998 Jeep Cherokee to be surplus and authorize its sale.

Aubart moved to approve to declare the 1998 Jeep Cherokee surplus and authorize its sale/Ross seconded. All in favor. Passed.

Discuss take action on Travel/Training Requests. Pichotta stated he has one request for June 1st, Kevin Etherton, GIS Specialist to attend a meeting with Gary Brown in St. Paul, Department of Public Safety.

Ross moved to approve the travel/training request for Kevin Etherton on June 1st in St. Paul/Aubart seconded. All in favor. Passed.

Departmental Update and Future Agenda Items

Working today for a better tomorrow

Public hearing to consider proposed language relating to the regulation and permitting of wireless communication service facilities.

City of Red Wing status report.

Discuss take action to amend Resolution 04-16 relating to the fees associated with wireless communication service facilities along with the legislation that tied our hands to a large degree regarding cellphone towers, it also dictates the fees that we can charge.

Motion to adjourn at 6:30pm by Aubart/Sanden seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING REVISED AGENDA
Wednesday, May 20, 2015 – 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: June 3 rd & 17 th , July 1 st & 15 th , all in 2015.	Chair
3	Approve minutes of the May 6, 2015 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for a conditional use permit for a Farm and Home Based Business for a trucking and excavating business in the Agriculture Residential District, pursuant to Pierce County Code Chapter 240-36D, by Matthew Heath, agent for Gregory S. Bechel, owner on property located in the SE ¼ of the SE ¼ of Section 30, T25N, R15W, Town of Union, Pierce County, WI.	Lund
5	Discuss take action on status report and review of 2015 work plan for Red Wing Airport located in Section 6, Town of Isabelle, Pierce County, WI.	Roy
6	Discuss take action on Department use of POWTS Cooperating Electrician Form.	Lund
7	Discuss take action to declare surplus and authorize the sale of 1998 Jeep Cherokee.	Pichotta
8	Discuss take action on Travel/Training Requests	Pichotta
9	Future agenda items.	Pichotta
10	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.

(5/08/15)

- **Revised May 12, 2015 at 3:51pm.**
- **Revised May 19, 2015 at 10:03am.**

PIERCE COUNTY WISCONSIN

DEPARTMENT OF LAND MANAGEMENT & RECORDS

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MINUTES - Pierce County Land Management Committee Meeting, May 6, 2015

Present: Jon Aubart, Jeff Holst and Jim Ross

Others: Andy Pichotta, Brad Roy and Shari Hartung

Absent: Joe Fetzer and Eric Sanden

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

Next meeting dates: May 20th, June 3rd & 17th, July 1st & 15th, all in 2015.

Approve Minutes: **Ross moved to approve the April 15, 2015 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 Nonmetallic Mining in the Primary Agriculture District, pursuant to Pierce County Code Chapter 240-37A, by John Rohl, agent for John C. Rohl Jr and John C. & Alva-Jeanne Rohl Life Estate, owners on property located in NW ¼ of the SW ¼ of Section 28, T27N, R19W, Town of Clifton, Pierce County, WI. Chairperson Holst invited Mr. Rohl forward: Mr. Rohl explained he needs a conditional use permit to operate their quarry. Mathy had a contract in there and the field man always took care of it but he got let go. So he needs to get the permit.

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. Staff became aware that mining had again begun on the site and notified the land owner/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. Milestone Minerals was issued a Conditional Use Permit for Nonmetallic Mining on the site in 2000. That permit expired and the use was ceased for more than 12 months. Staff informed the operator and the owner of the status of the permit. After no response, staff contacted Milestone informing them that the use had been terminated and that any future mining of the site would require the issuance of a new Conditional Use Permit. Milestone Materials opted to not immediately reclaim the site but to keep it “active” in regards to Pierce County Code 241 – Nonmetallic Mining Reclamation as they wanted to retain the option for future mining on the site. The lease between the applicant and Milestone then expired and the applicant subsequently leased the mining rights to Ron Johnson. The property is subject to a conservation easement with the Kinnickinnic River Land Trust (KRLT). The easement required that the mine be reclaimed at the end of the lease with Milestone Materials. The applicant and the KRLT have come to an agreement to allow mining for a limited term and then have the site reclaimed. There is a response from the Kinni River Land Trust that Brad handed out. It basically says they support the issuance of the permit. The site has a residence and an active agricultural operation. Surrounding land uses are residential, agriculture and nonmetallic mining. The mining site has approximately 4 unreclaimed acres. Access to the mine is off of County Road MM. The site is relatively flat with the relief of approximately 25 feet. No major streams are present on the site. The active mining area is and will continue to be internally drained. Sand and gravel is present under the topsoil and is

approximately 20 feet thick. The operation is for the extraction of the sand and gravel. Typical equipment on the site is bulldozer, backhoe, screener and trucks for hauling. Portable crushing equipment is brought in when needed. There will be no blasting or use of chemicals on the site. There is no washing on the site and no need for high capacity wells. The average ground water elevation, determined by area wells, is 830 feet above sea level. The pit floor is approximately 1000 feet above sea level. The operation will be mostly active in the summer months. Hours of operation will be consistent with daylight hours in the winter. Typical summer hours of operation will be 7:00am to 7:00pm, Monday through Friday and 7:00am to 4:30pm on Saturday. Mining had previously occurred within the 100 foot setback and over the property line. The Reclamation Plan depicts continued mining within the setback area; however that would require an exemption by the LMC to the setback requirements of Nonmetallic Mining Policy. The neighboring mining operation to the west has expressed an interest in joining the two mines. This would require an exemption by the LMC. The Reclamation Plan states that the post mining land use will be pasture land. The plan calls for sequential reclamation and covers approximately 8 acres. Final slopes will be no greater than 3:1. A bond in the amount of \$45,844 was submitted by Milestone Materials for reclamation. The new operator and Milestone may come to an agreement for final reclamation. The financial assurance must be kept current. This request was presented to the Town of Clifton on January 6, 2015. The Town recommended approval of the request with no specific concerns or recommended conditions identified.

Staff Recommendation: Staff recommends the Land Management Committee consider the above and if the proposed use at the proposed location will not be contrary to the public interest and will not be detrimental or injurious to public health, public safety or character of the surrounding area, grant this conditional use permit with the following conditions, as well as any additional conditions deemed appropriate:

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 7:00am to 7:00pm Monday through Friday and 7:00am to 4:30pm on Saturday.
7. Any proposal to deviate from 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 and potentially a rezone depending on the intensity of the use.
11. New financial assurance consistent with the Reclamation Plan shall be submitted by the new operator prior to any mining activities taking place and kept current.

Chairperson Holst opened the hearing to the public. No public comment. Public hearing closed.

Aubart stated we talked about the mining within the 100-ft setback and then again in the recommendations. He is confused on that. It has already occurred within that setback. Roy stated it had. Now the neighbor to the west is Rumpca and they are mining so there had been some talks, mostly driven by Rumpca, that since it had occurred over the property line, he would like to mine to that as well. Basically joining the two but that would take an exemption to each pit, granted by the LMC plus we would have to redo some reclamation plans as well to show that. Chairperson Holst asked Mr. Rohl if it is his wish to ask for that exemption tonight. Mr. Rohl stated no, that was Rumpca's idea. He had talked to

him about it but it never went any further. Because the material joins there on the property line. The reclamation would match. Chairperson Holst stated it's what you want and if you don't care about having it included it's a moot point. **Aubart moved to approve the conditional use permit for Nonmetallic Mining for John Rohl, agent for John C. Rohl Jr and John C & Alva-Jeanne Rohl Life Estate with conditions #1 - #11, due to the fact this is not found to be contrary to the public interest, nor detrimental or injurious to the public health, public safety or the character of the surrounding area/Ross seconded. All in favor. Passed.**

Chairperson Holst recused himself from agenda item #5 due to possible conflict of interest and turned the meeting over to Jim Ross.

Discuss take action of Screening Plan and potential modification of conditions associated with a conditional use permit for nonmetallic mining 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. Acting Chairperson Ross invited Mr. William F. Holst III forward:

Staff Report – Brad Roy: The applicant received a conditional use permit for nonmetallic mining to expand an existing mining operation in September, 2014. A berm was installed at the southwestern portion of the property outside of the County Road K right-of-way, at the request of the Town of Trenton. Condition #16 of the Mining CUP states, "A screening plan for the berm shall be submitted within six months. Trees to be utilized shall consist of conifers of no less than 8 feet in height." On March 18, 2015, the applicant presented a screening plan of Colorado blue spruce trees to be planted in staggered rows on top of the berm. The applicant asked to be allowed to plant 6.5 foot spruce trees instead of 8 foot given that the berm is 10 feet tall. The LMC accepted the screening plan and allowed for 6.5 foot trees. The intent of the berm and vegetative screening is to mitigate impacts to homes located in the nearby Rural Residential 20 District. Land Management staff has received a number of phone calls from neighboring property owners concerned about the adequacy of the screening capability of 6.5 foot trees. Given these concerns and the fact that the need for 8 foot trees was referenced in the conditions associated with the CUP, this issue is being brought back before the LMC for additional discussion and action. The applicant submitted a plan to plant Colorado blue spruce trees. The trees grow approximately 12-18" per year in height and width. An eight foot tree planted in the spring of 2015 will be approximately 12' by 2020 and 17' by 2025. The approved plan stipulated that there will be two staggered rows of trees. Within each row the trees will have an approximate 20' separation. There will be approximately 10' between the rows. The staggered layout will provide a more constant barrier. The existing conditions are listed #1 - #18 in the staff report.

Staff Recommendation: Staff recommends the LMC review the above information and determine if a modification to Condition #16 and/or the screening plan is warranted. There are also some pictures of the site attached to the staff report. The first one is a view from a property with a driveway that goes up the hill so this is one of the higher points across from the site. In the front you can see the berm. In the back there is a stockpile. From the berm, that stockpile is 380 yards. The next picture is from the same point on that driveway, it shows Brad at approximately 6 ½ feet with a transit rod out there showing 8 feet. There is a picture from road level on top of the berm with the measurements. The final picture is a view from the top of the berm, looking back. Chairperson Ross invited the public to comment. Cindy Taube, Town of Trenton, stated that she was one of the people that called. That is her driveway that you are looking across the pit at. She happened to find out randomly that the CUP was going to be altered for the trees to be smaller. It made her concerned about many of the issues that were in the CUP because she doesn't attend every meeting and doesn't read the minutes. If changes are to be made, many of the neighbors do not appreciate what is happening in the pit. She appreciates staff taking the pictures. She can clearly see all the way over to Hwy 35 when she is part way down her driveway. She sees the pit, she sees the equipment and she sees the trucks in there, all of it. Recently she is concerned because late one evening as she was looking at the pit, from her driveway to the left, there was a cloud of dust that just hung over the pit where they were moving in and out and dumping. As she looked to the right the air was clear. So there

is a definite definition over the pit. She knows that we are not talking about dust and sand tonight, but there are some of these other concerns in the CUP that we need to take a look at; dust is one, the sound and the trucks, the lights, the hole is significantly larger in a very short period of time. As far as she is concerned, the berm is not high enough and she doesn't think the Town said it had to be a specific height. As she can look in and see all the equipment and the trucks and the movement of what is happening in that pit, she is really concerned about the noise and the lights. No one has approached them about testing their water. Yup, in five years, she is sure those trees will grow. She really thinks the more they can put up. Ever since that back berm was knocked down between the pit and the farm land, she hears and sees the tracks. She can see Highway 35 traffic. Yes, she may be a little bit elevated versus County Road level and she understands that. If this pit were a few feet from your mailbox and your property, you would have some concerns. Changes to the CUP, what is the status of other things, she would really like to keep up with changes in the mine, what is the best way for her to keep informed just so she knows. Sharan Wendel lives directly across where the berm is the lowest. It gets higher as it goes down the road. Her house is also elevated. As she is elevated, in the past she could never hear anything in her house. Her house is quite some distance from County Road K, she couldn't hear anything, couldn't see anything. Now every time she walks through her second story house and looks down her driveway, she too can see everything that is going on in there. When you look at the trees, while they grow quickly, an extra foot and a half makes a difference. She was quite happy when they walked out of here the last time where it was an 8 foot tree. The trees would also help with the dust too. She can't even keep up with the dust in her house and she has filtration systems and everything on her property, in her house. The trees would also be a natural filter for dust coming through. More concerning to her was that she might have been the first one who found out the plan had changed and she found out in a restaurant and happened to overhear someone talking about it. She wondered how you change a conditional use permit that is agreed upon so she started calling the neighbors and they didn't know anything about it. It was very disappointing to her that something could change where you have these criteria and we think we're home free. If those criteria can be changed at a later date when they aren't looking, that was very disappointing to her. Her two concerns were the noise and the lights and she knows that isn't an issue here but at 4:00am in the morning, those lights are going and that equipment is going because she can see it and hear it from her second story. Then her other biggest concern was the groundwater and the wells and the testing. So if you can change something when we're not looking like the trees going from 8 foot to 6.5 foot, do you then release the requirement for the groundwater testing, do you take off the operation of the noise. If any of those things can be changed at any point without it coming back, that is very disappointing to her. So she would really urge the committee to go 8 foot versus 6.5 foot. If you hear it and see it every single day, when the group was sitting here a month or two ago and they said if that were their neighborhood they would like to see big trees too, she was very happy that somebody understood that. Not only does she want to see those trees, but wants to see them kept alive. Chairperson Ross said they take all the issues very seriously. Cindy Wittenberg, N1815 Cty Rd K, directly across and just in agreement with the comments made. She has made a couple phone calls to Land Management and she does have pictures of the dust that comes. She has COPD and she has noticed that she has had a lot more problems lately with the dust in her house and her breathing issues. When she was notified that things had been changed, she felt she should be here too and say her piece. She is in agreement with her neighbors and it's not right. Mr. Holst stated he contracted over a month ago with the people that bought Johnson Pump Services in Red Wing to do all these well tests. He was given a list from the County and it was forwarded on to them. He will check with them. He was under the understanding that they were contacting people to get these tests done. He has engaged them to do it. Chairperson Ross stated that you are following up on it. Mr. Holst stated if I had planted 12 foot trees then they would have wanted 8 foot trees. Now we have lost this season for planting trees because the trees are starting to candle. So now we can wait until fall or next spring to plant the trees. Cindy Wittenberg stated that she has been contacted to have her well tested. Chairperson Ross asked how long ago that was. Ms Wittenberg asked her husband, Dale when that was; a couple weeks ago. Mr. Holst stated that they were going to try and do a bunch at one time. They have to be sent in the same day, the test and the freight on them is expensive so they were going to try and do a bunch at one

time. Ms Wittenberg stated she called up here to see if they were going to get their well tested and it wasn't too much after that when they a call from Johnson. Mr. Holst asked if they set up a meeting with them. Ms Wittenberg stated they were supposed to come the next day and they didn't have to be home. Mr. Holst stated he will check. Aubart asked on the initial berm height if there was a specified height on the berm. Roy stated no, the Town just said a berm. Aubart stated it could be a four foot berm. So it could drop them 6 feet and they could put 8 foot trees on and it would be lower than what it is now and we would be in compliance with the CUP. Roy stated correct. LeRoy Peterson stated put a little fertilizer on the trees and they will grow faster. Mr. Holst stated not when they can't be planted now. Chairperson Ross asked if we are fully out of season now, Bill. Mr. Holst stated according to his neighbor, when they start to candle, he won't guarantee them. He has to guarantee them or he won't plant them. We might be able to plant them this fall. They come back into season. Aubart stated that we approved the screening plan. We did that based on the 10 foot berm is why we did that. He is of the opinion that we honor what we said, that we approved the screening plan and that is what it is because the berm could be changed and still be within the conditional use permit and we didn't gain anything. So would we be looking to change the CUP condition #16? We have competing conditions essentially is what we have. We have an approved screening plan that we did. We created our own problem. Pichotta stated that if you are going to approve the screening plan as it has been presented, technically you would have to amend condition #16 to state "the trees to be utilized shall consist of conifers no less than 6.5 feet in height." His discussion with legal counsel is that ideally, that condition would be modified to reflect the actual height of the trees despite the fact that the height of the berm has not been identified. If you want to authorize the use of 6.5 foot trees, condition #16 should be modified to state "shall consist of conifers no less than 6.5 feet in height." Aubart asked if we want to establish the berm height also so that they fit together, you see what he is saying. Otherwise, we may not solve the problem. Pichotta stated the berm is there at this point. Mr. Holst stated that if it will make everybody feel better, why doesn't he just plant 8 foot trees. Chairperson Ross stated that would be a good alternative. Mr. Holst asked the neighbors if that would make everybody feel better. The neighbors stated a lot better. Aubart asked if we modify the screening plan. Pichotta stated what we do at this point is basically accept the screening plan, noting that 8 foot trees will be utilized versus the 6.5 foot trees that were previously proposed. Mr. Holst stated he wants to thank the board for their consideration but he wants to try, he guesses he is the worst neighbor you could possibly have so maybe if he does something it will help. **Aubart moved to modify the screening plan for William F. Holst III, to utilize 8 foot trees versus the 6.5 foot trees that were previously proposed/Peterson seconded. All in favor. Passed.**

Chairperson Ross relinquished duties back to Jeff Holst.

Discuss take action on bids received for a mid-sized, 4 wheel/all-wheel drive, Sport Utility Vehicle (SUV) to be utilized by the Land Management Department.

Staff Report – Andy Pichotta: As you are aware, we were looking at purchasing a Sport Utility vehicle to replace the 1998 Jeep Cherokee that we have. The specs were distributed mid-April to Cernohouse Chevrolet in Prescott, Ellsworth Ford, Quinn Motors and Hudson Chrysler. We got back bids from Ellsworth Ford and Quinn Motors. Ellsworth Ford bid a 2015 Ford Edge, 3.5 L V6, AWD with the price being \$26,731, a 2016 Ford Explorer with the same engine, also AWD for \$27,285, also a new vehicle. They note that the approximate delivery time for either vehicle would be 8 or 9 weeks. Both vehicles have a 36,000 mile/36 month bumper to bumper warranty and a 60,000 mile/60 month powertrain warranty. Quinn Motors bid a single, used vehicle. A 2014 GMC Terrain SLE with a 2.4 L V4, AWD used vehicle with 9750 miles for a price of \$23,895. Quinn Motors notes that this vehicle is now available, it's on the lot, the unit is GM Certified. It has a 24,000 mile/2 year scheduled maintenance plan and a 12,000 mile/12 month bumper to bumper warranty.

Staff Recommendation: Staff recommends the Land Management Committee select the lowest responsive and responsible bid and authorize the Land Management Department to purchase that vehicle from said bidder. Aubart asked who the salesman is that you are dealing with at Quinn's. Pichotta said

Greg Place. Aubart asked Andy what he is thinking. Pichotta stated he believes the GMC Terrain would be adequate. It has a little bit smaller engine; a V4 but it's all wheel drive. We aren't that tough on vehicles. It has all wheel capability, size wise it is adequate. It's certainly no smaller than the Jeep Cherokee which it would be replacing. It does come in below our budget amount which is attractive simply because it becomes a little cumbersome to seek authorization to spend addition dollars. Aubart stated it does have the maintenance included for two years or 24,000 miles. Pichotta stated yes, it does. He believes it would be adequate. Certainly a much nicer vehicle than what we have. Chairperson Holst stated he likes what we currently have. It's not often that a public entity drives a classic vehicle in day-to-day work. Pichotta suggested it would be for sale soon. **Aubart moved to approve the purchase of a 2014 GMC Terrain from Quinn Motors for \$23,895/Peterson seconded. All in favor. Passed.**

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

Departmental Update and Future Agenda Items

Public hearing for a Farm & Home Based Business for Greg Bechel in the Town of Union for a trucking/excavating business.

Rick Moskwa and his crew from the Red Wing Airport who are coming to provide a status report and review of 2015 work plan.

This may or may not be a future agenda item, as you recall, early last year there was an electrical form associated with POWTS certification that we discussed and we had a couple plumbers that were present that were not in favor of it. We had been told at that point by folks in the Department of Safety and Professional Services that it was required of us and that we had to adopt it. When push comes to shove, it turns out they were telling that to us without justification. So despite the fact that you have approved that form, given that we now know in no uncertain terms that that is not a state requirement, we are going to discontinue its use. Chairperson Holst asked if we need to take any action on it. Pichotta stated he doesn't believe you do. He will double check on that, it could be a future agenda item. The reality is that the state has no authorization to require us to do that because it's actually covered under uniform dwelling code. It would be a redundant requirement.

Motion to adjourn at 6:42pm by Peterson/Ross seconded. All in favor. Motion carried. Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, May 6, 2015 – 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: May 20 th , June 3 rd & 17 th , July 1 st & 15 th , all in 2015.	Chair
3	Approve minutes of the April 15, 2015 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for a conditional use permit for Nonmetallic Mining in the Primary Agriculture District, pursuant to Pierce County Code Chapter 240-37A, by John Rohl, agent for John C. Rohl, Jr and John C. & Alva-Jeanne Rohl Life Estate, owners on property located in the NW ¼ of the SW ¼ of Section 28, T27N, R19W, Town of Clifton, Pierce County, WI.	Roy
5	Discuss take action on Screening Plan and potential modification of conditions associated with a conditional use permit for nonmetallic mining 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
6	Discuss take action on bids received for a mid-size, 4 wheel/all-wheel drive, Sport Utility Vehicle (SUV) to be utilized by the Land Management Department.	Pichotta
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.

(4/24/15)

PIERCE COUNTY WISCONSIN

DEPARTMENT OF LAND MANAGEMENT & RECORDS

Pierce County Courthouse

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MINUTES - Pierce County Land Management Committee Meeting, April 15, 2015

Present: Jon Aubart, Jim Ross and Eric Sanden

Others: Andy Pichotta, Dillon Hayes and Shari Hartung

Absent: Joe Fetzer and Jeff Holst

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

Next meeting dates: May 6th & 20th, June 3rd & 17th, all in 2015.

Approve Minutes: **Sanden moved to approve the April 1, 2015 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 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. Chairperson Ross invited Mr. Willgrubs forward: Mr. Willgrubs

explained that he has been working with Land Management staff for the past seven years on this project. The campground will be located on the Mississippi River off of Highway 63 by Mister Sippy's. He thinks everything is ironed out to have 20 sites which is all he is requesting at this point. He is looking to do this in different phases. This is the first phase which has taken seven years. The second phase will take a little while too. He has met all the requirements. He understands all the conditions that Land Management has put on the request and he is totally OK with all that. Sanden stated P.I.G. is going to take care of the solid waste and you are going to have a holding tank for the liquid waste? Mr. Willgrubs stated yes. Sanden asked how does that get taken care of. Mr. Willgrubs stated it will be Johnson's Sanitation or Marko, then either P.I.G. or Waste Management that will have the dumpster down there.

Staff Report – Dillon Hayes: The applicant is seeking a conditional use permit for the establishment of a campground. This campground will allow for seasonal camping to be utilized by individuals with campers, travel trailers and recreational vehicles. Existing improvements on the site include a well and electrical services. The number of campsites for this request has been reduced from the number initially proposed in 2008 and all development currently proposed (20 sites) will take place outside of the floodplain area of the nearby Mississippi River. The current request is anticipated to be the first of several phases of campground development. The proposed scope of the complete campground will be similar to the request brought forward to the Town of Trenton Supervisors in 2008, which included approximately 120 campsites, most of which are to be located in the floodplain and shoreland areas of the property. This property is located on 11.6 acres in the Town of Trenton. The property is zoned General Rural Flexible. In 2013 this parcel and an additional adjacent parcel, were rezoned from Rural Residential 20 to General Rural Flexible (GRF). Campgrounds are a conditionally permitted use in the General Rural Flexible zoning district, subject to the conditions set forth in Pierce County Code §240-39A:

1. Each campsite shall be plainly marked and surfaces with gravel, asphalt or other surface to free the site of mud.
2. The maximum number of campsites shall be 15 per acre.
3. Minimum lot size shall be 5 acres.
4. Each campsite shall be a minimum of 1,000 square feet.
5. There shall be two off-street parking spaces for each campsite.
6. All sites shall meet the required setbacks from roads and from the ordinary high-water mark and shall be located at least 50 feet from all exterior lot lines.
7. Each campground shall be screened by means of vegetative screening, as described in §240-31D, along all lot lines. Such requirements may be waived by the Zoning Administrator if existing woody vegetation is such that the screening objective is or will be achieved.
8. No more than one mobile recreational vehicle shall be allowed on any individual campsite.
9. A camping unit shall not be occupied for more than eight months in a calendar year, although a camping unit may remain on an individual campsite for an entire calendar year. The wheels and tires shall remain in an in-transit position.
10. No porches, lean-to's or additions shall be constructed outdoor immediately adjacent to a camping unit. Canvas screen rooms or awnings shall be allowed.
11. A wooden deck may be provided adjacent to a camping unit subject to the following:
 - a. The deck shall not exceed 256 square feet in area.
 - b. The deck may be enclosed by open railings but shall not have built-in benches or tables.
 - c. The deck shall not have a permanent foundation in the ground.
12. A camping unit and deck may only be skirted with lattice; however, solid skirting may be installed immediately adjacent to the tires.
13. One storage shed may be allowed per campsite. Said shed shall not exceed 80 square feet in floor area.
14. A shelter unit may be located on an individual campsite, provided it is designed only to protect occupants from the elements and does not have a permanent water supply, a sewage system, electricity or heating and cooking facilities. A shelter unit shall not exceed 300 square feet in total floor area.
15. One dwelling unit to be occupied by the owner and not more than one additional dwelling unit to be occupied by the manager may be permitted in a campground.
16. Camping shall be permitted in approved campgrounds without issuance of a regular land use permit.

At this time, 16 of the 20 camping sites have been delineated and all sites meet the minimum sizing and parking requirements. The 16 sites delineated to date range in size from 1600 to 1800 square feet and the applicant will be utilizing pea gravel for the surface of each campsite. Screening requirements are described in §240-31C & D. §240-31(C)(7) states: “ Existing woody plants which meet the requirements of Subsection D may be used to meet the landscape buffer requirements.” The Zoning Administrator has determined that existing woody plants and vegetation will effectively screen the site from adjacent uses and waived screening requirements. On April 7, 2015, staff has determined that 1600+/- square feet of filling and grading had taken place to date. If additional filling and grading activities bring the total disturbed area to more than 2,000 square feet a conditional use permit will be required. The applicant has proposed to install a holding tank for the collection of waste from recreational vehicles camping on-site. A sanitary permit for this installation will be required in accordance with Pierce County Code Chapter 191 and Wisconsin Administrative Code SPS 383. This 11.6 acre parcel is an “outlot” as shown on the CSM approved in 2008. §240-88 defines “outlot” as “a parcel of land not to be used for building purposes, so designated on the plat.” As such, structures cannot currently be constructed on the parcel. The applicant has proposed to construct an office on the site at a later date; in order to do so the applicant will be required to convert the outlot to a buildable lot. P.I.G. will be providing solid waste disposal services and Johnson Sanitation will provide sewer pumping services. The applicant will furnish all

campers utilizing the campground with contact information for the owners and managers of the property. The owners live within four miles of the proposed campground. The Town of Trenton Supervisors stated that they see no changes since the initial approval of this request in 2008 and recommended approval on March 10, 2015. The Wisconsin Department of Transportation's Regional Access Coordinator has indicated that an expansion of the number of sites beyond that which is currently proposed (20) may require a modification to the intersection of 810th and Hwy 63 and requested that a Traffic Impact Analysis (TIA) be conducted if an expansion is proposed.

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 a campground with the following conditions:

1. Total number of campsites present shall not exceed 20 individual sites. If additional campsites beyond the 16 currently delineated are to be established, the layout shall be presented to Land Management staff to verify side yard setbacks, minimum campsite dimension requirements and the location of campsites in relation to the floodplain, prior to use.
2. Internal roads, camping pads and sanitary improvements shall be completed prior to the operation of the campground. Staff shall be contacted to verify improvements prior to commercial use.
3. Any campground advertising signage shall comply with Pierce County zoning standards.
4. 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. Pierce County Subdivision Code, Department of Safety & Professional Services (DSPS), Department of Health-DHS standards etc.).
5. 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.
6. The campground shall comply with all items listed under Section 240-39 of the Pierce County Code.
7. Any additional filling and grading shall be verified by staff to determine if a conditional use permit is needed.
8. Owner and manager contact information shall be prominently posted on site.
9. This conditional use permit shall expire in two years. A status review shall be presented to the LMC within 1 year.

Pichotta noted that he had a visit this afternoon from Mike Miller, who is on the Town of Trenton's Planning Commission and that he had raised a number of concerns. What he had indicated was that when this was originally discussed in 2008, the Planning Commission had recommended a number of conditions and it was his assertion that those conditions were somehow left out of the recommendation that we received from the Town this time. The seven conditions were 1. That a TIA be conducted. 2. Lower the number of campsites (300 is too large to start out with) - now we are down to 20. Pichotta noted that given the number of sites now proposed that is probably not an issue. 3. Establish quiet time hours, 10pm to 7am, Sunday through Thursday and 11pm to 7am, Friday and Saturday, holidays 11pm to 7am. 4. Camping season is 180 days, May 1st after 180 days, all campers shall be removed from the campground. Pichotta noted that 180 days is actually a requirement for mobile recreational vehicles parked in a floodplain. The reason for the 180 day timeframe is in case you do get notice that the water is coming up, you don't go to pull it out and find that you have all flat tires and the axle is seized up. He is not necessarily sure that applies well to a non-floodplain situation. 5. No ATV's or dirt bikes allowed for visitors. 6. Infrastructure needs to be upgraded at the owner's expense and 7. Developers shall comply with all County and State regulations. Pichotta indicated that he told Mr. Miller that he would bring these concerns to your attention and he also made Mr. Miller aware that if there are impacts from this that are unanticipated or negative impacts that need to be mitigated, that there is the ability with any CUP to bring those folks back in rather quickly and address those things. That did seem to make him a bit more

comfortable. It also should be noted that there is possibly some archeological artifacts on this site. It is part of a historic site called PL0095, an Oneota and Woodland Village site. This is from an email that was sent to Mr. Miller and the Town from the State Archeologist Office stating that there is no hindrance to development provided it doesn't require State or Federal funding or Wisconsin DNR permits. If DNR permits are required or public money is used to fund the project, the project would have to be reviewed by the Wisconsin Historical Society and an archeologist hired. So the applicant should be aware that once development is proposed to occur on the peninsula, that it may trigger some sort of archeological review. Given that, he is recommending the addition of two conditions:

10. Applicant understands that if archeological artifacts are encountered that any land disturbance shall cease and the State Archeologist's Office shall be immediately contacted.
11. Traffic control measures shall be installed prior to the commencement of the authorized use.

Basically, we need to see a stop sign at the end of the road where it goes onto the Town road. Chairperson Ross asked if Mr. Miller had provided a copy of the minutes. Pichotta stated that he had not. Pichotta noted that the meeting Mr. Miller had referenced was two Town Chairs ago so we probably would want to go with the recommendation that was generated most recently. Chairperson Ross stated that was his point, without specific documentation, he would be a little apprehensive. Pichotta stated that would be his sense too, he just wanted to make the committee aware of those initial concerns and given the reduction in scope of the proposed campground he thinks many of the concerns would be lessened. Sanden asked about the TIA, is it triggered only after more than 20 sites? Pichotta stated yes, what the concern is the connection with the Town Road and the State Highway doesn't have any turn lanes. So if you were to have a number of large campers out there trying to get in or out, you could disrupt traffic, whereas if you go up and around to the top there is turn lanes and folks wouldn't generally have an issue. But the reality too is that the way the driveway comes out, it kind of lends itself for folks to go that way. If they came the other way it would be pretty difficult to get in there. So he thinks it's probably not going to be an issue. Sanden asked about staff's reaction to the "Quiet Time". Pichotta stated that the area is characterized by other campgrounds. It is also heavily wooded. Sanden stated there are no residences nearby. Pichotta stated there is not really, they are up higher near the road. That might be something that if there is an issue worth having a discussion about, we will have the 1 year status report. What we are hoping is that instead of one year, not in April, but maybe come back in January or February and discuss how it went the last summer. Chairperson Ross noted that there are two major rail lines and barge traffic and so on in the area. Mr. Willgrubs noted that there is also a bar right across the street. Aubart stated it seems to him that the nine conditions are not applicable. It was 300 campsites versus 20. If we have issues we can deal with them.

Chairperson Ross opened the hearing to the public. No public comment. Public hearing closed.

Chairperson Ross asked about clarification on a couple things, a porch would be covered, a deck is not, condition #11 No porches or lean-to's but we can have the wooden decks provided adjacent to the campground. Just to be clear, a structure with a roof versus an open deck. Is there any clear cutting that you have to do down there? Mr. Willgrubs stated no, they are good.

Sanden moved to approve the conditional use permit for a campground for Chris Willgrubs, agent for Jeffery Kessler, finding that the proposed use is not contrary to public interest nor detrimental or injurious to public health, public safety or the character of the surrounding area, with conditions #1 - #9, adding condition #10 Applicant understands that if archeological artifacts are encountered that any land disturbance shall cease and the State Archeologist's Office shall be immediately contacted, and #11 Traffic control measures shall be installed prior to the commencement of the authorized use, /Aubart seconded. All in favor. Passed.

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

Departmental Update and Future Agenda Items

Public hearing for a CUP for a nonmetallic mining operation in the Town of Clifton for John Rohl. This is one that had been on our agendas previously but there was a conservation easement issue with the Kinni River Land Trust that needed to be resolved.

Discuss take action on screening plan and potential modifications of conditions associated with CUP for nonmetallic mining for William F Holst III, this is the screening plan that the committee took action on a couple of meetings ago. Staff has received a variety of phone calls from folks who are located on the other side of Cty Rd K who are unhappy with the reduction in tree size. Upon review, technically we would have worded the agenda item a little different because the eight foot trees were actually a condition of the CUP and the screening plan was to be presented. So we are just going to clean that up. It will give folks the opportunity to raise the concerns they may have.

Red Wing Airport will be coming in to give you a status report and their work plan for 2015. Chairperson Ross asked if there are any complaints on the strobe lights. Pichotta stated not in a couple years.

Discuss take action on bids received for mid-size 4 wheel/all-wheel drive sport utility vehicle (SUV) to be utilized by Land Management Department. Pichotta distributed bids two days ago to four dealerships looking for a mid-size sport utility to replace the Jeep as we had alluded to at the last meeting.

Pichotta also noted that Mr. Hayes has secured a very similar job to the one he has here in his home town and County. Aubart asked where that is. Dillon stated Milaca County. Pichotta stated his last day will be next Friday. We will be starting the process to refill that position.

Motion to adjourn at 6:27pm by Sanden/Aubart seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, April 15, 2015 – 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: May 6 th & 20 th , June 3 rd & 17 th , all in 2015.	Chair
3	Approve minutes of the April 1, 2015 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for 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.	Hayes
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.

(4/03/15)

PIERCE COUNTY WISCONSIN

DEPARTMENT OF LAND MANAGEMENT & RECORDS

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MINUTES - Pierce County Land Management Committee Meeting, April 1, 2015

Present: Jon Aubart, Joe Fetzer, Jeff Holst, Jim Ross and Eric Sanden

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

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

Next meeting dates: April 15th, May 6th & 20th, June 3rd & 17th, all in 2015.

Approve Minutes: **Ross moved to approve the March 18, 2015 Land Management Committee minutes/Aubart seconded. All in favor. Passed with Fetzer not voting due to absence at the last meeting.**

Public hearing to consider and take action on a request for a conditional use permit for an Accessory Residence in the Rural Residential 20 District, pursuant to Pierce County Code Chapter 240-40A, for Jason Pitts and Brett King, owners on property located in SE ¼ of the SE ¼ of Section 33, T25N, R18W, Town of Trenton, Pierce County, WI. Chairperson Fetzer invited Mr. Pitts and Mr. King forward: Mr. King explained they would like to build a storage shed with additional living quarters on one end of it. Sanden asked what the square footage of the principal house is. Mr. Pitts stated he thinks its 1700 square feet. Apparently all the paperwork they turned into the Township never made it to the County. Mr. Pitts stated it's a three-bedroom, two bath modular home.

Staff Report – Emily Lund: The applicants co-own an existing 3 bedroom house with a detached garage, well and septic which they utilize as a vacation home. They are interested in tearing down the existing detached garage and building a new accessory structure that would contain an additional residence. The property is located in Section 33 in the Town of Trenton. The property is in the Rural Residential 20 zoning district. Pierce County Code §240-40A allows accessory residences, which are accessory to single family homes in the Rural Residential 20 District with the issuance of a CUP. Pierce County Code Chapter 240-88 Definitions for Accessory Residences and Accessory Buildings are listed in the staff report. The applicants own 2.4 acres and have an existing 3 bedroom house, detached garage, well and septic. This request is to replace the existing detached garage with a 40' x 60' shed, of which 40' x 40' will be used for storage and 20' x 40' will be finished with 2 bedrooms and living space. Two families own the property and would like for one family to utilize the house and for the other family to utilize the proposed living space in the new shed. The principal residence has a conventional septic system that was replaced in 2009 and sized for the 3 bedroom home. The applicants' proposal to add two bedrooms in the shed would require that a Sanitary Permit be issued prior to any modifications or installation of a separate septic system. The applicants have indicated that they do not plan to rent out either residence, but have requested that a separate address be assigned for the proposed living space in the shed. The Trenton Town Board of Supervisors recommended approval of this CUP on 2-11-2015. The Town Board stipulated that the septic system must be large enough for the additional bedrooms. No renewal of this request will be necessary provided the use is established within 12 months of approval.

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

1. The applicant shall contract with a Wisconsin Licensed Master Plumber to obtain a sanitary permit prior to construction of the accessory structure/residence.
2. If both the principal and accessory residences are to be connected to the same septic system, the applicant shall record an 'Affidavit Regarding Common Private Sewage System' on their deed prior to issuance of a sanitary permit.
3. The applicant shall work with the Town's Building Inspector, Galen Seipel, to determine whether a permit from the town is needed and to ensure compliance with the Uniform Dwelling Code (UDC) requirements.
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. Applicant shall obtain a separate Uniform Address Number (UAN) for the accessory residence.
6. The use shall be established within 12 months of CUP approval.

Chairperson Fetzer opened the hearing to the public. No public comment. Public hearing closed.

Sanden asked staff, given that the majority of the building is used for storage and only 20' x 40' is used as a dwelling. Can we use that 20' x 40' to calculate if it is subordinate to and incidental to the primary use? Pichotta stated that would be one way to do it, another way would be that it is located in a structure that is clearly accessory to the principal use; that being the home. The pole shed would be accessory to that use. It's contained within that customarily accessory structure. When you consider it either way, it is subordinate and incidental to the principal use.

Sanden moved to approve the conditional use permit for an accessory residence with conditions #1 - #6, due to the fact this is not found to be contrary to public interest nor detrimental or injurious to public health, public safety or the character of the surrounding area/Holst seconded. All in favor.

Passed. Mr. Pitts stated they didn't request a separate mailing address sign, if that is something they need they will certainly do that. Holst stated yes, that is something you need.

Discuss take action on a request for renewal of a conditional use permit for a Utility Facility >1000 square feet in the General Rural Flexible and Industrial Districts by William F. Holst III, owner on property located in most of the NE ¼ of Section 33 and part of the NW ¼ of Section 34 and part of the SE ¼ of Section 28, all in T25N, R18W, Town of Trenton, Pierce County, WI. Chairperson Fetzer invited William F. Holst III forward. Jeff Holst recused himself from discussion due to possible conflict of interest.

Staff Report – Brad Roy: In 2013, the applicant received a conditional use permit for a Loadout Facility in the Town of Trenton. The proposed facility may potentially be used to load such materials as sand, gravel, corn and oil and may eventually require structural improvements. A rail spur is intended to be constructed and connect with the BNSF railroad. No finalized plans have been presented to staff. The CUP was issued for a conceptual plan and allows for nonstructural use of the rail spur and the adjacent 150'. Any future construction, structural uses or use of additional land area will require the issuance of a new Conditional Use Permit. A status report for this permit was presented to the LMC in April, 2014 and it was determined that the applicant had commenced action on the project with 12 months as required by code. This site currently has a 130 acre, sand and gravel mining operation as well as a small Ready-Mix plant. A CUP was also issued to Wisconsin Industrial Sand for a Sand Processing and Rail Loadout Facility. The property is zoned Industrial. Last year the Pierce County Finance and Personnel Committee approved a bid for the applicant to purchase an adjoining 25 acres from the Pierce County Highway Department. The applicant has indicated that the acquired land was necessary for the development of a loadout facility. The applicant submitted a new nonmetallic mining reclamation plan detailing that the future use of the site will be industrial uses. Site work has recently begun including the removal of

topsoil; however no agreements with the BNSF railroad have been finalized. Staff contacted the Chair of the Town of Trenton Board of Supervisors regarding the renewal of this permit. No specific concerns were identified. The Town recommendation was generated under the tenure of the previous Town Chairperson. The current Chairperson is not familiar with this project and intends to be present at the meeting. The existing conditions are listed #1 - #5 in the staff report.

Staff Recommendation: Staff recommends the Land Management Committee consider whether any other additions or modifications to the established conditions are necessary to help mitigate impacts on public health, safety, the public interest and character of the area and renew this Conditional Use Permit with the following conditions (proposed changes in **bold**):

1. The applicant is authorized to utilize an area adjacent to the proposed rail spur (150' on each side) for nonstructural use as a loadout facility. Any substantial change to the alignment of the rail spur shall require LMC review and approval. Any expansion of the use or the site shall be subject to issuance of a Conditional Use Permit.
2. This CUP shall expire in 2 years with a 1 year status report to the LMC.
3. Applicant shall secure all necessary permits and approval from other agencies such as the WDNR, WisDOT, etc.
4. Prior to any nonstructural use of the site as a loadout facility, applicant shall submit for LMC review **and approval** information relating to type and quantity of materials to be shipped, frequency and type of traffic, a traffic impact analysis, a site plan and any other information deemed necessary by the Zoning Administrator.

Chairperson Fetzer asked Mr. William Holst how talks were going with BNSF. Mr. Holst stated they had two conversations last week. He thinks all of you are familiar with the plan Wisconsin Industrial Sand submitted with the rail right along the track with the ladder tracks adjoining it. Now Burlington Northern thinks they might require a loop track. He has enough property to do it. Right now someone is negotiating with WISC to possibly take over their lease with Mr. Holst. Everything is up in the air again. He has constructed the berm on the property at a cost of \$60,000. He has 18,000 ton of crushed rock base in a pile for the rail spur that is already made. They are just trying to get some kind of agreement with Burlington Northern and where it can go. It took about a year longer to acquire the property from the County than they thought it would. Chairperson Fetzer asked Mr. Holst if they are looking at definitely doing something? Mr. Holst stated he has two people interested in putting the track in, two different companies. One has an exclusive offer with him in that he can't even negotiate with anyone else. Chairperson Fetzer asked the Trenton Town Chair if he has any input. Daniel Meixner stated he spoke with one of the supervisors that was on the board at the time he stated there weren't any issues with the Town.

Sanden moved to renew the conditional use permit for a Utility Facility >1000 square feet (Railroad Spur) for William F. Holst III with conditions #1 - #4, adding the change to condition #4/Aubart seconded. All in favor. Passed with Jeff Holst not voting.

Discuss take action on Public Participation Plan for 5 year Comprehensive Plan update. Staff Report – Andy Pichotta: As discussed at the March 18th Land Management Committee meeting, staff has commenced work on the review and update of the Pierce County Comprehensive Plan. It will be important to allow for transparency in the review process and to continue to solicit public input relating to the updating of goals, objectives and policies. The update process will not be as intensive or in-depth as the undertakings executed during the development of the Pierce County “Smart Growth” Comprehensive Plan, which occurred from 2005 to 2009. As a result of the minimalistic nature of this revision it may not be prudent to carry out the extensive public participation process that accompanied the adoption of the original comprehensive plan. While this simplified process may not necessitate the methods previously utilized, it is still important that the public has an opportunity to voice their opinions and provide input during this process. Changes in technology and website development have allowed municipalities to explore new means of soliciting public input. This new technology, along with more traditional methods, will allow staff to keep the public informed of the review and revision process and also solicit public input. Throughout the comprehensive plan update and revision process meeting agendas and relevant

materials will be distributed to the Chair and Clerk of each Town. This will ensure that each Town will be able to review materials and articulate any comments or concerns. This one is basically in recognition that the plan largely dictates the relationship between the County, the Town and the processes through which we will seek Town input. It's very important that all of the Towns are aware. Next is to propose two open house meetings will be held at a central location to provide a forum for residents to review proposed changes and submit comments. The time and date of these meetings will be staggered to allow ample opportunity for residents with varying schedules to attend. The thought there was that we will hold it here in the County Board Room. It would be an open house and one would probably be in the early afternoon and then have an evening type meeting on a different day. To try to ensure that folks with varying schedules have an opportunity to attend those if they are so inclined. Utilize the existing Pierce county website to provide an opportunity for gathering public input and sharing data and materials. The creation of a dedicated page for the 2015 update and revision process will allow staff to share data and materials with the public. Through the use of a shared email address residents will be able to submit comments and concerns regarding current issues and implementation of the existing plan. Basically like the jail project on the website, have a prominent link on the first page so that if someone is interested they can easily access the materials that the committee has seen, as well as the results of each of the meetings where we will discuss each of the elements. An online survey accessed by a link of the County website will be utilized to solicit public input. The methodology, timing and content of the survey instrument will be discussed at a later date. Basically what we would do there is use something like Survey Monkey where we give folks the opportunity to comment on a variety of things. What he doesn't want to do is turn it into a forum on land use issues. He is more interested in comments on process, relationships between County and Towns, those sorts of things. What he doesn't want is for it to become somewhere where folks flood it with land use concerns or uses they don't like. But we would bring that back to the committee and get your blessing on some sort of a survey. Holst stated that we need to get out to the public that Towns still have their plans. This is just the County's overall plan. Pichotta stated what his intent would be once we get a little ways into this to do a press release that discusses exactly what Mr. Holst is describing as well as identifies the fact that there is a link to the County website. Chairperson Fetzer stated hopefully, it will encourage the Towns to review their own and update things periodically. Sanden stated he isn't sure how much influence we should have on the Townships but if it's appropriate to urge them to have an internal public process of their own to get input from their citizens as well. This is a great opportunity for that. Pichotta stated that is why providing the information and material to the Towns should be helpful, he is hopeful that some of them might even ship it in front of their planning commission and have some discussions about changes we are proposing at the Town level to do exactly as you are suggesting. Sanden stated he was surprised that when he works with the Townships through his classes – he sometimes asks the chair if have you surveyed your citizens and the answer was always no. It was basically by virtue of the fact that he is on the board that he therefore knows what everyone in his Township thinks and that is unfortunate because it is such a good opportunity for everyone to reach out and get that input. Holst stated the Townships utilize the County's survey the last time. All that information was available and traceable back to where it originated from.

Staff Recommendation: Staff recommends the Land Management Committee review the proposed public participation plan and, if appropriate, approve for implementation. **Holst moved to approve a Public Participation Plan for review and update of the Pierce County Comprehensive Plan/Sanden seconded. All in favor. Passed.**

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

Departmental Update and Future Agenda Items

Public hearing for a CUP for a campground for Chris Willgrubs in the Town of Trenton.

Discuss take action on Chapter 240 relating to Principal Structures and Accessory Structures. There are some tweaks that we are going to propose regarding the definitions and some other things relating to what we consider principal or accessory.

Pichotta also noted that he is attempting to utilize the Sheriff's Dept bids for a sport utility vehicle purchase for the department to replace the Jeep. He may need to put an agenda item on for the purchase of that vehicle.

Motion to adjourn at 6:26pm by Holst/Ross seconded. All in favor. Motion carried. Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, April 1, 2015 – 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: April 15 th , May 6 th & 20 th , June 3 rd & 17 th , all in 2015.	Chair
3	Approve minutes of the March 18, 2015 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for a conditional use permit for an Accessory Residence in the Rural Residential 20 District, pursuant to Pierce County Code Chapter 240-40A, for Jason Pitts and Brett King, owners on property located in the SE ¼ of the SE ¼ of Section 33, T25N, R18W, Town of Trenton, Pierce County, WI.	Lund
5	Discuss take action on a request for renewal of a conditional use permit for a Utility Facility >1000 square feet in the General Rural Flexible and Industrial Districts by William F. Holst III, owner on property located in most of the NE ¼ of Section 33 and part of the NW ¼ of Section 34 and part of the SE ¼ of Section 28, all in T25N, R18W, Town of Trenton, Pierce County, WI.	Roy
6	Discuss take action on Public Participation Plan for 5-year Comprehensive Plan update.	Pichotta
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.

(3/20/15)

PIERCE COUNTY WISCONSIN

DEPARTMENT OF LAND MANAGEMENT & RECORDS

Pierce County Courthouse

414 W. Main Street P.O. BOX 647

Ellsworth, Wisconsin 54011

ZONING OFFICE 715-273-6747

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MINUTES - Pierce County Land Management Committee Meeting, March 18, 2015

Present: Jon Aubart, Jeff Holst, Jim Ross and Eric Sanden

Others: Andy Pichotta, Brad Roy, Dillon Hayes and Shari Hartung

Absent: Joe Fetzer

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

Next meeting dates: April 1st & 15th, May 6th & 20th, June 3rd & 17th, all in 2015.

Approve Minutes: **Sanden moved to approve the March 4, 2015 Land Management Committee minutes/Ross seconded. All in favor. Passed.**

Discuss take action on Site Plan Review for Pro's Touch Landscaping in the Light Industrial District, pursuant to Pierce County Code Chapter 240-75, for John McNamara, agent on property located in Lot 5, Certified Survey Map (CSM) V12, P107, in the SW ¼ of the SW ¼ of Section 36, T27N, R20W, Town of Clifton, Pierce County, WI. Chairperson Holst invited Mr. McNamara forward: Mr. McNamara explained he has a fifteen year old landscaping company that installs landscaping and hardscaping, patios, retaining walls, etc. They have been renting in Prescott, in George Jacques old buildings on Canton Street, for over ten years. They bought this land from George about five years ago and have been intending to build out there. They are at that stage now.

Staff Report – Dillon Hayes: The applicant is seeking site plan approval for the construction of new buildings to be utilized for a Light Industrial use. Pierce County Code §240-75 states that the purpose of site plan review is to assure site designs which promote compatibility between land uses, create safe and attractive site layouts and structures, provide proper access to streets and transportation, protect property values and contribute to efficient land use in Pierce County. The applicant operates Pro's Touch Landscaping, currently located at 720 Saint Croix Street in the City of Prescott. Pro's Touch Landscaping maintains approximately six to eight employees year-round and provides landscaping, hardscaping and snow removal services in Western Wisconsin and the Eastern Twin Cities Metro area. The buildings proposed will be utilized for the storage and maintenance of trucks and equipment in addition to an office space and bathroom. Construction is anticipated to start this spring. This property is located on 3.86 acres in the Town of Clifton and is zoned Light Industrial. The driveway access for the property is located off of the cul-de-sac on 655th Avenue; the south side of the property fronts State Highway 29. Adjacent zoning districts include Light Industrial and General Rural Flexible 8. The applicant has proposed to construct a 40ft by 51ft heated shop with attached 16ft by 30ft office/restroom space. An additional 60ft by 60ft post frame building with a class-5 aggregate floor will be constructed and utilized for cold storage. Lighting is proposed to be installed on the inside face of each building, facing out into the yard parking area. The applicant has proposed to construct a sign at the south end of the property near Highway 29. In accordance with Pierce County Code §240-60, this sign will be limited to a maximum sign face area of 32 square feet and must meet all applicable requirements outlined in Article VIII of the Pierce County Code. Upon completion of the site plan review the applicant will obtain a Land Use Permit for a Light Industrial

use as outlined in Pierce County Code §240-37(1)A which states that all operations take place within buildings and screening with natural vegetation or fencing shall be provided along property lines bordering agricultural, rural and residential districts. Light industry is defined in Pierce County Code §240-88 as a non-nuisance, low-impact industrial use compatible with surrounding commercial, residential or public uses which have a minimal impact on traffic, conducted indoors and without significant noise, odor, dust and glare which do not contribute to the degradation of land, water and air. Under the regulations outlined in Pierce County Code §240-54 a minimum of ten total parking spaces will be required for this facility. The plans submitted show ample parking spaces to fulfill this requirement. One handicapped parking space will be established. The applicant will be required to obtain a Sanitary Permit for the office restroom prior to the issuance of a Land Use Permit for construction of the proposed structures. The applicant has proposed to install floor drains in the heated 40ft by 51ft shop area that will outlet to a holding tank. This holding tank will require Department of Natural Resources approval in accordance with SPS 383.32.

Staff Recommendation: Staff recommends the Land Management Committee review the proposed site plan and determine if any changes or modifications to plan are necessary. The LMC should consider proposed structures, architectural plans, neighboring uses, use of landscaping and open space, parking areas, driveway location, loading and unloading areas, highway access, traffic generation and circulation, lighting, drainage, water and sewer systems, as well as proposed operations. The LMC may impose time schedules for completion of buildings, parking areas, open space uses, drainage and erosion control systems and landscaping and may require appropriate sureties to guarantee that requirements will be completed on schedule.

Ross asked the applicant and the committee to think about possibly removing the spruce plantings on either side of his sign. He would hate for him to lose the advertising ability. You spend a lot of money on a sign and no one will be able to see it until you are right on top of it. In this particular case, we don't necessarily need to have anything there. Sanden noted that it was said that they would be using this to store equipment and trucks, Sanden asked if they are going to be storing any materials on-site. Mr. McNamara stated some but not much that would be outside of that post-frame building. Sanden asked what kind of lighting he is planning on. Mr. McNamara stated just a yard light off the back of the heated shop and then potentially off the back of the post-frame cold-storage building basically facing the yard for security purposes. Sanden stated you may want to consider a cowling to make it more directional. You have a neighbor to the east, keep that in mind.

Sanden moved to approve the Site Plan as presented including removing the spruce trees on the south end of the property if desired, for Pro's Touch Landscaping Inc for John McNamara/Ross seconded. All in favor. Passed.

Chairperson Holst recused himself and asked Jon Aubart to act as Chairperson for agenda item #5.

Discuss take action on proposed Screening Plan for a Nonmetallic Mining Site 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. Acting Chairperson Aubart invited William F. Holst III forward. Mr. William F. Holst III explained one of the conditions for his permit was that he bring in a planting plan for the berm on the property. The berm has been constructed and he hired Nesbitt's Nursery to plant some trees for him. There is a sketch on it. The only thing he is asking is to plant 6ft trees instead of 8ft. There was no height requirement on his berm and he built it 10ft high. Even without the trees, no one can see the site. You want to know when he would plant it, Nesbitt's have told him they would dig the trees before they candle this spring and they will get to him after their good customers are taken care of; probably sometime in May.

Staff Report – Brad Roy: The applicant received a conditional use permit (CUP) for nonmetallic mining to enable the expansion of an existing mining operation in September, 2014. A berm was installed in the southwestern portion of the property just outside of County Road K right-of-way, as requested by the Town of Trenton. The CUP also required that a screening plan for the berm be submitted for LMC review

within 6 months. The intent of the berm and vegetative screening requirement is to screen residences in the nearby Rural Residential-20 district from mining activities. The property is zoned Industrial and General Rural Flexible. Access to the site is off of 830th St. Condition #16 of the Mining CUP states, “A screening plan for the berm shall be submitted within six months. Trees to be utilized shall consist of conifers of no less than 8 feet in height.” The applicant has submitted a plan to plant Colorado Blue spruce trees. The trees will grow approximately 12-18” per year in height and width. An eight foot tree planted in the spring of 2015 will be approximately 12ft by 2020 and 17ft by 2025. There will be two staggered rows of trees. Within each row the trees will have an approximate 20ft separation. There will be approximately 10ft between the rows. The staggered layout will provide a more constant barrier. The plan did not detail a timeline for the planting of trees but the applicant just did. The applicant would like the LMC to consider allowing the planting of 6ft tall trees.

Staff Recommendation: Staff recommends the LMC review the submitted plan to determine whether any changes or modifications are necessary. A time frame for tree planting should also be established. Sanden asked from an erosion standpoint, what kind of vegetation is on the berm right now. Mr. William Holst stated they just finished in the fall. They have to mulch and seed. They did get one small area then it froze up on them. Aubart asked about the berm height and what we are trying to achieve. Roy stated the berm was a requirement by the Town in a previous rezone. Aubart asked if they indicated a height. Roy stated they did not indicate a height. He can verify the berm is 10ft high. Aubart stated he doesn’t have a problem with 6ft trees. Roy stated there was not a requirement on the berm height from the Town or from this committee.

Sanden moved to accept the screening plan for a nonmetallic site for William F. Holst III as presented stipulating the trees may be spruce trees 6ft in height/Aubart seconded. All in favor. Passed with Holst not voting.

Discuss process and timeframe for a review and update of Pierce County’s Comprehensive Plan.

Staff Report – Andy Pichotta: As you are aware, Pierce County adopted a Comprehensive Plan in August of 2009. Given that five years have passed since the plan’s adoption, it is now appropriate to conduct a review and update of the plan. Staff has begun updating the demographic and background information associated with each of the 9 elements contained in the plan. What we are proposing to do, is bring to the LMC each of the elements for review and discussion over the course of the next 8 or 9 months as available agenda space dictates. Once each element has been reviewed and updated an implementation/action plan for the next 5 years will be developed by the LMC. At that point, we would hold a public hearing to consider adoption of the updated plan. Basically, he is proposing to not create a steering committee of sorts or an ad hoc committee. He is proposing to use this committee as the sounding board, since you are the implementation arm of the plan anyway. Sanden stated we don’t need to re-visit the entire document. He thinks they did a good job the first time. He would look forward to Andy’s expert opinion on what he thinks and staff believes would be appropriate updates. Pichotta noted that we have gotten some clarity in relationships with the Towns. So we will certainly modify the portions that discuss that given that due to court cases and things we have learned simply using the plan for the last five years. Sanden asked if he could also provide some updated demographics to see where the County has been going over the last five years. Pichotta stated that is exactly what we are going to do: updated demographics, updated background information and it may be that some of it is attributable to steps that we have already taken. It would be interesting to see what those sorts of things are. It might also give us a sense of some additional things we might do to steer things one way or another if that is determined to be advantageous. Sanden asked if we will use this opportunity to bring in public opinion. Let them tell us what they envision over the next twenty years. He doesn’t know if we should do a full opinion survey, we probably spent \$10,000 or \$20,000 getting that information the first time around. He doesn’t think we should invest in that kind of spending. Is there any way we can get some feedback? Pichotta stated as far as the community attitudes survey, it was a lot more than \$10,000 or \$20,000. We surely could solicit public input. Once we have gone through all the elements and addressed all the goals, objectives and policies that we are going too, and put together an implementation plan, we could do a couple of different

things. We could hold open houses in a couple different parts of the county where we invite the Towns or we could distribute to the Towns and request that they discuss those documents at their meetings and provide input. Maybe one of the first things we should look at is a public participation plan as to how we will do that. You don't normally do a full-blown community attitude survey every time you look at your comp plan. You would do that when you redo the whole thing. Sanden stated it's an opportunity to get in connection with the public at large. It provides good transparency and when the City of River Falls did this, they had a number of these activities and they invited people. Not many people showed up, then they developed a plan and they put it forward and then it was in the papers, "do you see what River Falls is trying to do?" So they had to scrap it and start all over. Pichotta suggested that you have to either feed people or make them angry to get them to show up. Sanden stated these will all be public hearings. Pichotta stated they will be public hearings. We could, once we get through the elements, hold an open house or two. The committee could participate to the degree that you are willing too. Holst stated there will be one public hearing when we adopt it and the rest will be open meetings and they will be run more like a regular meeting where we can take input from the crowd. If the crowd gets volatile, we'll shut it down. Pichotta stated his recommendation is if you believe the proposed methodology and timeframe are reasonable, he is looking for some guidance and to make you aware this was coming down the pipe and to use the committee as the principle sounding board. Holst stated the first time we did this twenty some years ago, we went around the County with fifteen meetings, ten for sure. We would have 500 people show up screaming, yelling, swearing, threatening and then the last time we didn't have anybody. Pichotta stated he thinks the comfort level with the concept of planning has increased substantially since the 90's. Holst stated that the whole acceptance of the Land Management Department has improved greatly in the last decade and a half. It might be a coincidence that it coincides with Mr. Pichotta's arrival but he thinks it's just that. Committee consensus to move forward as proposed.

Discuss take action to declare surplus and authorize the sale of 2001 Chevy Silverado 1500.

Staff Report – Andy Pichotta: As you are aware, a 2014 Ford F150 was recently purchased to replace the 2001 Chevy Silverado 1500 that was utilized by the County Surveyor. It is now appropriate to declare the Chevy truck surplus and authorize its sale. Staff has been informed that the County Clerk's Office will be seeking Finance and Personnel Committee approval to solicit bids to sell another county (fleet) vehicle. The Clerk's Office has agreed to include the Land Management vehicle in their request and sale process if so authorized.

Staff Recommendation: Staff recommends the Land Management Committee declare the 2001 Chevy Silverado 1500 as being surplus and authorize its sale.

Aubart asked what you are going to do with all the money you get from the sale. Pichotta stated it goes in the general fund.

Ross moved to declare surplus and authorize the sale of the 2001 Chevy Silverado 1500/Sanden seconded. All in favor. Passed.

Discuss take action on Travel/Training Requests. Pichotta stated at the last meeting the committee authorized Mr. Roy and him to attend the meeting with the DOT to discuss signage requirements. We now have a date, Monday, March 30th from 9:00am to 12:00pm in Eau Claire.

Departmental Update and Future Agenda Items

Public hearing for an accessory residence in the Town of Trenton for Jason Pitts and Brett King for a piece right above Barbs Dam Resort.

Request for a conditional use permit renewal for a utility facility for a rail spur in the Industrial District for William F. Holst III in the Town of Trenton.

Possibly first piece of the Comprehensive Plan regarding public participation.

Motion to adjourn at 6:25pm by Aubart/Ross seconded. All in favor. Motion carried. Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA REVISED
Wednesday, March 18, 2015 – 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: April 1 st & 15 th , May 6 th & 20 th , June 3 rd & 17 th , all in 2015.	Chair
3	Approve minutes of the March 4, 2015 Land Management Committee meeting.	Chair
4	Discuss take action on Site Plan Review for Pro's Touch Landscaping in the Light Industrial District pursuant to Pierce County Code Chapter 240-75, for John McNamara, agent on property located in Lot 5, Certified Survey Map (CSM) V12, P107, in the SW ¼ of the SW ¼ of Section 36, T27N, R20W, Town of Clifton, Pierce County, WI.	Hayes
5	Discuss take action on proposed Screening Plan for a Nonmetallic Mining Site 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
6	Discuss process and timeframe for a review and update of Pierce County's Comprehensive Plan.	Pichotta
7	Discuss take action to declare surplus and authorize the sale of 2001 Chevy Silverado 1500.	Pichotta
8	Discuss take action on Travel/Training Requests	Pichotta
9	Future agenda items.	Pichotta
10	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.

(3/6/15)

- **Revised March 17, 2015 @ 2:27pm.**

PIERCE COUNTY WISCONSIN
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MINUTES - Pierce County Land Management Committee Meeting, March 4, 2015

Present: Jon Aubart, Joe Fetzer, Jeff Holst, Jim Ross and Eric Sanden

Others: Brad Roy, Emily Lund, Dillon Hayes and Shari Hartung

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

Next meeting dates: March 18th, April 1st & 15th, all in 2015.

Approve Minutes: **Holst moved to approve the February 18, 2015 Land Management Committee minutes/Ross seconded. All in favor. Passed.**

Ross moved to amend the agenda by moving item #8 for Wisconsin Industrial Sand to the #5 position, since agenda item #5 for John Rohl will be stricken from the agenda for this meeting/Sanden seconded. All in favor. Passed.

Public hearing to consider and take action on a request for a conditional use permit for Farm & Home Based Business in the General Rural District, pursuant to Pierce County Code Chapter 240-36D, by William & Karen Fesenmaier, owners on property located in Lot 3, Certified Survey Map (CSM) V13, P164, in the NE ¼ of the NW ¼ of Section 11, T27N, R16W, Town of Gilman, Pierce County, WI. Chairperson Fetzer invited Mr. & Mrs. Fesenmaier forward: Mr. Fesenmaier explained that he operates a dairy farm supply business, Bill's IBA. He runs routes to dairy farms mostly to sell dairy sanitation, some animal health and some dairy farm equipment. Pretty much everything they do is run on truck routes with very little on-site retail business. Occasionally, a farmer may come to visit, maybe once a month. The operation is Monday through Friday with the truck routes, occasionally he has to run routes on Saturdays. He takes a delivery by semi once a week and occasionally a second truck will deliver, once every month or two. He parks his truck at his house for the most part and operates an office out of the house and warehouse space is rented in Baldwin. He wants to build to eliminate the renting of the warehouse space. The building is used for storage of his supplies and his truck.

Staff Report – Emily Lund: The property is located in Section 11 in the Town of Gilman. Section 240-36D allows farm and home based businesses to permitted single-family residences shall be permitted by a conditional use permit in the Agricultural districts, subject to the four conditions listed in the staff report. The applicants live in the home on this 14.66 acre property. This parcel is in the General Rural zoning district. Current land uses are residential and woodland. Adjacent land uses are agricultural, residential and woodland. The applicants own a dairy farm supply business called Bill's IBA Inc. The company was established in 2006. They currently operate out of a rented warehouse in Baldwin and have an 8ft x 10ft office in the basement of their home. The applicants are seeking this CUP to allow them to construct a 50ft x 102ft heated shed that will be located on the same parcel as their home. The business portion of the shed is to be 50ft x 90ft (4,500 sq ft) and the remainder is to be used for personal storage. They will keep the 8ft x 10ft (80 sq ft) office in the basement of the house. The building will be used to store a route truck and supplies. There will be no outside storage of any products or materials. The work is primarily

performed off-site. There will be no retail business transactions or customer visits to the site. The main activities on-site will be the loading and unloading of trucks with supplies. The applicants currently have one part-time employee. Equipment utilized for this business includes a truck and a forklift. Pierce County Code 240-54A Parking Requirements requires 2 off-street parking spaces for contractor establishments and the property currently has more than 2 parking spots available. Hours of operation are proposed to be 7AM to 5PM, Monday thru Saturday, Closed on Sunday. Shipment delivery is once a week that is usually between 8AM and 5PM, Monday through Friday. A bathroom is located in the basement of the house next to the office. The residential septic system is supported by a 3 bedroom mound septic system. The applicant may add a bathroom in the shed in the future, which would require a Sanitary Permit prior to the installation. The applicant proposes to construct one on-site advertising sign with this CUP that will state the company name and telephone number. The sign face area shall not exceed 24 sq ft per Pierce County Code 240-60N(1)(d). Applicants have P.I.G. contracted on a weekly basis for trash pick-up. Consolidated Container picks up larger plastic containers. Murtha Sanitation picks up recycling. The Gilman Town Board recommended approval of this request on 9-10-2014. The Town justified their approval by stating, "Gilman Town Board approves this proposed Conditional Use Permit as it is determined to be consistent with the Gilman Comprehensive Plan, which encourages agricultural related businesses in suitable locations." 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."

Staff Recommendation: Staff recommends the Land Management Committee determine whether or not 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 that 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, including hours of operation.
2. The business shall be conducted by the owner of the dwelling unit.
3. No more than 8 persons not residing on-site shall be employed at the site at any given time.
4. The entire business area shall not exceed 5,000 square feet.
5. There shall be at least 2 parking spaces, with a minimum of one space for handicapped parking.
6. The advertising sign shall not exceed 24 square feet, comply with the zoning code standards and signs shall be located outside of road right-of-way.
7. Applicants shall work with Todd Dolan, Gilman Building Inspector, to determine whether or not commercial plan review and approval is required from the Department of Safety & Professional Services.
8. A sanitary permit shall be obtained for any changes to the septic system.
9. Applicant shall comply with all relevant local and state ordinances and regulations and secure all necessary permits and licenses (e.g. Department of Safety & Professional Services (DSPS), etc.).
10. This conditional use permit shall be renewed every 2 years. Permit may be renewed administratively if no compliance issues arise.
11. Applicant understands that expansion or intensification of this use will require issuance of a new conditional use permit. If applicant has questions as to what constitutes expansion or intensification, Land Management staff should be contacted.

Chairperson Fetzer opens the hearing to the public. No public comment. **Public hearing closed.** Holst asked if the applicant understands the conditions. Mr. Fesenmaier stated yes. **Holst moved to approve the conditional use permit for a Farm & Home Based Business for a Dairy Farm Supply Business for William & Karen Fesenmaier due to the fact this is not contrary to public interest, nor detrimental or injurious to public health, public safety or the character of the surrounding area, with conditions #1 - #11/Ross seconded. All in favor. Passed.**

Discuss take action on proposed location of a ventilation shaft in the General Rural District for Wisconsin Industrial Sand Company, agent for Lynn S. Brown, owner on property located in the NW ¼ of the NW ¼ of Section 3, T24N, R17W, Town of Isabelle, Pierce County, WI. Chairperson Fetzer invited WISC, Jeff Himes and Loren Merchen forward.

Staff Report – Brad Roy: The applicants are proposing to construct a new ventilation shaft for the existing underground mine. The shaft is needed for air quality within the mine. Condition #27 of the applicants CUP states that no ventilation shafts or secondary access portals shall be developed until after such time as the proposed location is reviewed by the applicable Town and approved by the LMC. The property is owned by Lynn Brown and is currently used for agriculture. The neighboring parcel to the east has the closest residence and is also owned by Ms. Brown. The ventilation shaft will be placed in the northwest corner of the property and setback approximately 100ft from each property line depending on topography and drilling conditions. A 12ft diameter culvert casing will be placed in the hole to the bedrock. The culvert will extend approximately 20ft above ground. A fan will be mounted within the mine and wire mesh will be installed over top of the culvert. A chain-link fence will be installed around the culvert. Extending the culvert 20ft above grade will improve circulation of the exhaust. Given that the culvert will extend more than 6 inches above preconstruction grade a Land Use Permit will be required. The existing field road will be extended to access the vent. The location was presented to the Town of Isabelle on February 16, 2015 and approved.

Staff Recommendation: Staff recommends the LMC review the proposed site and determine if any changes or modifications are necessary. If no changes or modifications are necessary staff further recommends that the LMC authorize the establishment of the proposed air shaft, subject to securing a Land Use Permit.

Sanden asked if 20ft above grade is that a typical height for an air shaft? Mr. Merchen doesn't know if that is typical that is what Charlie had asked them to do. The one in Maiden Rock is probably 10ft or 15ft. Holst asked about the one on King Hill, isn't that one about 6 ft above grade? Mr. Merchen stated it's maybe 3 or 4ft. Holst stated he doesn't think there is a typical height. Mr. Merchen stated right now they are 6,000 feet from the exhaust shaft to their working faces and it's getting a little hard to ventilate the mine. They usually have five hours of down-time after a blast. This will speed things up.

Sanden moved to authorize the establishment of the air shaft for Wisconsin Industrial Sand Company subject to securing a Land Use Permit/Ross seconded. Holst recused himself from voting due to possible conflict of interest. All in favor. Passed with Holst not voting.

Discuss take action on a request for renewal of a conditional use permit for an Asphalt Plant in the Industrial District for Monarch Paving, owner on property located in the NW ¼ of the SE ¼ of Section 34, T25N, R18W, Town of Trenton, Pierce County, WI. Chairperson Fetzer invited Brent Schulze forward. Staff Report – Dillon Hayes: This operation was originally permitted in 2001 for a nonmetallic mining operation. In 2008, the zoning office inspected the site and determined that the portion used for mining had been reclaimed in accordance with the approved reclamation plan. Final reclamation within the approved plan designates the site as a permanent asphalt plant and the bond associated with reclamation was released. Pierce County Code provides the opportunity for the LMC to require a bond for asphalt plants. On March 4, 2009, the LMC determined that no bond should be required since this is an Industrial Use in the Industrial District. If Monarch were to resume mining operations at this site in the future a new conditional use permit would need to be obtained. The property is located in Section 34, Town of Trenton. The property on which the asphalt plant is located is zoned Industrial. Asphalt plants are a conditionally permitted use in this district. As required by the conditions of the original permit a vegetative berm has been established around the facility and is being maintained in order to screen the operation from residential properties nearby. At a previous renewal a haul route was designated for projects taking place in Minnesota. The conditions in place require that trucks traveling to Red Wing be routed from 830th Avenue to Hwy 35 and from Hwy 35 to Hwy 63. This route was established to limit the impact on town roads. A Storm Water Pollution Prevention Plan is on file in the Zoning Office for this site. There are currently two storm water ponds on this site; one temporary holding

pond and one infiltration pond. The Chairman of the Town of Trenton was reached for comment regarding this operation; he saw no issues with the renewal of this conditional use permit. The county has received no complaints about this operation since the last renewal. The existing conditions are listed in the staff report, #1 - #6. Note the hours of operation are from 6am to 8pm Monday through Saturday. The aforementioned haul route and applicant agrees any unforeseen erosion issues shall be addressed to the satisfaction of the county.

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 other additions or modifications are deemed necessary, staff recommends this CUP be renewed with the following conditions:

1. Reclamation shall be according to submitted plans.
2. The hours of operation are from 6am to 8pm, Monday through Saturday.
3. The haul route for trucks traveling to Minnesota projects via Red Wing shall be routed from 830th Avenue to Hwy 35 to Hwy 63.
4. Applicant agrees that any unforeseen erosion issues shall be addressed to the satisfaction of the county.
5. Height of stockpiles shall be limited to 35 feet.
6. This CUP shall be reviewed for renewal in two years unless compliance issues arise.

Sanden stated he can see the trees coming in on the map, are they doing well? Mr. Schulze stated they are doing alright. **Holst moved to approve the renewal of the conditional use permit for a Hot Mix Asphalt Plant for Monarch Paving with conditions #1 - #6/Ross 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 for Monarch Paving, owner on property located in the NE ¼ of the SW ¼ of Section 28, T25N, R18W, Town of Trenton, Pierce County, WI.

Staff Report – Dillon Hayes: This operation was originally permitted for nonmetallic mining in 2001 and is currently the storage site for dredge materials taken from Corps Island on the Mississippi River, near Diamond Bluff. There is no longer active deposition of dredged materials taking place at the site. The dredge material was originally used for “interim reclamation” and was later utilized by the operator in other projects. The dredge material previously deposited at the site continues to be utilized by the operator in other projects as needed. This property is in Section 28, Town of Trenton. The property on which the nonmetallic mining operations take place is zoned Industrial. Nonmetallic mining is a conditionally permitted use in this district. This site is internally drained. The floor of the pit is at 690 feet above mean sea level. Surface water is directed to the northwest, near the pit entrance. Permitted hours of operation are 6:00am to 6:00pm Monday through Friday and 8:00am to 6:00pm on Saturday during the construction season. The haul route for commercial trucks travels from the pit entrance on County Road K to Hwy 35 towards the Monarch Paving Asphalt Plant. The haul road was paved to address airborne dust concerns. A groundwater response plan was prepared and presented to the LMC on May 19, 2010 and approved. Groundwater and surface water monitoring was completed at the site, and at nearby residential wells, in 2012. The county has received no complaints about this operation since the last renewal. The Chairman of the Town of Trenton was reached for comment regarding this operation; he saw no issues with the renewal of this conditional use permit. On March 6, 2013 the conditional use permit was renewed with the twelve conditions listed 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. Applicant shall follow all recommendations and receive all necessary permits from other agencies.
2. Hours of operation are from 6:00am to 6:00pm Monday through Friday and 8:00am to 6:00pm on Saturday during the construction season.
3. The haul route for commercial trucks is from the pit entrance on County Road K to Hwy 35.

4. Reclamation financial assurance information shall be reviewed and approved by Corporation Counsel and kept current.
5. A 50 ft setback shall be maintained from all property lines for all mining activities.
6. The applicant shall notify the Zoning Office if groundwater is encountered.
7. Applicant shall comply with PCC Chapter 241 Nonmetallic Mining Reclamation.
8. Reclamation shall be according to submitted plans.
9. Applicant agrees that any unforeseen erosion issues shall be addressed to the satisfaction of the county.
10. The approved Groundwater Response Plan shall be adhered to.
11. This CUP shall be reviewed for renewal in two years.
12. Any future use of this site for hydraulic dredge material placement shall not be allowed until such time as information is presented that demonstrates, to the satisfaction of the LMC, that the impacts of said placement will not be contrary to the public interest, nor detrimental or injurious to public health, public safety or the character of the surrounding area.

Aubart moved to renew the conditional use permit for Nonmetallic Mining for Monarch Paving with conditions #1 - #12/Ross seconded. All in favor. Passed.

Discuss take action on Travel/Training Requests. Roy stated there are three requests. There is a POWTS training in Hudson on March 30th for Brad, Emily and Dillon. There is also the WCZA District meeting in Chippewa Falls on March 12th for Emily and Dillon. We received notice of a meeting with the DOT in Eau Claire to discuss their regulations and how it works with the County. No date has been set on that. They are looking at the end of March. **Holst moved to approve all the travel/training requests/Ross seconded. All in favor. Passed.**

Departmental Update and Future Agenda Items

Discuss take action on site plan review for Pro's Touch Landscaping in the Town of Clifton.

We are on year five of the Comprehensive Plan so we would like to discuss a process and timeframe for review and any update that may be needed on that.

Motion to adjourn at 6:25pm by Aubart/Holst seconded. All in favor. Motion carried. Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, March 4, 2015 – 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 2015.	Chair
3	Approve minutes of the February 18, 2015 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for a conditional use permit for Farm & Home Based Business for a Dairy Farm Supply Business in the General Rural District, pursuant to Pierce County Code Chapter 240-36D, by William & Karen Fesenmaier, owners on property located in Lot 3, Certified Survey Map (CSM) V13, P164, in the NE ¼ of the NW ¼ of Section 11, T27N, R16W, Town of Gilman, Pierce County, WI.	Lund
5	Public hearing to consider and take action on a request for a conditional use permit for Nonmetallic Mining in the Primary Agriculture District, pursuant to Pierce County Code Chapter 240-37A, by John Rohl, agent for John C. Rohl, Jr and John C. & Alva-Jeanne Rohl Life Estate, owners on property located in the NW ¼ of the SW ¼ of Section 28, T27N, R19W, Town of Clifton, Pierce County, WI.	Roy
6	Discuss take action on a request for renewal of a conditional use permit for an Asphalt Plant in the Industrial District for Monarch Paving, owner on property located in the NW ¼ of the SE ¼ of Section 34, T25N, R18W, Town of Trenton, Pierce County, WI.	Hayes
7	Discuss take action on a request for renewal of a conditional use permit for Nonmetallic Mining in the Industrial District for Monarch Paving, owner on property located in the NE ¼ of the SW ¼ of Section 28, T25N, R18W, Town of Trenton, Pierce County, WI.	Hayes
8	Discuss take action on proposed location of a ventilation shaft in the General Rural District for Wisconsin Industrial Sand Company, agent for Lynn S. Brown, owner on property located in the NW ¼ of the NW ¼ of Section 3, T24N, R17W, Town of Isabelle, Pierce County, WI.	Roy
9	Discuss take action on Travel/Training Requests	Pichotta
10	Future agenda items.	Pichotta
11	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.

(2/20/15)

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MINUTES - Pierce County Land Management Committee Meeting, February 18, 2015

Present: Jon Aubart, Joe Fetzer, Jeff Holst, Jim Ross and Eric Sanden

Others: Andy Pichotta, Emily Lund, Dillon Hayes and Shari Hartung

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

Next meeting dates: March 4th & 18th, April 1st & 15th, all in 2015.

Approve Minutes: **Ross moved to approve the February 4, 2015 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 Expansion of a Nonconforming Structure in the Rural Residential 20 District, pursuant to Pierce County Code Chapter 240-67(2), for Jane A. Schwalbe, owner on property located in the SE ¼ of the NE ¼ of Section 14, T27N, R17W, Town of Martell, Pierce County, WI. Chairperson Fetzer invited Jane Schwalbe forward:

Ms Schwalbe explained she would like to expand the property toward the Town of Martell, away from Highway 63. She will be adding septic, water and upgrading the electric as well.

Staff Report – Emily Lund: There is a conditional use permit request for expansion of a nonconforming structure. The applicant is requesting to expand the existing residence. The property is at the corner of the intersection of US Hwy 63 and 535th Street. Lot access is off of 535th Street. The existing structure is 18ft x 24ft residence with an attached 17ft x 6.5ft enclosed porch. The existing porch is 32ft from the center line of 535th St. in the right-of-way, and will be removed. The west wall is 38.5ft from the center line of 535th Street. The applicant intends to expand the 1st floor and basement by adding 23ft x 24ft to the south of the structure and a 17ft x 5.5ft attached unenclosed porch to the west that is toward 535th Street. The applicant proposes to keep the structure in line with existing west wall that is 38.5ft from the center line and the new porch to be 33ft to the centerline and out of the right-of-way. A privy and garage have been removed from the site. The applicant intends to upgrade the electrical, install a well and install a new holding tank septic system. The property is less than an acre is located in Lot 8, Block 1, of Tollof Rollofson’s Addition which is in Section 14 in the Town of Martell. The property is zoned Rural Residential 20. Pierce County Code §240-27A states, “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.” Pierce County Code §240-27C states “Town highways. Except as provided in Subsection E, the required setback for all structures fronting on all town highways shall be 75 feet from the center line of the road or 77 feet from the edge of the right-of-way, whichever is greater.” As stated in Pierce County Code §240-67A(2), additions to or extensions of nonconforming structures are permitted, provided that such additions or extension comply with all the provisions of this chapter or a conditional use permit is granted as provided in §240-76. Pierce County Code §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.” Setback averaging was investigated per §240-27E but did not provide an adequate reduction for the proposed construction. No permit renewal is needed for this request. The holding tank septic system will be located towards the back lot lines and meet all setbacks. The existing topography is very flat throughout the entire lot with a slight 3% slope towards the east. The Town of Martell recommended approval of this request on January 16, 2015 without specific conditions (attached). The Town did not reference its Comprehensive Plan, so it is assumed that the plan is silent on this request.

Staff Recommendation: Staff recommends the Land Management Committee consider the above and determine whether the proposed expansion would be contrary to the public interest, or detrimental or injurious to public health, safety or character of the area. If found to be not contrary to the above, staff recommends that the LMC grant this conditional use permit with the following conditions:

1. The applicants shall follow Pierce County Solid Waste Code Chapter 201 and Wisconsin Administrative Code NR 447 for disposal of used and unusable building materials.
2. The applicant shall work with the local building inspector, All Croix Inspections, LLC, to ensure compliance with the Uniform Dwelling Code (UDC) requirements.
3. The use shall be established within 12 months of CUP approval.

Chairperson Fetzer opens the hearing to the public. Pichotta reads a letter received from Alan E. Thompson, Clinton, IA. Dear Mr. Roy, Thank you for the Notice of Public Hearing in regards to the request of Jane A. Schwalbe for a conditional use permit for Expansion of a Nonconforming Structure in the Rural Residential 20 District, pursuant to Pierce County Code Chapter 240-67(2). This is to advise that I will not be able to attend the public hearing scheduled for February 18th, 2015 due to scheduling difficulties. As I understand the situation, the Schwalbe property is already in noncompliance with current set-back requirements, we would simply be allowing her to improve and enjoy her property, while setting aside the continued set-back requirements that would otherwise preclude her from doing so. As an immediately adjacent neighbor I will not stand in opposition to her wishes, with a single request being granted: The Martell, Wisconsin community in question is quite old and records for various properties are either incomplete or absent. There appears to be some question as to various property lines in the community, which makes the issue of establishing proper property lines prior to the construction of permanent structures an important issue. Since our family purchased our property in Martell (30+years?), immediately adjacent to the property in question, we have maintained what we believed was our property. No one has ever questioned the maintenance or utilization of this property within the time we’ve maintained it. After receiving notice of this public hearing I attempted to establish property lines through county records available through the Internet and could not confirm either the Schwalbe or Thompson property lines, although it does appear that the Schwalbe property has a slightly larger acreage than ours. With this having been said, I believe the Schwalbe property may be larger than those which have been historically recognized. I would respectfully request that all parties consider the wisdom of establishing legally recognized property lines prior to building a permanent structure. Respectfully, Alan E.

Thompson. Beverly Lueth stated she has no objections to what Jane has planned. **Public hearing closed.** Sanden asked if the planned improvements were shown on this schematics here. Lund stated the picture is the first floor and north is toward the top of the page where Hwy 63 would be. 535th Street is on the left side of the page, going north and south. Sanden asked what is going to be changed. Lund stated the bottom portion on the right 23ft will be added to the south. The house will be doubled, like a mirror image but the portion toward the top, that enclosed porch, will be removed. Sanden indicated an area on the drawing and asked if that would be added. Lund stated yes, it will be added but it will be an open entry porch. It will be out of right-of-way. Sanden asked if the encroachment is to 535th Street. Lund stated yes. The neighbor that wrote the letter, Alan, was worried about her encroachment of this house expansion toward his property line and she will still be more than 40 feet from his property line. **Sanden moved to approve the conditional use permit for Expansion of a Nonconforming Structure for Jane A. Schwalbe due to the fact this is not contrary to public interest, nor detrimental or injurious to public health, public safety or the character of the surrounding area, with conditions #1 - #3/Holst seconded. All in favor. Passed.**

Discuss take action on proposed revisions to Chapter 240, Article VIII - Signs.

Staff Report – Dillon Hayes: As discussed at recent Land Management Committee meetings evaluation of Article VIII of the Pierce County Code resulted in the determination that several modifications are necessary to conform to legal precedent established for sign regulation by the federal government and Wisconsin State Statutes. Changes proposed include the removal of “content-based” language in the existing sign code. The proposed changes will now regulate sign construction and permitting requirements by zoning district; with differing regulations for Residential, Agricultural and Commercial/Light Industrial/Industrial districts in accordance with guidance given to staff at the January 21st meeting. Additional changes proposed include the regulation of digital display signs. The addition of message duration, transition time and display standards have been made in accordance with the direction given at the February 4th LMC meeting. In addition to the aforementioned revisions it is also important to address digital display sign luminance in order to minimize driver distraction. Multiple studies regarding luminance standards in existing sign regulation have shown that a number of different methods and criteria have been utilized to establish light output standards. A survey completed in 2010 shows that the most common regulatory provisions regarding luminance have a daylight limit of 5,000 nits and a nighttime limit of 500 nits. The daylight limit of 5,000 nits is supported by luminance research; however the nighttime limit of 500 nits is well above limits recommended by studies on driver distraction and digital display signs. The Illuminating Engineering Society of North America (IESNA) has recommended that luminance standards should be no greater than 10 to 40 times the ambient light level (leading to a maximum luminance output of 10 to 40 nits during nighttime hours); however, the recommendations for signage luminance put forth by the IESNA recommend limits between 125 and 250 nits. The Outdoor Advertising Association of America (OAAA) recommends 300 to 350 nits for nighttime luminance standards based on the use of established light trespass standards by the IESNA and typical ambient light levels. Research has shown that typical floodlit billboards range anywhere from 100 to 280 nits during nighttime hours. To minimize driver distraction it may be prudent to utilize a luminance standard that regulates digital display signs to similar standards. Based on the research referenced above, staff is proposing that 300 nits be utilized as a maximum value for nighttime luminance. This is proposed as a compromise between conventional floodlit billboard signs which typically utilize a maximum of 280 nits and the most common regulatory provision utilized by other jurisdictions, that being 500 nits. To ensure adequate visibility for day time use staff has proposed a value of 5,000 nits to allow for luminance that is approximately equal to that of a sunny daytime sky.

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

Hayes explained the revisions made in the code; all the content referencing language had to be removed, therefore all the sign requirements in the Commercial Uses section was removed. In the Article itself, added the aforementioned exclusion of the temporary signs regulated under Wisconsin Statutes Chapter 12.04, which is relating to political signs. Under General Sign Requirements, did some rearranging and added the aforementioned digital display and illumination section. Move to Chapter 240-61, most of this is rearranged. Made changes to free-standing and projecting sign size in accordance with the January meeting and the same with the on-premises sign numbers. Added in a section on the temporary sign requirements that we did not have before, those limitations were made in accordance with the direction given at the January meeting. A definition of a digital display sign and a temporary sign, which were not in there before, were added. Pichotta asked if anyone has any questions. Holst asked if we need a definition for nits? Hayes stated he didn't think so. It's a pretty standard light measurement output. Pichotta stated if the committee is comfortable with the language as presented, it doesn't mean we can't tweak it in the future, but the next step would be to forward it to legal counsel for review. Once that has taken place, we would schedule a public hearing and distribute the language to all of the Towns and get their input. Once we hold the public hearing, that is where we would get input from the Towns as well as any industry folks who might want to share their concerns and if determined necessary at that point we could tweak it again. Otherwise it would move forward on to the County Board to consider its adoption.

Sanden asked where the luminance reference is showing up. Hayes stated 240-60 under H, digital display and illuminated signs. The brightness standard is #5. Chairperson Fetzer stated the biggest thing is to not distract drivers as they go by the signs. Pichotta stated a lot of counties, villages, and other municipalities continue to have language based on content, what your sign is for. If it's an advertising sign, it's held to a different standard. Basically that is contrary to law at this point so we have to redo it so we regulate them based on district versus based on the type of use that they are advertising. Sanden stated they can have content based material on their sign, it's just that we don't regulate on that basis. Chairperson Fetzer asked if we need a motion on this. Pichotta stated if you are comfortable, you could approve the language as proposed and direct staff to move it forward. **Holst moved to approve the Article VIII – Sign language as presented and forward on to Corporation Counsel for review/Ross seconded. All in favor.** Holst asked if Hayes is going to be able to come to the County Board and explain nits so seventeen people can understand it. He feels it would be a good idea to throw a definition of a nit in there and that would clear up a lot of things. Aubart asked if there is an actual meter that measures that. Hayes stated yes and he thinks he mentioned at the January meeting that the definition of a nit is one candela per square meter, which again doesn't mean much to a lot of people. Your headlight puts out, at night on the road, about one nit. Your cellphone is between 300 – 400 nits on its maximum brightness showing a white screen. Pichotta stated when we do go to public hearing with this we will put together a very comprehensive information package regarding this issue. **Chairperson Fetzer stated All in favor of amendments and forwarding on to Corporation Counsel. Passed.**

Discuss take action on Travel/Training Requests. Pichotta stated a couple staff members will likely be meeting in Baldwin next week with the DNR regarding mining issues. **Holst moved to approve the travel/training request to meet with the DNR/Ross seconded. All in favor. Passed.**

Departmental Update and Future Agenda Items

Public hearing for a request for a CUP for a Farm & Home Based Business for a Dairy Farm Supply Business in the Town of Gilman.

Public hearing for a CUP for Nonmetallic Mining in the Town of Clifton for John Rohl.

Renewal of a CUP for Monarch's Asphalt Plant in the Town of Trenton. And a request for renewal of a CUP for Nonmetallic Mining in the Industrial District for Monarch Paving in the Town of Trenton.

Discuss take action on the proposed location of a ventilation shaft for WISC in the Town of Isabelle.

Motion to adjourn at 6:26pm by Holst/Ross seconded. All in favor. Motion carried. Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA REVISED
Wednesday, February 18, 2015 – 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 2015.	Chair
3	Approve minutes of the February 4, 2015 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 Rural Residential 20 District, pursuant to Pierce County Code Chapter 240-67(2), for Jane A. Schwalbe, owner on property located in the SE ¼ of the NE ¼ of Section 14, T27N, R17W, Town of Martell, Pierce County, WI.	Lund
5	Discuss potential code revisions to Planned Residential Development (PRD), Article VI, Chapter 240-47 through 240-52.	Hayes
6	Discuss take action on proposed revisions to Chapter 240, Article VIII – Signs.	Hayes
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.

(2/6/15)

- **Revised February 12, 2015 @ 8:17AM.**

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



MINUTES - Pierce County Land Management Committee Meeting, February 4, 2015

Present: Jon Aubart, Joe Fetzer, Jeff Holst, Jim Ross and Eric Sanden

Others: Andy Pichotta, Dillon Hayes and Shari Hartung

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

Next meeting dates: February 18th, March 4th & 18th, April 1st & 15th, all in 2015.

Approve Minutes: **Ross moved to approve the January 21, 2015 Land Management Committee minutes/Sanden seconded. All in favor with Fetzer not voting due to absence at the last meeting. Passed.**

Discuss take action on potential modification or revocation of a conditional use permit for Valley Vineyard, Rudy Jungwirth, owner of Lots 6, 7 & 8, of the Crossroads Land Division, located in the SW ¼ of the NW ¼ of Section 23, T26N, R19W, Town of Oak Grove, Pierce County, WI.

Staff Report – Andy Pichotta: The applicants operate Valley Vineyard Ltd, which first received a Conditional Use Permit for a Farm and Home Based Business in 2008. Grapes are grown and the wine is produced onsite. Guests can sample the wine and purchase bottles in a tasting room. In 2013 the LMC suspended the Conditional Use Permit (CUP) due to noncompliance with the condition requiring the development and implementation of a Waste Stream Management Plan. The permit was renewed by the LMC after the Waste Stream Management Plan was finalized and implemented. The permit was last renewed on November 5, 2014. There were no operational changes discussed at that renewal. Staff has become aware of several apparent violations of the CUP; events have been held outside of established hours of operation, and in at least one instance, customers have been encouraged to bring their own snacks/food. The LMC was recently provided with a letter, dated January 4, 2015, that was submitted by Valley Vineyard's neighbors discussing a number of these issues. A copy of the January 4 letter, as well as copies of several emails regarding this issue, is attached for your information. The property is zoned General Rural Flexible 8 and is located in Section 23, Town of Oak Grove. Staff has learned of multiple events which were held outside of the established hours of operation. Events included "painting parties" facilitated by Brush Strokes, a company which holds events at a variety of locations. Party participants attended an event held at Valley Vineyard to paint in a gathering/party setting and received instruction from Brush Strokes staff. Attendees pay a fee to participate in "painting parties" that are facilitated by Brush Strokes. One of these events was held on Tuesday, October 21, 2014. Another event was held on Friday, November 21, 2014 from 6:30pm-8:30pm. Another event was held on Friday, December 19, 2014 from 6:30pm-8:30pm. The established hours of operation are Wednesday through Sunday, 10am to 6pm (Condition #6). Staff has been informed that food was brought in and wine was available for purchase at these events. Condition #7 does not allow for "carry in" food. Two painting events were advertised by Prescott Community Education and were to be held on February 20, 2015 and March 20, 2015, the time of each is to be 6:30pm -8:30pm. These events are open to the public and require a fee to participate. The advertisement for the events notes that crackers and pretzels will be provided and encourages participants

to bring their own snacks, it is also noted that wine will be available for purchase. Mr. Jungwirth, on January 19, 2015, requested the ability to deviate from the conditions of the CUP to enable the hosting of these events, consistent with condition #8; however, the Oak Grove Town Board denied that request. Neighbors have brought forth concerns about recent activities and are concerned that the facility is being used as an “event center” for activities outside of the scope of the CUP. Staff has received additional complaints from neighbors regarding unlicensed servers. The Town of Oak Grove has also expressed a concern about unlicensed servers. This issue will likely be considered by the Town of Oak Grove when contemplating renewal of the applicants’ liquor license. It should be noted that condition #5 states: if the liquor license is not renewed annually, sales of wine need to cease. The existing conditions are listed:

1. No more than 8 persons not residing on the site shall be employed in the business.
2. The entire business area shall not exceed 5,000 square feet in an accessory structure.
3. The applicant shall delineate 12 parking spaces that will be available for customer parking with one space delineated for handicap parking and there shall be no on-street parking.
4. Any proposed advertising signs shall comply with the zoning code standards and any necessary permits secured.
5. If the liquor license is not renewed annually, sales of wine need to cease.
6. The hours of operation shall be Wednesday through Sunday, 10am to 6pm.
7. Food served shall be incidental to wine tasting and must not require a food license, no “carry in” foods shall be allowed.
8. Activities outside the scope of this CUP (including catered food service) may be authorized by the Oak Grove Town Board consistent with the Town’s Special Event Ordinance.
9. Applicant understands that expansion or intensification of this use will require modification to this conditional use permit.
10. Applicant shall discontinue the use of the audio bird repellent.
11. This permit shall expire in two years and shall be renewed by the Land Management Committee unless compliance issues arise.
12. Winery waste water and by-products shall be disposed of in a manner consistent with the DNR/DSPS approved Waste Stream Management Plan. Full implementation of Waste Stream Management Plan (including installation of winery holding tank) shall be completed prior to December 16, 2013.
13. If a new owner wishes to continue the business with the established conditions prior to the permit expiration, a proposed business/operations plan shall be presented to the Town of Oak Grove and the LMC for review prior to business commencement. Conditions of the permit may be modified.
14. Failure to comply with one or more of the above conditions may result in the issuance of an order by Land Management staff to suspend this use, pursuant to 240-84, and/or termination of this conditional use permit by action of the Land Management Committee, pursuant to 240-76(I).

Staff Recommendation: Staff recommends the Land Management Committee consider the information discussed above, as well as any additional information provided by the applicant or neighbors and determine whether a modification to established conditions or revocation of the CUP is warranted.

Chairperson Fetzer invited Mr. Jungwirth forward. Mr. Jungwirth stated he talked to the Chairman of Oak Grove on several occasions over the last year and a half to get a permit allowing them to do things on specific days. He was told, all that time, at least three to four of those times that the current plan does not fit him as far as events. Because that was designed for rodeos and they had to shut down at dark. He only wanted to operate during the winter so it didn’t fit. Nothing was ever set up. Back in October, he was told by the chairman that they would get it on the next planning or next meeting for Oak Grove. It didn’t hit in December, then we got into January and it finally did take effect where they met and they denied us these events. This all started out very simple. He was contacted by Cyndi Cashman from the beauty shop in town. She is on the board for the Community Education. She wanted to know if we could put on an event out there or have some place to do paintings. He said we’re closed in the winter except for Saturday’s. He is only open four hours a week unless it’s appointments. So they wanted to know if they could come out. They came out along with Kayleen Jakes, who runs the painting company. They met and they said they

think this could work out really well. They said can we try it? He said, well, you certainly can but he needs to get a permit to do these things. So they came out and did a trial actually in October. They expected five people and they wound up with twenty-two so it was a great success for these folks. As far as the wine goes, it's kind of a two-way thing there. Kayleen buys everyone a glass of wine for their entry fee. He doesn't charge a fee, she does. So she takes care of that by credit card around 4:00pm in the afternoon. She pays for all of that. But there are folks that did want to purchase wine when they left and there he is probably negative because he probably shouldn't have sold it to them after hours. Even though they do process wine seven days a week at their facility, from emails, phone calls, they take it, ship it, or they come and pick it up. That's all part of their State license. Other than that it was a huge success so the Community Education wanted to continue it. He just said whenever you guys want to use the place it's there because they don't use it all winter. They (applicants) only use it on Saturday's and you can't use it then. So that is how that all started. Had he been able to get permits a year and a half ago, or something set up, in talking with the Town Chair three or four months ago, she said she would have no problem getting us an OK to do these events. But nothing was ever done. It was never put on the agenda so they kept getting pushed back. They were getting antsy at the school to do something. He didn't think it would be a problem doing a trial. That is his fault. He shouldn't have let them do a trial. He should have just said "Can't do anything until we get the permits." But he let them do it and it just - they had one after another. That's how it all happened. It was all very innocent but it turned out being pretty rotten. As the current event thing doesn't work for him, he only wanted to be open in the winter for these events, not in the summer. He likes his summers. He doesn't want to work in the summer. There is another issue where supposedly they were open without a server's license. He was there the whole night and so was his wife. His sister-in-law handled that program but he was there the whole night and so was his wife. So it's not that there wasn't a licensed server. There were both of them there. These things get carried away. Chairperson Fetzer stated having the first deal schedule... Mr. Jungwirth interrupted stating that we should have stopped there because we knew it was going to be a success. Chairperson Fetzer stated you shouldn't have even had it because you didn't have the permit. Mr. Jungwirth stated I know, I agree to that. I do completely. Chairperson Fetzer stated things get rolling from there. You have to stay on top of things. Mr. Jungwirth stated they didn't know it would be that kind of a success. Sanden asked if Mr. Jungwirth could answer the advertisements to bring in snacks, crackers, pretzels and so on and wine will be available to purchase, how that gets advertised when condition #7 specifically states do not bring in "carry in" food and hours of operation are to cease at 6. How is it advertised that those very things are going to be done. Mr. Jungwirth stated Kayleen Jakes handled that because she was working with Community Ed to put on some programs. He just told them the place was theirs if they wanted to use it. They put an ad out he wasn't even aware of until he got it in the mail, because he didn't care, because he simply wanted to make a place available for Community Education. Sanden asked if he understands that he is ultimately responsible for this and that his CUP hangs in the balance as a result of that? Mr. Jungwirth stated that is correct. Yup. He was hoping they would have had something set up back last year as far as these events but it never got put on the agenda. He doesn't know why it didn't. He talked to the chairman back last fall and she was going to get it on the agenda. It just didn't happen for two months or two and a half months. Sanden stated that's irrelevant. Mr. Jungwirth stated yeah, I know it's still irrelevant. Sanden asked so why are you saying it? Mr. Jungwirth stated it should have been there so he wouldn't have had these issues. Sanden stated he didn't care. Mr. Jungwirth stated I know, I'm just saying. Aubart stated so it wasn't done and you don't have the permit so you just said, to hell with it, I'll just have it anyway? Mr. Jungwirth stated no, they had it scheduled and he couldn't stop it. Sanden stated you did it multiple times. Mr. Jungwirth stated yes, three times. Sanden asked him why should we allow you to keep your permit? Mr. Jungwirth stated I guess that's up to you. Sanden stated should we trust your word? Is that what we should go by? Mr. Jungwirth stated if you were willing to sit down and talk about these things it would be great. Sanden stated we are listening. Mr. Jungwirth stated it all has to do with so many factors and when he tries to... He doesn't like to solidify something unless he knows it's going to work. He has been in business for over 50 years and before he would ever turn something into a company as to whether or not it would work. He would make sure it worked. That's how it started. That's

how he let these people come in and it turned out. The second event actually was his daughter's and yeah, that's beside the fact, I suppose. It's family but it's just one of those things it's completely his fault but he did not realize he couldn't operate after hours because he can sell wine every day of the week and ship it. He just can't do tastings after 6:00pm. Sanden stated you were unaware of that? Mr. Jungwirth stated he knew he couldn't do tastings after 6:00pm but he can sell wine seven days a week. He just can't operate after 9:00pm at night until after 6:00am in the morning by state law and they do that because they ship wine all the time. So it was conflicting issues. Sanden stated so if there is confusion then perhaps we should be very literal in adding conditions for your benefit because you are obviously getting confused about these. Mr. Jungwirth stated yes. Ross stated maybe he missed something, when you were approached and talking about these events at no time was there a discussion that they couldn't bring food? You didn't have dialogue with these people and you didn't share with them the conditions that you know were there so they knew what to print, what not to print, that discussion never took place? Mr. Jungwirth stated they knew that, yes. Ross stated they went ahead and did it, is that what you are saying? Mr. Jungwirth stated Cyndi Cashman did, he said he could pick it up and she said well, I'm going to be at Ellsworth Cheese Factory tomorrow anyway. Do you want me to pick it up? Granted, he should have picked it up and then it would have been part of his program. But he wasn't charging for the event. He is allowed to have cheese and crackers and breads and pretzels, those kinds of things for wine. She paid me or I didn't have to pay her for it that way. If I had picked it up, she would have had to pay me. It's not like it's an illegal product, it's just that I should have bought it rather than her buying it. That's the only difference. Holst, so who is at fault: Cyndi, your daughter, this Brush Strokes girl, Town of Oak Grove, and Rudy didn't understand, is that correct? Mr. Jungwirth stated he understood, it all should have been happening, nothing got put together once we started it. Holst asked whose responsibility is it to follow through? He stated he has had dealings with your township too and they have sometimes gone on for years. Mr. Jungwirth stated he should have been on top of the board to get this thing on and he didn't, that's his fault. Holst stated he appreciated that and he accepts that. One other time you mentioned that something was your fault. Did you understand condition #6? Mr. Jungwirth stated yes. Holst asked if he understood condition #7. Mr. Jungwirth asked which one was that? Holst stated that was "no carry in food shall be allowed." Did you understand that? Mr. Jungwirth stated yes. Holst asked if he did anything to stop Community Ed's ad in the paper when they put that in? Mr. Jungwirth said he called them and said the deals were off, they cancelled them all. Holst said OK. Prior to you getting denied by the town? Mr. Jungwirth stated no, it was before that. Holst said very good. From your prior explanations, you said that you understood condition #8 too, because you talked to the town and their Special Events Ordinance doesn't fit. Mr. Jungwirth it doesn't fit what he needs to do because it has a sunset thing and the winter events wouldn't start until it's dark. Holst asked if he asked for a variance in their wording? Or something different from what they had? Mr. Jungwirth stated originally he was told that there would not be an issue doing that but. Holst asked if that was by the town board or an individual on the town board, because an individual cannot act for the town. You have to go through the permitting process. It has to be an action of the town. Sarah Palodichuk also asked if he could clarify what "doing that" is. Holst asked if the town granted approval, according to their ordinance, or does the town chair have the capability to grant that or does it have to go in front of the town board? Mr. Jungwirth stated he would say it has to be town board. And that is why he was disappointed last fall when they didn't get on and he wanted to get on. And he wanted to get on last summer and he didn't get on. So it's really his fault as he should have stayed on it. Aubart said you started to say something about they weren't supposed to publish. Mr. Jungwirth stated they didn't tell him. They asked him if they could put on some programs in the Community Ed pamphlet and he said what are you looking at? They told him February and March. He told them he thought that could work but this was early last November. Well, all of a sudden the pamphlet comes out and he said that's not going to work. He doesn't have permission yet. Aubart stated but you didn't have permission for the other three. Mr. Jungwirth stated no, that's because they popped one after another. He should have turned them all off. One was his daughter's. That was the second one. It's still his fault. Ross stated 2013, we revoked and you got it back November 5th, if his memory is correct. It would just seem to him that you would be more diligent in understanding your CUP and respecting what is in it and maybe go that extra

mile to insure that these conditions are met. Because it would seem to him that anything beyond that is almost making an assumption that we are not serious about conditions and we are. Mr. Jungwirth stated it's all his fault. He is too generous helping people and that is what gets him in trouble. Ross asked generous or defiant? Mr. Jungwirth stated generous, he has helped everybody in this room, everybody. Ross stated he is apprehensive about that answer. Mr. Jungwirth stated it's one of those things. He shouldn't be so willing to help people. All he was trying to do was help that committee from the school. It wasn't supposed to get out of control. He was supposed to be able to get the permit by that time. So they could operate on that Friday and he only wanted it for the winter cause he doesn't want to work Fridays in the summer. It just never happened. Ross stated all that is kind of neither here nor there in the same fashion that shipping of the wine is really irrelevant for this discussion. Sanden stated Ross is being a bit generous the first revocation of this permit was due to noncompliance and to say that this is an oops moment or that it's not due diligence in looking at the conditions, in his mind and maybe he is being cynical, but it seems to go beyond that to establish a pattern of noncompliance. Ross concurred with Dr. Sanden. Mr. Jungwirth asked if he could comment on that. Sanden stated no. He asked staff if there is again, to clarify for Mr. Jungwirth the parameters of these conditions, there seems to be some confusion in his mind of when he can serve wine, when he can sell bottles of wine. Can you clarify that for him and Mr. Jungwirth as far as that issue and the hours that he can sell bottles of wine versus serving wine. Pichotta stated the conditions that state hours of operation shall be Wednesday through Sunday 10am to 6pm, actually applies to the entire facility. If you are not operating the winery, it doesn't mean that someone else coming in and holding an event, it's still your winery and those conditions apply regardless. As far as internet sales, yes, that clearly can happen at any point. As far as if someone shows up and wants to buy wine at midnight, he doesn't believe the condition means that 10am to 6pm is when wine tasting can take place, 10am to 6pm are the hours that he is able to be open – that is what that condition means. For example, if you are a store and your hours are 10am to 6pm and people show up at midnight, you are closed. You can't buy anything and that is what 10am to 6pm means. Pichotta noted that he had drafted up a potential modification to the hours of operation condition to add some clarity if in fact that was what was needed. His suggestion is: #6 Hours of operation shall be Wednesday through Sunday 10am to 6pm unless a deviation is authorized by the Town of Oak Grove Board. Applicants personal use of the winery facility (including use by family and personal friends) is not subject to hour restrictions. Sales of wine to visitors or hosting of events shall not occur outside of established, or Town authorized, hours of operation. Sanden stated so bottles of wine cannot be sold after 6:00pm. Pichotta stated unless it is something being shipped out. Sanden asked from a legal counsel stand point are you confident enough that condition is inclusive enough to hold up to legal scrutiny if he were to continue to sell a bottle of wine after 6:00pm. Pichotta stated yes, he believed it would. Although he thought hours of operation being 10am to 6pm was pretty clear too. Sanden stated he is just trying to ensure that it is noted on the record. Chairperson Fetzer asked Sarah if she would like to speak for the township. Sarah Palodichuk, Town Chair, Town of Oak Grove, speaking for herself, she is a little blindsided right now and she will try not to get into he said, she said kind of thing and go with a couple points. First of all, she doesn't recall speaking with Rudy in October, let alone having any requests made. She got an email from Brad Roy in the Land Management Department on October 28th asking her if they had issues with Valley Vineyard or any reports. She stated there were no complaints this summer. She told him that Joy Ptacek had called her early in the season and said what should we anticipate? But it wasn't a complaint it was just saying hey, is there anything going on that our neighborhood should know about. She said no and she didn't have any complaints. That was her only October dealings that she recalls. If there was indeed a request that she was denying, she would assume he would have brought that up to the Land Management Committee when he was here. Or one of the other four board members if she wasn't getting something on the agenda. The conversation that she recalls having with Rudy was initiated by her when she had received reports that there was a shindig, Friday night event at the winery that included town's people, friends of hers. It struck her as odd that there was an evening event going on there. She doesn't know if this is the one that he described as being his daughter's event. He had told her initially it was his daughter's then he told her it was his sister-in-laws in their second conversation. There was one other time where Rudy had requested

of her, he had said Amber, one of his employees, had a brides/grooms dinner the night before and he asked if that would need a special permit or something like that and there was no sale of wine. It was just an employee using the facility. She talked to Land Management and she brought it up at the town meeting to the other board members and said if we feel this needs to be addressed. They would need to address it. The board decided it was not something that required a permit. That was something that happened over the summer. As far as the other things go, she had called Rudy confronting him about the Friday evening event that happened the weekend before Thanksgiving would be a good guess. Then she was made aware that there was another event happening in the first week of December. So they discussed that. She did indeed tell him that she thought the Brush Strokes kind of parties are a good fit. That's her personal opinion. He had let him know that Community Ed had talked to him about things. She said if you want to do that go ahead and request a permit from the board. Her assumption was that the board would consider it part of the four that he is allotted in the year as the board has agreed on previously. Whether he contacted Community Ed or not about the publication of inviting food, she is not sure, but at the Intergovernmental meeting the people representing the Community Ed Board did not know anything about it. In general, Rudy and she have exchanged emails and in April they exchanged emails and she did say to him that she would be happy to sit down and talk to him if he wanted to discuss it further. The last time they spoke, she encouraged him to communicate the changes he would like to see happen to the board. That is the email she sent to him. She has said she thinks there are events he can do and ways you can make money but you have to bring them before the board. If he is saying he made a phone call to her and she was rejecting putting him on the agenda, there isn't much she can do except show her phone records. Really she has heard a lot of complaints but haven't ever seen anything formally, a suggestion in writing or any formal suggestion of what they could do to make this work. As far as the upcoming events in February and March that had been planned. There was no request for those to be put on the agenda. After the conversation with him, where he mentioned them, she said we have to take care of these two events where one had happened and one had not happened yet and they need to talk about these future events, if you want to have them, that has to get discussed. So she put it on the agenda and told him she was. There was no formal request for the events that had already been published and planned. There was no request. Then the last thing worth mentioning, he started out talking about the events plan and how that doesn't fit. Personally, she is in agreement with him that the events plan does not fit his business which is why they very specifically with this group said that the conditional use permit would require specific permission from their board that is consistent with the special events ordinance. Regardless of whether the special events ordinance applies or not, he still needed to come before our board to get permission. That is a requirement that you put on his CUP. This is exactly why we put that requirement in there in that language so that he couldn't say their ordinance doesn't work. We are saying aside from that, you still need to get permission. If you have any questions, she said she didn't want to go back and forth, he said, she said. Ross asked - from your perspective as Chair, what constitutes a formal request? Is it a simple phone call, is it a written request? Ms Palodichuk stated a formal request would be made to the clerk and to herself. Ross said thank you. Sanden makes a comment to the committee. He would just like to be on the record. He has been proud to serve on this committee because they try to do a very difficult job and they volunteer to do it. Sanden stated but it's many times a thankless position and he thinks an important one. We try to strike a balance and especially in situations where you have nonresidential uses in residential areas. He has been proud to serve on this committee with you folks and he thinks no one could accuse the committee of trying to squelch business and a person trying to make a living. He would say even at the risk of being criticized by some of their neighbors, he thinks they try their best to grant that with conditions to protect those very neighbors. In the time that he has served on here, he has seen much more intensive land uses near residential areas and CUP's that had dozens of conditions. They were all met in good faith, they had some ups and downs with people they had to bring back every so often but in general he has seen much more difficult situations cause much less recurrent problems. He is concerned that this particular operation is being viewed by other townships as to why not to allow wineries. You know, we don't want that to happen to us. That is squelching business and developing in Pierce County. He just wanted to go on record saying that. We try our very hardest to thread that needle and

accommodate people to use their land as they want, be profitable, better themselves and at the same time protect their neighbors. It's a difficult thing to do and operating in good faith is a large part of that. He has seen much more intensive operations work in good faith under much more conditions to meet and they have met them without having to come back time and time again with this reoccurring issue. Aubart stated he is kind of a rules oriented person and doesn't appreciate things being blatantly just cast aside. The conditions that they put on, like Dr. Sanden said, are there for a reason. The world that he operates in is more black and white and he is less tolerant of those that don't follow the rules. He thinks we do bend over backwards to try and make things work. To him, Mr. Jungwirth intentionally went outside the CUP and violated these rules and he has a problem with that. Ross stated he appreciates what both committee members have said and striking that balance that was talked about is the most difficult part as a business owner, he gets that. He won't go as far as to say you are making a mockery of us, but he can make a good case for it. Holst stated Rudy has always struck him as a pretty intelligent guy. He would like to think that he wasn't playing us. Maybe he didn't understand the terms and conditions. Maybe he didn't understand the repercussions that could come by losing his CUP. Maybe he didn't understand that he invested too much money on something to not get the return out of it that he'd like. He wants to get a few more hours. We've seen other people that started small and worked their way into things and they did it by following the rules. Then pretty quick the neighbors aren't so up in arms about things. When that happens maybe we can give him another day or another hour or whatever. It's like Dr. Sanden said, we've got much more invasive things in different parts of the county and we have worked our way through them. He would like to think we could work our way through this. What you have should be a perfect fit for the western part of Pierce County. Mr. Jungwirth agreed. Holst suggested that the applicant make his point and make it good. Chairperson Fetzer stated before Rudy does, he wants to comment. He sees both ways. Being the mediator between neighbors and you, that's by far the most difficult thing. If we just keep looking past all the things that happen, it gives us absolutely no standing with neighbors. That is the toughest thing for the committee. He agrees with Jeff on things and with the others on things. He doesn't like seeing him coming in here all the time. It's tough on Rudy, it's hard on the neighbors and it upsets him. He asked Andy on the #6 condition, his concern is that he can say anybody is friends. Pichotta stated you still couldn't sell them wine, you simply could not. For example if we had a permit for someone that was doing car repairs in their garage. They can be in their garage after hours, if they are operating their business it can't be after hours. It doesn't mean they can't bring their buddy in there. The way he phrased that was "sales of wine to visitors or hosting of events shall not occur outside of established, or Town authorized, hours of operation." So even if he did have somebody that was merely an acquaintance there after hours, he can't sell them wine. Aubart it is just to that point but what Rudy said is that the lady from Community Ed bought the wine and paid for it at 4:00pm and then gives it away between 6:30pm and 8:30pm. That's playing the game and that is not correct. We put language like friends and then that's what will be, we'll sell it at 4:00pm or 5:00pm and then we'll just give it away between 6:30pm and 8:00pm or whatever the timeframe. Pichotta suggested adding "sales or distribution of wine to visitors or hosting of events shall not occur outside of hours of operation," to try to avoid it. Although, no matter how you word it, someone could come up with some strategy to try and circumvent it. Aubart stated that is his whole point that we have a strategy and that is what's been utilized to circumvent the conditions. Aubart stated he has a different solution but he will get to that. Mr. Jungwirth stated he didn't go out after the school system, it just happened to be his barber who is on the board for Community Ed, contacted him. Holst stated it doesn't matter, Rudy, you are the responsible party. You hold the CUP that is on your property. If I ask you if I could shoot birds out of your grapevines and I hit Ben Huppert's house, guess who is responsible, you and me both. He pulled the trigger and Rudy let him do it. Mr. Jungwirth stated that is how it all got started. He didn't go out after it. They came to him. It was like a runaway horse. Chairperson Fetzer asked if he was going to have the balls to shut it down if that kind of stuff happens again? Mr. Jungwirth said yeah, he called them right away. He doesn't know why, Sarah, in the meeting they had, didn't say something. He contacted Cindy Cashman, who happens to be on the board and told her that it has to get taken off. So they did remove it. It's probably still in their book because they don't send out another book. Ross stated you just called there, you didn't draft a letter? Or any kind of paper

trail. Mr. Jungwirth stated she didn't send him a letter letting him know that they had it on the schedule. But unfortunately, he told them if they want to do something, go ahead but he has to go to the board and get permits for this. Chairperson Fetzer stated before we vote, if this is granted, if we get complaints, it will be like a two minute deal and it's going to get pulled. It upsets me already. If there is blatant disregard or trying to skirt around things, it's done. Ross stated he has said this at many of these meetings; people often wonder if business and politics are difficult. They have Harvard business studies; they have all kinds of things we can learn from. Is that not true? But it all comes down to a simple word. This stuff isn't complicated. It comes down to the word of trust. You break that and it makes it really hard to take things seriously. **Sanden moved to approve modification of the conditional use permit for Valley Vineyard modifying condition #6 to read "Hours of operations shall be Wednesday through Sunday, 10am to 6pm unless a deviation is authorized by the Oak Grove Town Board. The applicants' use of the winery facility (including use by family and personal friends) is not subject to hour restrictions. Sales or distribution of wine to visitors or hosting of events shall not occur outside of established, or Town authorized, hours of operation. Modify condition #8. Activities outside the scope of this CUP (being open beyond established hours or allowing catered food service) may be authorized by the Town of Oak Grove. Adding condition #15. Applicant shall appear before the LMC in 6 months to provide a status report (July/August 2015)/Holst seconded. He added a friendly amendment, #15 change from 6 months to 3 months and have Mr. Jungwirth back here in May 2015 and every 3 months thereafter. Sanden agreed.** Chairperson Fetzer stated his concern with a 3 month deal is there isn't much happening until summer. Sanden stated the 3 months would stand. Ms Palodichuk asked for clarification, how will enforcement take place? She makes a phone call or puts it on their agenda but that is the one explanation that she hears most frequently from the neighbors; he has a CUP, who is taking care of it? Holst stated you can take care of it at your own level by not renewing his liquor license if you feel there is a problem at that level. Pichotta said as far as adherence to conditions, he gets his emails on his phone. We've got a staff member that lives in the area now. Get something to him and we'll get someone out there as quickly as we can. The reality is that for us to have actual evidence, staff would witness it firsthand. Time is of the essence. Pichotta noted that given what he has heard tonight it appears that the tolerance level for stepping outside the line is going to be pretty swift and he doesn't think there will be a lot of tolerance for deviation. He doesn't know how we can make the conditions any more clear than they are. Ross asked Andy to clarify also in his words because we are putting a 3 month return, if it's stepped outside we don't have to wait until May. Pichotta stated we have the ability to convene with this board in 24 hours if we needed too and we could revoke a permit if that was something that was appropriate. Aubart stated for Dr. Sanden and Mr. Holst's benefit that he is not going to support the motion - not because he doesn't believe that they are good modifications to the CUP. He just doesn't think Mr. Jungwirth has been able to demonstrate to him that he can follow the rules that we have put forward. Ross asked Mr. Jungwirth if he gets this? Mr. Jungwirth stated he understands completely. Ross noted that he is in Mr. Aubart's camp. **Chairperson Fetzer called for a roll call vote: Holst – yes, Ross – no, Aubart – no, Sanden – yes, Fetzer – no. Aubart moved to revoke the conditional use permit for Valley Vineyard due to failure to adhere to conditions/Ross seconded. Chairperson Fetzer called for a roll call vote: Holst – no, Ross – yes, Aubart – yes, Sanden – no, Fetzer – yes. Motion carried. CUP has been revoked.**

Discuss take action on proposed revisions to Chapter 240, Article VIII Signs.

Staff Report – Dillon Hayes: At the previous meeting of the Land Management Committee, staff was directed to provide additional information regarding regulatory standards and the use of electronic variable message signs and LED display signs. Multiple studies have shown that the use of these signs may lead to increased driver distraction and therefore create a greater risk for vehicular crashes. An investigation into sign regulation employed by adjacent municipalities has shown that the methods utilized vary widely. Proper regulation of this technology should allow for the effective utilization of this means of advertisement while providing protection for motorists. The majority of nearby counties do not address electronic display signs or digital LED displays in their sign ordinances. Some surrounding

counties have established regulation for electronic display signs such as a brightness limitation (e.g. 5000 nits during daylight and 500 nits from dusk to dawn), limitations on electronic display size, and a limitation on display duration (e.g. static display for five to eight seconds between transitions). One county has completely banned the use of electronic display signs with the lone exception of numerical hour-and-minute, date or temperature information, such as you would see at a bank. A study was published in 1994 by the Wisconsin DOT that sought to investigate the effect of these signs. The subject of this study was one of the variable signs with the three faces that turn to display three different messages, not an LED display sign but the data is relevant. Over the course of six years traffic crash data was compiled for the eastbound and westbound lanes. The data gathered in this study showed that in the three years after sign installation the crash rate in the eastbound segment alone increased by 36 percent. The Wisconsin DOT enforces Chapter Trans 201 of the Wisconsin Administrative Code, which regulates outdoor advertising visible from highways on the interstate and it states that variable message signs must display images for no less than one-half second, no segmented message may last longer than 10 seconds, and no variable message sign may be illuminated to a degree of brightness that is greater than necessary for adequate visibility. In a 2007 document entitled “Guidance on Off-Premise Changeable Message Signs” the Federal Highway Administration established the following standards for state transportation departments:

Duration of Message: Duration of each display is generally between 4 and 10 seconds – 8 seconds is recommended. Most of the sign ordinances use between 5 and 8 seconds.

Transition Time: Transition between messages is generally between 1 and 4 seconds - 1 – 2 seconds is recommended. Majority use 0 seconds with no fading, just go from one to the other.

Brightness: Adjust brightness in response to changes in light levels so that the signs are not unreasonably bright for the safety of the motoring public. Most municipalities use aforementioned 5000 nits and 500 nits.

Spacing: Spacing between such signs not less than minimum spacing requirements for signs under the FSA, or greater if determined appropriate to ensure the safety of the motoring public.

Locations: Locations where allowed for signs under the FSA except such locations where determined inappropriate to ensure safety of the motoring public. Other standards that the States have found helpful to ensure driver safety include a default designed to freeze a display in one still position if a malfunction occurs; a process for modifying displays and lighting levels where directed by the State DOT to assure safety of the motoring public; and requirements that a display contain static messages without movement such as animation, flashing, scrolling, intermittent or full-motion video.

Staff Recommendation: Staff recommends the Land Management Committee review the above information and provide staff with direction regarding the regulation of electronic variable message signs and LED sign technology.

Aubart asked what a nit is. Hayes stated he has an explanation but it may not really serve to help, one nit is equal to one candela per square meter. One study he found stated that one nit is equal to the output of one automobile headlight at night. Sanden stated they are saying 500 nits. That is a lot of light. Hayes, Another study he found stated that the recommended output of a display sign is generally between 10 to 40 times the ambient light output meaning they recommend 10 – 40 times the light output of your headlight at night 10-40 nits. Again most municipalities use the 500 nit as their maximum night putout. Sanden stated that is quite a discrepancy, recommended as 40 and actual is 500. Hayes stated that was only one study. Ross stated it’s probably hard to find studies. Hayes stated yes. Sanden asked if he knew what the nits are of a headlight on bright. Hayes said they just said the one automobile head light was mentioned. Holst asked when the study was commissioned. Hayes stated he believes it was the early 2000’s. Holst stated how much have headlights changed since the early 2000’s. Hayes stated it was in 2010. Holst said 2010, headlights have changed a lot since then too. Ross asked about the brightness statement; adjust brightness in response to changes in light levels so that signs are not unreasonably bright. How do we determine that? Aubart, it is so subjective. Hayes stated that may go back to that recommendation in the FHWA memo that stated a process for modifying displays and lighting levels were directed by State DOT to assure the safety of the motoring public. Holst stated lets go back to the

church sign that Dr. Sanden wants to shut down. He is just using it as an example. Ross stated it's a reference. Pichotta stated maybe we could run through these four or five items: Chairperson Fetzer asked about Duration, Ross stated 5 – 8 seconds looks good to him. Chairperson Fetzer asked about Transition Time' Ross stated 1 – 2 seconds. Chairperson Fetzer asked about Brightness, how many nits, Sanden stated he wished there was a measure to tell what headlights were with their brights on. If the signs are further back they could be a little brighter. Holst stated if they are 40 times that bright. Pichotta suggested, why don't we see if we can bring something back and make a recommendation of what appears to be reasonable and give an explanation of how we arrived at that. Aubart asked if there is a way of crafting that to say, "signs are not unreasonably bright for the safety of the motoring public", have to quantify that somehow, if we don't we leave it like that and somebody crashes and they say they met with the County and they file a lawsuit and we get on board because we approved the light and it was too bright. It's problematic to quantify. Ross asked if we could use as a gauge, these strobes that we signed off on for the airport. Aubart stated he voted against those. Holst stated he wouldn't support that. Pichotta asked if Dillon had an opportunity to look at other ordinances and how do other folks quantify it. Hayes stated typically it's that 5000 and 500 nits. Some say that the sign simply must adjust to ambient light levels. Again that doesn't show a set, definite, concrete number. Pichotta stated we will do some digging. Chairperson Fetzer stated Spacing. Hayes stated we do currently have spacing regulations in the code. Chairperson Fetzer stated Locations, he asked if we had regulation regarding locations in the code. Hayes stated at the last meeting it was suggested that these signs should only be allowed in the Commercial and Industrial Districts and kept out of the Residential and Agricultural Districts. Is that still the feeling of the committee? Pichotta stated that last paragraph, there are a couple things in there that might be pertinent information, for example freezing a display in one still position if a malfunction occurs. He thinks that makes good sense, prohibition against animation, flashing, scrolling, intermittent or full-motion video. That makes sense too. Hayes stated we do currently have no flashing, fluttering or otherwise animated sign messages shall be permitted. That is already in the code. The only addition may be the intermittent or full-motion video. Pichotta stated if you are comfortable with that we will draft some new language and bring it back for your consideration at the next meeting. Committee agreed.

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

Departmental Update and Future Agenda Items

Public hearing to consider a request for expansion of a nonconforming structure in the Rural Residential 20 District in the Town of Martell.

Proposed code revision dealing with the Planned Residential Development (PRD) section. We have a cluster section to our ordinance as well as PRD. One of the things that came out through the Comprehensive Planning process was folks wanted more ability to do mixed uses within the PRD so it wouldn't be so much a residential kind of a thing but a planned unit type of thing where you could allow mixed uses in conjunction with a land division of sorts. In PRD, currently, it allows for deviation of minimum lot sizes, minimum lot frontage; those sorts of things you identify a building envelope and a septic area. We are going to propose some changes to that consistent with what was discussed in the Comprehensive Plan and we're going to get some initial guidance on how to proceed with that as well as the sign issue.

Pichotta noted that it used to be that his Performance Evaluation would have been at the next meeting but apparently there has been a change and now it will be done closer to his anniversary date, in June or early July.

Motion to adjourn at 7:18pm by Holst/Ross seconded. All in favor. Motion carried. Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, February 4, 2015 – 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 18 th , March 4 th & 18 th , April 1 st & 15 th , all in 2015.	Chair
3	Approve minutes of the January 21, 2015 Land Management Committee meeting.	Chair
4	Discuss take action on potential modification or revocation of a conditional use permit for Valley Vineyard, Rudy Jungwirth, owner of Lots 6, 7 & 8, of the Crossroads Land Division, located in the SW ¼ of the NW ¼ of Section 23, T26N, R19W, Town of Oak Grove, Pierce County, WI.	Roy
5	Discuss take action on proposed revisions to Chapter 240, Article VIII - Signs.	Hayes
6	Discuss take action on Travel/Training Requests	Pichotta
7	Future agenda items.	Pichotta
8	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.

(1/23/15)

PIERCE COUNTY WISCONSIN

DEPARTMENT OF LAND MANAGEMENT & RECORDS

Pierce County Courthouse

414 W. Main Street P.O. BOX 647

Ellsworth, Wisconsin 54011

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MINUTES - Pierce County Land Management Committee Meeting, January 21, 2015

Present: Jon Aubart, Jeff Holst, Jim Ross and Eric Sanden

Others: Andy Pichotta, Brad Roy, Dillon Hayes and Shari Hartung

Absent: Joe Fetzer

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

Next meeting dates: February 4th & 18th, March 4th & 18th, April 1st & 15th, all in 2015.

Approve Minutes: **Ross moved to approve the January 7, 2015 Land Management Committee minutes/Sanden seconded. All in favor. Passed.**

Discuss take action on a request for renewal of a conditional use permit for Nonmetallic Mining for Wisconsin Industrial Sand Company, agent for Gordon, Kathleen & John Thayer, My Course LLC, Cynthia Hanson and MOAP LLC/Troll King LLC, on property located in part of Sections 33, 34 & 35, all in T25N, R17W, Town of Hartland, Pierce County, WI and for Wisconsin Specialty Sands Inc, owner and agent for Lloyd & Nellie Anderson, My Course, Charles & Lynn Brown, Lynn Brown, Dennis Potts and Margaret Chesley, on property located in part of Sections 2, 3, 4 and 10, all in T24N, R17W, Town of Isabelle, Pierce County, WI. Chairperson Holst recused himself from discussion and voting on agenda item #4 due to possible conflict of interest.

Chairperson Holst stated Jon Aubart will be the Acting Chairperson for agenda item #4.

Acting Chairperson Aubart invited WISC forward: Mr. Himes stated Mr. Roy has done an excellent job of writing up a summary and recommend that we go to the staff report.

Staff Report – Brad Roy: This underground mining operation was permitted and began operations in 2006; in 2008 the hours of operation were expanded to 24 hours a day. In 2013, the LMC approved an expansion of the mining area into the Town of Hartland. Activities on the site include blasting, screening, washing and sizing underground in the mining tunnels. Washing is done in clay-lined ponds within the tunnels. The washed sand is then trucked to the processing facility in the Town of Trenton. Trucks enter and exit the site directly onto STH 35. The LMC recently approved an expansion of the Trenton facility to include a new wash plant. When the wash plant becomes operational the wash ponds in the mine will be removed. The properties are zoned General Rural, General Rural Flexible and Primary Agriculture. The permitted mining area encompasses approximately 1300 acres. The primary use of the land is either agriculture or forested and undeveloped. Other area uses include low-density residential. The entire mining process takes place underground using room and pillar mining. The sandstone is mined in parallel tunnels approximately 30-feet wide separated by 70-foot wide sandstone pillars. The mining is accomplished by drilling and blasting. The tunnels allow for the internal washing, sizing and storage of the sand. The blasted sand is screened and taken to an underground classifying area where the sand is sized and dewatered. Approximately 90% of the water is recycled. Water is supplied by two 1000 GPM fresh water wells, typically only one is used. High capacity wells are permitted by the WDNR. Groundwater elevation is mapped at approximately 720 to 740 feet mean sea level. The lower level of the

mined sand is approximately 800 feet mean sea level or about 60-80 feet above the groundwater table. The use of flocculants in the dewatering process has caused concerns from the general public regarding the possible contamination of groundwater. The use of flocculants is permitted by the WI DNR which monitors the types and limits the amounts used. WDNR regulates and monitors storm water and process water through the WPDES Permits. The WPDES permit ensures that water samples are collected and analyzed to demonstrate that water is not discharged that could negatively impact surface water. The facility has a Storm Water Pollution Prevention Plan and a Spill Pollution Control and Countermeasures Plan. These plans identify potential sources of storm water pollution and spills of oil-related materials and other chemicals and establish controls to minimize any potential impacts to surface waters. A Fugitive Dust Plan has been developed for the operation. The plan details the measure to be taken to reduce dust from roadways during periods of dry or windy conditions. The WDNR Bureau of Air Management permits and monitors emissions of nonmetallic mining and processing operations. Their jurisdiction ranges from extraction to shipment. Concerns have been raised about the health effects of crystalline silica dust. The DNR regulates dust emissions but does not regulate crystalline silica dust. WISC recently completed a study of PM4-silica at the Maiden Rock facility. The results of the study were presented to the LMC. The study found that the levels of crystalline silica in the ambient air near the facility was not a health concern and was consistent with good air quality. Wisconsin Department of Safety and Professional Services (DSPS) establishes uniform limits on permissible levels of blasting to reasonably assure that blasting does not cause injury, damage or unreasonable annoyance to persons or property outside any controlled blasting site area. A ventilation shaft may be needed in the future to provide clean air to the underground mine. The exact location of any potential shafts cannot be determined at this time. They are typically located on flat, easily accessible, leased property with access paths for maintenance and monitoring. Staff has not received any complaints about the operation since the expansion in 2013. At a town meeting on February 18, 2013, the Town of Isabelle voted to have Condition #17 removed from the CUP since 590th St has been abandoned. Condition #17 currently states, "590th St shall be restored to the satisfaction of the Town of Isabelle." Staff contacted the Towns of Isabelle and Hartland regarding this renewal request. No response was received prior to this report being distributed. Roy did hear this week from the Town of Isabelle. They discussed this at their last town meeting and they had no concerns for this renewal and the chair from the Town of Hartland is here and could have some input on it. The existing conditions are listed in the staff report #1 - #28.

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 not be contrary to the above, staff recommends this conditional use permit be granted with the following conditions:

1. Applicant shall follow all recommendations and receive all necessary permits from WI DNR, Department of Commerce, Mine Safety and Health Administration and other agencies if required.
2. Applicant shall submit written verification from all real property owners granting access to the abandoned tunnels of which WSS will be accessing pursuant to this CUP.
3. Applicant shall submit verification of lease agreements before mining is conducted and before mining is conducted within the 100 foot setback to parcels of which WSS does not hold the mineral rights, subject to condition number 5.
4. Applicant shall comply with the conditions recommended by the Town of Isabelle. The Town of Isabelle recommended approval of this request on March 22, 2006, subject to the following conditions:
 1. A map of the facility and underground tunnels shall be posted conspicuously at the site.
 - a. This same map shall be provided to the Town Clerk of the Town of Isabelle and emergency officials.
 - b. This map shall be updated semi-annually.
 2. A site stability study shall be completed by a professional engineer qualified for such work.

- a. The stability of the site shall be monitored by a qualified professional engineer annually.
 - b. A copy of the engineer's report shall be made available to the Town of Isabelle.
3. The groundwater shall be monitored by professionals qualified to perform such work.
 - a. Check all wells within 1,000 feet of company wells. This is the same as county requirements.
 - b. The groundwater shall be monitored annually as well as any time the Town of Isabelle deems appropriate.
 - c. A copy of this report shall be made available to the Town of Isabelle.
4. A reclamation plan shall be prepared-
 - a. In compliance with the requirements of the County of Pierce.
 - b. Including a performance bond to insure that reclamation work can be completed after operations cease or the operating entity ceases to exist.
5. Hours during which blasting operations can be performed will be unrestricted unless official complaints are registered with the Town of Isabelle-
 - a. Upon receipt of an official complaint to the Town of Isabelle, the Town of Isabelle will advise the operators of the facility of the hours of blasting restrictions.
 - b. Within 24 hours of notification, the operators of the facility shall not perform blasting between the hours of 9:00pm to 5:00am.
6. Town of Isabelle does not control driveway permits onto a State of Wisconsin highway and therefore cannot approve or deny any such driveway. However, the Town of Isabelle is very concerned about trees on either side of the driveway blocking the view of the drivers on the driveway and the State Highway. The Town of Isabelle strongly recommends that sufficient trees be removed to promote safe vehicular traffic.
5. A 100-ft setback shall be maintained from all property lines for which Wisconsin Specialty Sand does not hold the mineral rights, except for any areas which were granted an exception to this requirement. An exception was granted on the west property boundary of the parcel subject to this CUP. Mining is permitted 57 feet from this boundary.
6. Applicant shall identify blasting frequency and all blasting shall be done by a certified state licensed blaster.
7. Real property owners located within 1000 feet of the parcel subject to this CUP shall be given 48 hour notice of any planned blasting. Blasting shall be restricted to six days a week.
8. Well tests for nitrates, suspended solids and dissolved solids shall be conducted for all wells located within 1000 feet of the parcels subject to this CUP.
9. Reclamation shall be according to submitted plans and shall be completed within one year of ceasing mining operations.
10. After the asphalt and road gravel is removed, following mine closure, the road bed shall be graded so storm water will run laterally off the old road bed and not longitudinally down the old profile grade of the road bed.
11. The financial assurance for reclamation shall be reviewed and approved by Corporation Counsel before mining commences and kept current.
12. Applicant agrees that any unforeseen erosion issues that arise during or after construction shall be addressed to the satisfaction of the county.
13. 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. If they are not required, applicants shall submit verification from those agencies stating that the plans are not required.
14. This CUP shall be renewed every two years.
15. An annual audit, detailing mining activities to date and demonstrating adherence to approved conditions shall be submitted to Pierce County Land Management Department by January 31st.

16. The applicant shall submit written verification from the Department of Natural Resources that a binding agreement between the DNR and WSS is in place to preserve the conservation values of the existing DNR State Natural Area and associated tunnels. Such agreement shall also address access.
17. Verification of an agreement with the Wisconsin DOT shall be submitted before mining extends under Hwy 35.
18. Outdoor storage of any equipment and/or mining materials shall only occur on the parcel with the mine entrance.
19. Mining shall not encroach within 200 feet of any existing residence.
20. All loaded trucks shall be tarped.
21. A fugitive dust plan that utilizes industry standards and best management practices shall be developed and adhered to.
22. The operator shall provide notice to the County of any orders to cease and desist from MSHA.
23. Any polyacrylamide flocculants must be used consistent with WI DNR permit requirements.
24. WISC will 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 from such emissions.
25. A groundwater response plan, including accurate determinations of the groundwater elevation and which details resources to be used to protect the quality of groundwater beneath and adjacent to the extraction operation and a proposed response to encountering groundwater, shall be provided. Groundwater elevation shall be monitored annually and the results submitted to the Zoning Office.
26. A map of the facility and underground tunnels shall be submitted to the Town of Hartland semi-annually.
27. No ventilation shafts or secondary access portals shall be developed until after such time as the proposed location is reviewed by the applicable Town and approved by the LMC.

Acting Chairperson Aubart asked the Town of Hartland Chairperson Dave Esterby if there was anything he wanted to add. Mr. Esterby stated they have been doing a good job there. They haven't had any complaints from anybody. They are doing it right. Sanden asked if there has ever been any noncompliance issues that have had to be addressed with the 28 conditions. Roy stated no. Mr. Himes stated in the background section, the wash plant will be decommissioned. The ponds won't be removed but the plant will be decommissioned. The ponds are part of the structure of the mine. They will be dewatered and the ones that are done now are dewatered. On the ventilation shaft, they are in the process of putting a shaft in this year, working with the land owner to finish identifying a location. It will be on the My Course property in Isabelle Township and they will be bringing that forward for review when they get all their ducks in a row. Condition #19 states mining shall not encroach within 200 feet of an existing residence. They would like to request that condition be modified that mining be allowed under a residence as long as that residence is owned by the lessor/land owner and they agree that they can mine underneath their property. The pillar left in a 200 foot radius circle is about 46000 ton of minable material that would be lost to the lessor and to their operation. So if the owner of the house is the lessor and they agree to mining underneath their house they would like to have that allowed. Ross stated is that condition #20. Mr. Himes stated #19 on the new conditions. Condition #26 the groundwater response, Michele Maxson is going to speak on this. They have been working on setting up well monitoring and they have struggled with that. Michele Maxson stated they were working with the land owners to see if they could monitor the wells. They had a few home owners that were happy to participate but the wells are over 300 feet and to drop a monitor, their biggest concern was that it would get wrapped up in the equipment. They looked at some other options to see if they could do a transducer and go through that way. What they do is place a little hole on top of the well cap and a transducer goes in there and helps monitor the groundwater. The difficult part is that not everybody wants to have a transducer placed on their well. They do have one at their Bay City site right now. They are still looking at other options. Any other wells or properties out there, they may have to drill a couple new wells in order to make it happen. They do not have that completed yet. The data was downloaded when they did the last round of samples and when the company took the data back, somebody accidentally dumped the data and erased it. Today she received the piece of equipment

and was able to download the data so they don't have it quite yet but they did capture the 1600 data points. She did collect the ones at the other facilities as well. Mr. Himes stated they have a couple locations they are looking at right now to set up two wells to monitor; one new well and one that is existing. Water quality; they have been sampling all along and have reports on that. They are working to get this elevation monitoring established. They have one gap. Sanden stated he doesn't see any time designation on condition #25 so doesn't look like you need to extend anything. It just says shall be provided. Mr. Himes stated they will get this done as soon as they can. They don't feel like they have fulfilled the obligation and should have had this done. Sanded asked staff with modifying condition #19, is that setting a dangerous precedence. Is it going against our policy as far as other mining operations? As far as allowing them to waive that encroachment limits as long as the land owner approves? Roy stated no, it wouldn't. That policy is generally set up for neighboring properties typically with above-ground mines. This case being that they are leasing all these properties that is a different situation. Just like with the Wieser mining operation. The nearest house is the Wieser house. We don't have them test their well because they know what's going on. Similar to this, he doesn't think it will establish a precedent. Aubart asked if we would want to change the verbage on that: Mining shall not encroach within 200 feet of any existing residence without owner authorization or something to that affect. Pichotta stated lets modify it to include the phrase at the end, "unless owner authorization has been obtained." **Sanden moved to approve the renewal of the conditional use permit for nonmetallic mining for Wisconsin Industrial Sand Company/Wisconsin Specialty Sands Inc with conditions #1 - #27, correcting the typo on condition #17 and modifying condition #19 to add "unless owner authorization has been obtained."/**Ross seconded. All in favor. Passed with Holst not voting.

Chairperson Holst resumes duties.

Discuss proposed revisions to Chapter 240, Article VIII Signs.

Staff Report – Dillon Hayes: Recent evaluation of Article VIII of the Pierce County Code, relating to sign regulation, resulted in the determination that modifications are necessary to conform with legal precedent established for sign regulation by the federal government. Proposed changes are intended to address language in the current code that regulates sign construction based upon content of the sign. While sign regulation in this manner has been common practice, not just here in Wisconsin but across the nation, recent legal precedent has established the need for "content-neutral" sign regulation. The current sign regulations in the Pierce County Code are content-based and may open the county to liability if the current regulations were to be challenged. Multiple states have recently seen sign ordinances struck down by district courts upon judicial review that found the ordinances to be "content-based." It has also become apparent that the code should address the LED and digital display technology that has become popular in sign construction. This technology has tremendous potential for businesses, however, it may also present a hazard to motorists. In many other counties and municipalities these signs are being regulated to ensure safety of the motoring public and minimize distractions. The control of these signs is not currently addressed in Pierce County Code. A number of municipalities have established standards for light output, light measurement at the adjoining property line, limits on scrolling or flashing messages and limits on the day and night light output. Due to the somewhat restrictive nature of the current code, Pierce County is devoid of the billboards and large advertising signs that are widespread in other counties. With the existing code there are maximum sign face area and sign number restrictions in place to allow for businesses to advertise while preserving un-cluttered roadways. The restrictions on sign content have also served to limit the length of temporary sign placement. It is apparent that the limitations in off premise signage in particular have resulted in a generally uncluttered landscape along our roadways. Changes to Pierce County Code sign regulation have the potential to result in a very visible change in the landscape throughout the county. Any changes should take into consideration the current nature of signage and advertisement throughout the county. Some of the issues pertaining to this request include the current method of sign regulation through the use of a content-based sign ordinance. A new method of content-neutral sign regulation should be developed that will conform to current legal standards. With the content-

based language removed, new standards will need to be developed for sign size and number based upon zoning district. Under the current code there are some standards in place for maximum sign face area based on zoning district. These standards should be evaluated to ensure that they are in line with current goals and objectives for each zoning district. The current code language regarding permit requirements would no longer be applicable with a change to content-neutral sign regulation. A new definition of what constitutes a permitted sign would need to be developed. Currently there is no definition of “temporary sign” in Pierce County Code. In order to exclude temporary signs from permit requirements they would need to be defined in a manner that differentiates them from permanent signs. The requirements for temporary signs should address a time limit for placement in addition to a maximum sign face area. Currently Pierce County Code does not fully address the new electronic display signs. Most municipalities have adopted new regulation for these signs to minimize distraction of the motoring public. The regulation of electronic display signs should be evaluated and standards should be established to minimize any danger to public health and safety.

Staff Recommendation: Staff recommends the Land Management Committee consider the issues discussed above and provide direction by answering the questions contained in the attached document regarding the update and revision of Pierce County Code §240-59 through §240-62.

Sanden asked Dillon to define content-neutral. Hayes said a good example from the current code would be that we define permitted signs based on what the sign is for. So if you are advertising something, it would require a permit. However, if you are displaying your opinion, regardless of the fact if it is the same size sign, same type of sign, it would not require a permit. So we are regulating it based on what the individual or business has to say. Sanden said if he understands it right, we are looking at one code that regulates signs irrespective of what is on the sign; whether it is someone’s personal opinion, whether it’s someone trying to make something look pretty or if it is an actual advertisement for a business. Hayes stated yes. Sanden asked if we are going to address anything about the sign itself other than the size and what constitutes a temporary sign and how long it’s displayed? Hayes stated that is under #6, talking about which way we should define temporary signs. Currently there isn’t anything in the code that has a time limit or construction standard or anything like that regarding the difference between temporary or permanent. Sanden when digital signs came out probably ten years ago, he thought that was a great advancement. Not more than six months afterwards, you started hearing in the planning things about how to now regulate them. He has mixed opinions. Way back in the sixties, they used to have regulation on signage because they had all these spinning things on them and things that would turn three ways. They regulated them because people were getting into accidents. They were looking at the signs so it was a safety issue. On one hand, he doesn’t want to see more regulation. If someone has a nice digital sign, more power to them. He thinks it’s a great advancement. But driving back from here on Hwy 10, that church has a big digital sign and they had a New Year’s thing flashing and it was brighter than the on-coming traffic with brights on. There is a sign right next to it for the auto place but it wasn’t as bright, it was orangish, bluish and this was bright white. Pichotta stated what you don’t want is flashing or strobe like. One example is, driving by the grocery store, they change their message quite quickly and frequently. He will go by and then look in the rearview mirror and actually be turning around to see what it says. That is the type of thing we are trying to avoid. So if the message only changed every five seconds, it would be there long enough so people could see it. That is how places regulate. They will limit the frequency with which you can switch the message. Holst asked if there is a limit to the lumens or something. Pichotta stated many places do that so you don’t end up with a situation like Dr. Sanden referenced. You limit the output. Hayes stated a lot of them have standards talking about the lumens or foot-candles output of the sign, some just at the face, some at the adjacent property line while others have said this sign should adjust for ambient light levels, meaning brighter in the day and dim it down at night. Ross stated the one in Prescott, the blue is so bright. He is with Dr. Sanden, somewhere in there lies an answer. The brightness is very distracting and the changing of the signs, he agrees. Sanden stated on a philosophical basis, the signage came out, the new technology, then within six months it was how do we regulate this. He was thinking why do we always have to regulate everything once it comes out? If we do put any limitations on it, make sure that it’s reasonable. Signs provide a very important service. They

make or break a business often times. He doesn't want to stop that. If it's brighter than the lights of the car coming toward him, maybe it does need to be addressed. Aubart asked if the DOT has any safety data. He has to believe that they have studied the frequency of changing and the color. Hayes stated he hasn't seen anything specifically from the DOT. Most of what they regulate is signs in the right-of-way and election signs. Aubart asked who is the guy from the traffic safety committee? That might be a good resource. Ross stated even if it's not regulated they might have some basic data on it. Chairperson Holst asked if Dillon is going to lead the committee through the discussion of questions in the staff report. Hayes stated the current restrictions on individual sign size state a maximum sign size in the Commercial, Light Industrial and Industrial districts of 32 square feet. He asked for input on the new maximum sign size. Hayes stated we see 24 sq ft in some of the residential and agricultural districts; 32 sq ft in the commercial and industrial. He just wanted to give a range of what it could look like if we increased or decreased from current regulations. Sanden asked if we have a setback requirement? If we require it to be setback 300 feet that 32 sq ft isn't going to be big enough. If we allow them to put it within five feet of the right-of-way, 32 sq ft might be just fine. Roy stated signs are exempt from setbacks. They have to be out of the right-of-way. Holst stated he was around when they first implemented this code and everybody was up in arms about it but they have adapted well to the 32 sq ft signage. You don't hear a lot of people complaining. Pichotta stated the signs that are existing are grandfathered. They can change some things about them including the sign face. Holst stated they can't go from an old stick on billboard type to a new digital one. Then they have to fall back under the 32 sq ft. Roy stated they just have to be smaller than what they have. Holst asked if they could go from 105 sq ft to 104.9 sq ft. Roy stated that came up with the Red Barn recently. Pichotta stated he talked to Joe about this and he stated he is in support of the existing sign size, recognized that we have to do some things but thought the sizes were appropriate. Sanden stated question 4 does give the option to go bigger, have we had many requests? Pichotta stated not really, a sign in a commercial or industrial district located on a state highway has a different set of perimeters. We could see billboards there because they are regulated through the DOT. Pichotta stated we are just looking for a general sense and it sounds like if we go with the same size that we are currently allowing that would be appropriate. If that is the case, that direction we probably have. Then going to #2, what seems to be out there is working and perhaps continue with that, then think about numbers of signs in existing districts. Say Vino in the Valley wanted to put up a sign, under a content based system, a neighbor could put up one that says Vino in the Valley stinks, if they were so inclined. We could end up with more signs. Holst stated we listen to people go on about the character of the land and he thinks we've done a relatively good job. Part of the character of the land is not seeing advertising all over. He understands it does play an important part and he feels we allow a fairly important part but do we want to become a Wisconsin Dells, signage wise. Sanden stated the more an area depends on tourism, from a fiscal standpoint, the more important it is to look at that. Aubart asked about the opinion signs, one option is none. Can you even do that or do we get into constitutional issues? Pichotta stated the question isn't whether or not we should allow opinion signs the question is how many signs should be allowed in these districts regardless of the use. Aubart stated so then nobody could have a sign. Pichotta said "right." Aubart stated if we allow two signs then they could have two opinion signs. Pichotta stated or two advertising signs. Aubart stated hypothetically if you have a sign that says Fetzer Farms then they could put up two opinion signs also. Pichotta said "yes." Sanden stated he would like no regulations on signs but the committee has the authority on a case by case basis to tell them to take down a sign. They do that in some cases, every sign would have to get a CUP. He's only being facetious. Aubart said on the Agriculture and Residential districts he doesn't know how we could say zero signs. Pichotta stated with a farm & home based business, certainly they need some signage so folks can find it. Aubart stated generally they are going to have one. Holst said so one is a number that we feel OK with. Hayes asked if we are sticking with the current regulations in that Agriculture and Residential district, 24 sq ft with an option of 32 sq ft with a CUP? Holst stated keep it the way it was. Aubart agreed. Ross also. Holst stated #2a. leave the same, 3 on premise and two off-premise. Pichotta asked if #2b. to leave it at one? Ross stated he is OK with that. Hayes read #3 Current restrictions, as listed above, regulate total allowed signage by number of signs. Some municipalities regulate in this manner, while others utilize a maximum total square footage,

allowing the property owner to do as they see fit with their allotted square footage. Some municipalities utilize a combination of these methods. Which method should we utilize? We could continue with what we have or we could say instead of 3 – 32 sq ft signs, you could have 96 sq ft divided as you wish. Sanden asked what we have right now. Hayes stated we have in the Commercial and Industrial districts a maximum size of 32 sq ft with three signs. Pichotta asked if they want to continue with #1, continue as is. Sanden stated he would. Hayes continued with #4, under the current sign code Agricultural and Residential zoning districts are treated equally. Would we like to continue that practice or allow more signage in one district than the other. Sanden stated for farm & home based businesses to allow one sign for agricultural. Pichotta stated it currently is one and one for each district. We do have in a number of the Rural Residential Districts, we allow home occupation and home businesses so you wouldn't have a farm & home based business but someone that cuts hair or an accountant. So there is a need for some signage there too. He doesn't think going to zero is reasonable either. Sanden asked when we say signs, we're talking about stand-alone signs not paintings on a building. Pichotta said "right." Sanden asked someone's business name on their store frontage, that doesn't apply? Holst said he thought that the letters were considered a sign. Pichotta stated you can have a wall sign. Holst stated it still has to fall within the perimeters or something. Roy stated that wall signs permitted wouldn't count toward that number for example Nesbitt's. They have their wall sign with the big display of Nesbitt's Nursery and then they have their three free-standing signs along the roadway. Since the wall sign is exempt, they get their three free-standing signs. Pichotta stated don't we have a maximum size on wall signs. Hayes stated it is 15% and then if you are in a scenic easement area it goes to 20%. Roy stated there are some regulations on it but it wouldn't count. Sanden stated what we are talking about is the freestanding. Hayes stated that additionally under that Agriculture or Residential district that could be a difference in number of signs or difference in maximum square footage, 32 sq ft ag, 24 residential or whichever. Pichotta stated currently its 24 sq ft. Hayes stated 32 sq ft with a CUP in both districts. Holst stated that is quite a bit of sign. Pichotta stated perhaps it would be reasonable to limit the size to 24 sq ft in residential. They still have their sign but don't have the potential to go up to the larger size of a CUP and given that the whole purpose of Residential districts is to provide large lot residential development and compactable uses. Limit the signs in residential and take away the CUP option to go to 32 sq ft. Hayes read #5, under the current regulations all freestanding and projecting signs, utilized for advertisement, require permits. Without the ability to regulate based on content permitted signs will have to be defined by other means. How should these signs be defined? Sanden asked him to define projecting signs. Hayes stated for example, typically you see them in cities, you would have a building and maybe two feet out from the building you'll have a large sign with a name or flashing lights. Pichotta asked Dillon if the easiest way to do that is still by zoning district. Hayes stated if you are still looking to utilize the advertisement signs regulated that would probably be the easiest way, require permitting in Commercial and Industrial. Pichotta stated that seems cleanest. Committee agreed. Hayes read #6, Existing regulations list temporary signs by sign content, no general definitions are given regarding what constitutes a temporary sign. How should these signs be defined? Sanden stated construction standards, the ones that are easily transportable as a temporary sign. Pichotta stated if it's permanently there, it's permanent. Sanden stated those plastic ones that are on wheels that are moved from job site to job site. Pichotta stated we do want to regulate those too. Hayes read #6b., current standards generally list a maximum temporary sign size of 24 sq ft (with exclusion of election signs in accordance with Wis. Stats 12.04). What maximum sign size would be appropriate for temporary signs? Holst stated he doesn't think we should deviate from where we are at. Sanden asked if there is a sandwich sign, does that square footage get divided between two sides or does each side get that amount. Roy stated each side gets that amount. Holst stated he would consider that two signs. Roy stated we consider it one. The issue is with a V-shaped sign that people would say it's 4 x 6 which is 24 sq ft but when you stand right in front of it, you can see 48 sq ft. A sandwich type sign, you are only seeing one side at a time. The V-shaped ones are the tricky ones. Hayes stated the current definition of the sign face area states that when a sign has more than one display face, the combined surface area of all the display faces that can be viewed simultaneously shall be considered the sign face area. Holst stated so we want to stay at 24 sq ft there. Committee agreed. Hayes read #7, existing sign

regulations in place do not make any mention to LED displays and digital message boards. In which zoning districts should these displays and digital message boards be permitted? Pichotta stated we currently have under requirements for all permitted signs, it says the following shall apply to all permitted signs unless exempted, except for flashing, fluttering, time or temperature sign messages, no flashing, fluttering or otherwise animated sign messages shall be permitted. Holst asked how many illegal signs do we have in the county. Pichotta stated there is a number of grandfathered ones; those monument ones that swing around. This church one that Eric wants to get rid of is new. Pichotta stated ETZ area. Holst stated we have no control. Holst asked about the Woodshed? Pichotta stated we do. We have taken the position that if it changes slowly, it's not fluttering or flashing. Aubart asked what is slowly. They can program it to whatever they want. Pichotta stated it would make sense for us to formalize that in some way, rather than us to make a value judgment as to whether it's flashing or fluttering. Ross stated be specific. Sanden asked about 7a. if we were to allow it in all areas, could we by zone, have different regulations, like digital signs in residential areas could we apply a more strict regulation. Pichotta stated we could because it wouldn't be content based. It would be based on the district. Pichotta stated you could also consider just allowing an LED type sign in a Commercial, Light Industrial or Industrial district versus a residential area. Sanden stated as the technology changes, maybe in five or ten years that would be something that people in residential areas would like. Holst stated we can address that in five or ten years then. Aubart stated he doesn't know if they need to be in residential areas. Holst stated he thinks we should keep them in Commercial, Light Industrial and Industrial. Hayes read 7b., how should light output of these signs be regulated? Pichotta stated we can do a little research on that particular one and see if the DOT has some guidelines and bring those back. The goal is, now that we have some guidelines, to bring this back to you at the next meeting, hopefully, have some additional information regarding that particular type of signage. Ross stated maybe if we could use it as a gauge, not to pick on anybody but Holiday, that brightness is distracting compared to Nilssen's, maybe the changing is distracting but not the brightness. Pichotta stated he thinks we have the guidance that we need. We will bring it back. Ross stated that we gauged with VINO, the decibels that are put out. Is there such a monitoring or gauge for lighting. Hayes stated some use nits, foot candles, lumens in the different ordinances he has seen. Pichotta asked if the committee wants something written or do you want something to view. Ross stated something written, we should be able to get a pretty good sense. Sanden suggested looking at situations similar to Pierce County, about the same size, growing the way we are. See how those other comparable counties deal with it. Pichotta reminded the committee that because this would be a change to our code, we would distribute it to all the towns and if one more than half the towns didn't like what we were doing, we couldn't adopt it.

Discuss take action on Travel/Training Requests. Pichotta stated he has a request for tomorrow for Brad Roy and Dillon Hayes to meet with Charlie Braetz, DSPS, regarding POWTS training. Brad and Dillon will be taking the POWTS test in a couple weeks which is a requirement of Brad's job and Dillon has the credential in Minnesota so it makes sense for us to have another live body able to do that. The other is for Brad and Dillon to attend testing for that in Eau Claire on February 4, 2015. **Aubart moved to approve the travel/training requests for Brad Roy and Dillon Hayes/Ross seconded. All in favor. Passed.**

Departmental Update and Future Agenda Items

Valley Vineyard, Rudy Jungwirth will be back on, Andy included an email that he received regarding the Town of Oak Grove's action a couple days ago.

Proposed changes to the Signage.

Motion to adjourn at 6:59pm by Ross/Sanden seconded. All in favor. Motion carried. Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, January 21, 2015 – 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 4 th & 18 th , March 4 th & 18 th , April 1 st & 15 th , all in 2015.	Chair
3	Approve minutes of the January 7, 2015 Land Management Committee meeting.	Chair
4	Discuss take action on a request for renewal of a conditional use permit for Nonmetallic Mining for Wisconsin Industrial Sand Company, agent for Gordon, Kathleen & John Thayer, My Course LLC, Cynthia Hanson and MOAP LLC/Troll King LLC, on property located in part of Sections 33, 34 & 35, All in T25N, R17W, Town of Hartland, Pierce County, WI and for Wisconsin Specialty Sands Inc, owner and agent for Lloyd & Nellie Anderson, My Course, Charles & Lynn Brown, Lynn Brown, Dennis Potts and Margaret Chesley, on property located in part of Sections 2, 3, 4 and 10, All in T24N, R17W, Town of Isabelle, Pierce County WI.	Roy
5	Discuss proposed revisions to Chapter 240, Article VIII - Signs.	Hayes
6	Discuss take action on Travel/Training Requests	Pichotta
7	Future agenda items.	Pichotta
8	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.

(1/9/15)

PIERCE COUNTY WISCONSIN
DEPARTMENT OF LAND MANAGEMENT & RECORDS
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MINUTES - Pierce County Land Management Committee Meeting, January 7, 2015

Present: Jon Aubart, Joe Fetzer, Jeff Holst, Jim Ross and Eric Sanden

Others: Andy Pichotta, Brad Roy, Dillon Hayes and Shari Hartung

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

Next meeting dates: January 21st, February 4th & 18th, all in 2015.

Approve Minutes: **Ross moved to approve the December 17, 2014 Land Management Committee minutes/Aubart seconded. All in favor. Passed.**

Jeff Holst recused himself from discussion and voting on agenda items #4 and #5 due to a possible conflict of interest.

Public hearing to consider and take action on a request for a conditional use permit for Heavy Industrial Uses pursuant to Pierce County Code Chapter 240-37E for Wisconsin Industrial Sand Company LLC and Wisconsin Specialty Sands Inc, owners and agents for Knudsen Courier LLC and Trinity Meyer Utility Structures LLC on property located in part of the W ½ of the SW ¼ of Section 1 and part of the W ½ of the NE ¼, part of the SE ¼ of the NE ¼ and part of the NE ¼ of the SE ¼ of Section 2, all in T24N, R18W, Town of Trenton, Pierce County, WI. Chairperson Fetzer invited WISC forward: Mr. Himes stated the staff report is pretty thorough and asked if Brad could just go ahead and read it.

Staff Report – Brad Roy: WISC is seeking an expansion of its mineral processing and rail load out facility in the Town of Trenton. The applicants are seeking to construct a wash plant as well as a sand coating plant on the site. The facility was originally permitted in 2006. A conditional use permit was granted by the LMC in August, 2013 to authorize expanded railroad sidings for the processing facility. In April, 2014 the LMC approved a request to expand the dry plant on the site that included the construction of new hoppers, conveyors, dryer, scalp screen, screen house and silos. Presently, washed sand from the Bay City mine is brought to the site by truck. The sand is subsequently dried and screened into different particle sizes. The dried and sorted sand is then loaded onto rail cars and shipped. The proposed expansion will allow for raw sand to be transported from the Bay City mine and/or the recently permitted Diamond Bluff mine to the Hager City Plant. The sand will be washed, then dried and sorted and either loaded onto rail cars along the BNSF railroad, loaded onto trucks, or conveyed to a coating plant. Coated sand would be shipped from the proposed plant by rail or truck. The applicant has indicated that the proposed plant expansion will result in the hiring of 74 additional employees. Construction is proposed to take place on the previously permitted parcels as well as on only the north neighboring parcel. Staff was notified that attempts to purchase the other parcels fell through so they will be using what they currently own. All the property is zoned industrial.

Pierce County Code §240-15K. states: the Industrial District is established for the purpose of allowing those industrial uses that are more intensive than those uses allowed in the Light Industrial District. The

purpose of the district is to accommodate a heavy volume of traffic, the potential need for rail access to parcels and the presence of noise and other factors which could pose a nuisance in other districts. The intensity and use of land as permitted in this district is intended to facilitate the total range of industrial uses. Adjacent properties includes BNSF railroad to the southwest and agricultural, forested, and undeveloped uses to the west and east. Lower density residential development is present beyond the adjacent properties to the north, south and east. Higher density residential (RR-20 District) is located to the south and east. Existing uses will remain unchanged. The new structures will closely resemble those already utilized on the property. New construction will include a wash plant building, coating building, new office/shop, conveyors, load out tank building, hopper and paved areas with parking. Rail sidings will be constructed to the northwest of the existing plant. The coating plant will include two Resin Coated Proppant (RCP) lines and a Self-Suspending Proppant (SSP) line. The coating process consists of a sand feed system, a sand heater, a mixing system that will apply the coating to the sand, screens to remove over size, storage and loading system. The RCP process heats the sand, adds an agent to improve adhesion, mixes the sand with a polymer resin coating, a coreactant, an anti-static agent and a surfactant. The SSP process mixes the sand with an adhesion promoter, a polymer coating, and a coreactant to cure the polymer. The finished products are dry and flow-able. The coating operation will use a variety of materials to coat dried sand, the majority are not considered hazardous. The coating process and material storage will be completely enclosed within the coating building. Hazardous materials to be utilized include: QP1023-Polymer (Anionic water-soluble polymer inn emulsion), QP1040-Polymer diphenylmethane diisocyanate), QP1050 Coreactant (Bis(3-dimethylaminopropyl)-n,n-dimethylpropanediamine), Coreactant (hexamethylemetetramine), Antistatic additive (silica and quaternary ammonium), Surfactant (ethoxylated nonylphenol). The wash plant will remove clays and fine material from the sand. The clays and fines go to thickener tanks and then to a filter press or plate press. The press will remove the water and create a block of clay and fine material, polyacrylamide flocculants will be used in the plate/filter process and remain in the material block which will trucked back to the Bay City and Diamond Bluff mines. Volumes are anticipated to range from 0.2 to 0.5 million tons per year. The proposed construction will also include a transloading site. Trucks would bring processed sand from other facilities; the sand is dumped and conveyed onto rail cars. Construction is anticipated to start the first quarter of 2015 and last up to two years. The existing maintenance building will be demolished before the coating plant is built. The wash ponds in the Bay City mine will continue to be utilized only until construction is complete. The applicant is working with the WDNR to obtain a General Stormwater Permit for Construction Activities. Erosion control Best Management Practices will be utilized and will follow the Conservation Practice Standards provided by WDNR. The endangered resources review determined that there are State and Federally listed mussels and fish in the Mississippi River and that the Bald Eagle could be potentially impacted by the project. The WDNR made the following recommendations:

- The rail spur construction project must use erosion control measures to mitigate impacts to state or federally listed mussels and fish associated with the Mississippi River.
- Avoid human activity between March 15 and August 1. If abiding by this timing restriction is not feasible, perform a survey of the site and within 660 feet of the site for nest Bald Eagles. If they are present in the area contact WDNR for guidance in mitigating impacts.

Hours of operation would be 24 hours per day, seven days per week. Raw or dried sand may be trucked to the proposed plant to be washed, dried, coated or loaded into rail cars from WISC's operations in Maiden Rock and Menomonie; Shakopee Sand in Shakopee, MN; or other sand sources. The facility has a Storm Water Pollution Prevention Plan and a Spill Pollution Control and Countermeasures Plan. These plans 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. WDNR regulates and monitors storm water and process water through the WPDES Permits. The WPDES permit ensures that water samples are collected and analyzed to demonstrate that water is not discharged that could negatively impact surface water. The proposed construction will not change the stormwater flow direction at the site, but will direct it further to the northwest in the expansion area. Silt fence will be installed along the

southeastern and northwestern portions of the proposed construction area. Various methods for dust suppression are present and proposed on the site. A Fugitive Dust Plan has been developed for the operation. The plan details the measure to be taken to reduce roadway dust from truck traffic on paved roads and railway dust from rail traffic, during periods of dry or windy conditions. The Fugitive Dust Plan will need to be updated for the new facilities. There will be no change to the outside storage at the facility. There are no archeological sites or wetlands in the project area. A water truck is available and will continue to be utilized during construction activities. Dust control will follow the DNR's technical standards for construction sites. Concerns have been raised about the health effects of crystalline silica dust. The DNR regulates dust emissions, but does not regulate crystalline silica dust. WISC recently completed a study of PM4-silica at the Maiden Rock facility. The results of the study were presented to the LMC. The study found that the levels of crystalline silica present in the ambient air near that facility was not a health concern and was consistent with good air quality. The wash plant will require two high capacity wells onsite; currently there are no high capacity wells on the site. The WDNR permits high capacity wells. Any new high capacity well application is required to be subject to an environmental review. DNR hydrologists will evaluate proposed wells for any potential impacts. Proposals that have the potential to impact protected resources undergo an environmental assessment process by the DNR. The anticipated groundwater needs at the proposed facility are estimated to be 0.4 to 0.8 million gallons per day. The water to be pumped will be used to wash the sand and remove fines. The washwater will be recycled using a closed-loop system. Some water will be lost through retention of the fines, drying of the sand and cooling sand in the coating plant. Transportation to the plant will primarily be along Hwy. 35. Other sand shipped to and from other locations will also travel state and county trucking routes. Volumes to be trucked to the proposed facility are expected to range from one to two million tons per year. A Traffic Memo was completed for the facility for the dry plant expansion to determine if improvements were needed at the Hwy. 35/770th St. intersection. WisDOT recommended adding a right turn lane off south-bound STH 35 and a right turn lane off north-bound 35 that would effectively function as a bypass lane for the left turns. Type B2 intersections would be appropriate for the turn lanes. WISC presented updated information regarding the proposed plant expansions to WisDOT to determine if any additional upgrades would be necessary. WisDOT determined that the previously recommended improvements would continue to be appropriate. The Traffic Memo indicates that the lowest level of service would be to vehicles trying to enter STH 35 from 770th St. If WISC finds that the level of service to be unacceptable, WisDOT recommends a short right turn lane with an island on 770th St. Site Plan Review is required prior to construction and will be scheduled for a future LMC meeting. Site Plan Review is intended to assure site designs which promote compatibility between land uses, create safe and attractive site layouts and structures, provide proper access to streets and transportation, protect property values and contribute to efficient land use in Pierce County. A request for a height exemption (WISC is proposing several structures taller than 35 feet) will also be presented. The Town of Trenton recommended approval of the expansion project on December 9, 2014, stating "Expansion of industrial facilities within the industrial zoning corridor is supported by the Town's Comprehensive Plan. With 2 days of backup storage at 6,000 ton per day = 12,000 tons total." The backup storage referenced by the Town of Trenton is regarding the outside stockpiles on the site. The existing conditions are listed in the staff report #1 - #10.

Staff Recommendation: Staff recommends the Land Management Committee consider the information above and any comments or concerns raised at the public hearing and determine whether the proposed use at the proposed location would be contrary to the public interest or would be detrimental or injurious to public health, public safety or the character of the surrounding area and if found to be not contrary to the above, grant this conditional use permit with the following conditions:

1. Activities shall be conducted consistent with the submitted plans.
2. 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.
3. Applicant agrees that any erosion issues that arise shall be addressed to the satisfaction of the county.
4. Applicant shall obtain all necessary permits for construction and signage for the site.

5. WISC 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 from such studies.
6. The operator shall provide notice to the County of any orders to cease and desist from MSHA.
7. This permit shall expire in two years and may be renewed administratively if no compliance issues arise.
8. The Fugitive Dust Plan shall be modified to include dust suppression methods for any stockpiled materials at sand transfer points and during instances exceptional events such as high winds. The plan shall also describe drop heights at transfer points and whether the facility uses telescoping chutes, skirting and loading spouts.
9. The applicant shall complete the WisDOT recommended upgrades to STH 35 and receive all necessary permits and approvals.
10. The Storm Water Pollution Prevention Plan and Spill Pollution Control and Countermeasures Plan shall be updated.
11. The sanitary system shall be inspected by a certified plumber to ensure adequate sizing.
12. All polyacrylamide flocculants must be used consistent with WI DNR permit requirements
13. The outdoor stockpiles shall not exceed 12,000 tons.

Chairperson Fetzer opened the hearing to the public. Ann Marie Rose, Hager City, wanted to make sure everybody that talks here tonight feels comfortable about speaking out. She feels that if you are really opposed to this, which she is for environmental reasons, all kinds of reasons, she doesn't need to hear anything from them because she has heard the same mantra meeting after meeting after meeting that they will not get letters in the mail threatening them about what they are doing in their homes like they received. She is hoping that is not going to be receiving negative letters that they might be breaking zoning laws. She is assuming that is not going to happen tonight. She stated they are all looking at her like she is talking weird. Chairperson Fetzer stated that he is not familiar with what she is talking about. Ann Marie Rose stated that she received a letter that states she might be conducting an illegal business out of her home. She and her husband are artists. Mr. Husom spoke up and said they weren't the only ones. There were other people who also got the same letter. Ms. Rose stated it was by Mr. Kleinhans because they spoke up. They were very verbal about disagreeing with this going on. Pichotta stated that when staff becomes aware that folks are conducting businesses out of their home that are regulated by the zoning code we send out a letter to them indicating that they should seek a permit. If he understands correctly, that is the letter that you received. Ms Rose stated yes. It was insinuating that they were doing something illegal though. Do people that sell on ebay have to get a permit from you? Selling Avon, do they have to get a permit from you? Pichotta stated Avon probably yes. Chairperson Fetzer asked what this has to do with the issue. Ms Rose stated it has a whole lot to do with it because people are afraid to talk. He just answered her question. She has been here now for fourteen years and she does not comprehend how people do not speak up about what happens around here. Look at what happened to Red Wing with sand. They are very verbal and have real public meetings. They bring experts in and they hear all kinds of sides, hasn't happened here. She could not figure out why. So everyone is afraid to speak out but she does not understand after having read the mission statement that they are actually looking out for best for this community when only a handful of people are really going to get a lot. People that drive truck and move sand, Mr. Ross, she doesn't understand how you think this is going to help your ice cream business. Mr. Fetzer, you are a farmer, correct? Chairperson Fetzer answered yes. Ms Rose stated she doesn't understand how that is going to help him and not hurt all the other hundreds of people that live in Trenton Township. Dr. Sanden, is that what you teach your students about land management. Dr. Sanden asked if she has a point to make. Chairperson Fetzer stated we have a lot of people that want to speak. Ms Rose stated that she just wants everyone to know that if you speak out there is a likelihood that they will send out letters threatening you. Dr. Sanden stated that Ms. Rose is totally out of line. Attacks on this committee, you haven't been here at these meetings. He has been here a long time. You are coming out of left field and throwing stuff against the wall hoping that something sticks. Ms Rose stated she has been to the first five meetings these guys were here. And the last one was here and that is when they got their letter. Dr. Sanden stated that you are impugning the integrity of everyone on this committee and we don't

appreciate it. David Husom, Hager City, the Star Tribune has raised questions about three counties in western Wisconsin in terms of sand. A couple points, the Adams site that is quite close to this was first dug by Professor Johnson, University of Minnesota in 1969-70. It may not be exactly on their property but nearby. The majority (or chemicals used) are considered not hazardous. Sandtrol's own materials safety data sheets point out that there are some possible hazards. Right now we are looking at \$48 a barrel for oil today. According to Reuters News Service the average price of oil, World War II to today in today's dollars is \$30 a barrel. If we take fracking out of the picture, the current oil price should be \$30 a barrel, even doubling that it would be \$60. According to a recent article in Bloomberg News, the breakeven point of oil for fracking is \$73.72 per barrel. His question is why now when other counties, other states, Minnesota, have looked at thinking about this for another year or two, since we've got time. Those of us that live in Trenton have had a fear if this all falls apart, WISC will walk away. His father worked for the steel industry. Pittsburg Steel abandoned a mill in Ohio. It's still standing. Those of you who went to the North Shore, for many years there was a Steel Plant abandoned there. This could end up being more abandoned industrial garbage if indeed it is built. Why now when oil is down. Everyone says it will stay down for at least another year and even at \$60 - \$70 a barrel, drilling is not going to continue in North Dakota. There are already companies going out of business. He does realize that Sandtrol is International. I assume a lot of this will go to China. Is that what we want to do is help China? Let's postpone this for a year or two, give everyone some time. Even they admitted, in #5 silica emissions, if current or future studies suggest a significant public health threat exists through such studies. Shirley Newhart, lives right by Thomas & Betts, she questions the sound, when you live in that area, you do hear this noise going on. They hear it from Thomas & Betts and the sand mine. There are some other people that have really complained about the noise so if you add another plant on, how much noise are we going to be having? You said it's going to be running 24 hours a day. Highway 35 coming from Bay City is a terrible road. Are they going to keep up all these roads for us because those trucks are really doing something to that road? It's a washboard. She lives on 150th St, you turn into Thomas & Betts, that's the road and that used to go to Bay City, which goes right by that plant. Is there some reason in the future when we rezone this to this that they will expand bigger and start traveling down our road? Thomas & Betts trucks have been told to stay off it but there have been a couple times we have caught them doing it. Is it just rezoning that little area or is it the whole valley. Roy stated the rezone is the next agenda item and that is dealing with a small two-acre parcel right above their existing plant; nothing down toward 150th. Ms Newhart stated her concern is that they will start using their road. Roy stated they don't have access to 150th. Ms Newhart stated that in there it talks about Thomas & Betts, is that on the next agenda? Roy stated when they brought the application in they were trying to purchase Thomas & Betts property that lies north of the railroad; so none of the area around their existing plant. That fell through. Now this plan is only going to be on property that WISC already owns. Ms Newhart asked who Knudsencourier LLC is? Chairperson Fetzer stated let's wait until the end of public comment and they (WISC) will go through and answer those questions. Bill Newhart, lives on 150th Ave, Hager City, his concern is some substances that might be considered hazardous and what is going with the water system and numerous wells, one of which is his and he has already had problems industrial wise with this. He would like that addressed. Ms Newhart, when they dig these wells, is that going to lower the groundwater or the water table? She thinks they had problems with that in the area, not them so much but other people up the railroad tracks. Tom Breen, Oak Grove, at the Trenton meeting last month, one of the board members asked a simple question of having someone from the mining company delineate all the chemicals that would be used in mining and the processing process. They were told as a public citizenry they didn't need to know what those chemicals were. He would appreciate it if one of the committee members would ask for that list. Bill Emery, 150th, concerned about the traffic thing and that the statement was made that you don't have a right-of-way past the railroad tracks. That doesn't mean that can't change and once you get this through that you wouldn't. You are going to need parking space and more area. Just a railroad track isn't going to stop that. If you bring traffic down from Diamond Bluff area, it seems suitable to him that you would want to come down his road because it would be closer than Hwy 35. But he would want to be assured that that won't happen because right now they have a small little community that has a 35 mph speed limit. Some people go 45.

It's something that needs to be addressed and he wants to be assured we are making all the considerations before we go ahead with this. Kathy Breen, Town of Oak Grove, feels like she is a broken record because she has asked this question several times but has never really gotten an answer for it. Besides the people that are selling rights to their property and getting pretty generous checks from the mining company, what else is a positive for this area? Pierce County has the lowest unemployment rate in the whole state of Wisconsin. To say we need the jobs isn't a valid point. The kind of jobs that, we understand that we are going to be getting, are not going to be very high paying jobs, some unskilled labor, truck drivers or something like that. You drive around in this area and there are all kinds of jobs available for truck drivers. We look at the risk to our water, the risk to our property values, the risk to the beauty of this area and she just would like someone to say why they need this because and really give a convincing argument. Bill Schroeder, Trenton Township, Hager City, lives right next to it. His business is right next to it. In regard to jobs, you don't start out at Walmart levels or McDonald levels with these people. It's probably three times that much or maybe four. They pay 100% of the employee's health insurance with not a very big deductible. It's a good place to work. They don't have much job turnover because it is such a good place to work. Seventy-four jobs in Hager City, there are a lot of places that would really give away the tax breaks and everything else to get those kind of jobs in their communities. Also it's a \$30 million project which goes on our tax rolls which is a good thing. People worry about the schools and school budgets and stuff. If you figure out your percentage for your schools that they get on our local taxes and what they are going to be paying our schools. It pays many teachers' salaries in one year, what they will pay in additional taxes. Those people that are concerned about their property values, people that have Walmart jobs, they cannot buy a house. He has 32 truck drivers that do not work for the sand mine. Most of them own their own houses. He takes offense when you categorize truck drivers as having low skilled jobs. It just really irritates him. This is a good project for the community. He has been around Hager City all his life, he is not a newby and he has been involved with Pierce County Economic Development since they started in the late 80's. He has spent a lot of volunteer time trying to get some good things going in this community and all over Pierce County. Trenton Township has the biggest or most land mass of industrial land. We also have the railroad tracks. It's the main rail line from Chicago to Seattle. We have good roads and as far as he is concerned, he has been next to that place all the time. You can see his buildings on these aerial photos. They are good neighbors, never had any issues and as far as dust coming from there, it doesn't happen. He has equipment sitting outside and it's been out there for many years and there is not sand dust on it. Mr. Newhart again stated that he would like someone to speak on the issue of chemicals in the water, it's critical. Chairperson Fetzer stated yes, we will go through that.

Public hearing closed. Mr. Himes thanked the committee for hearing their application. He stated you are familiar with Mr. McLeod and Mr. Krumenacher, and Mike Melton has also joined them. He is their Manager of Environmental Affairs from the Illinois facility. He manages that across the company. He will help explain some of the issues with the coating plant and some of the chemicals and what goes on in the plant. Mr. Husom asked about the MSDS sheet on the silica. Indeed there is a MSDS sheet on silica and it is listed as having hazardous qualities but it's in an industrial environment with high exposure levels something like sand blasting, exposure to processes that liberate a lot of fines from the silica. Their sand is washed and the fines are removed. The process is dust collected. Everything is enclosed. All the air that goes through the process goes through dust collection systems. They have to maintain a work environment in their facilities where their employees are not exposed to hazardous levels of silica dust. That is a requirement by MSHA and MSHA maintains a standard exposure level. They manage at 50% of that level. Exposure to silica dust outside of the plant is not going to be an issue. We can't have it in the environment of the plant. It's not going to be an issue outside of the plant. They did do a study and presented that to the LMC and what they found on perimeter studies at their facilities in Maiden Rock and what they have seen at facilities in Wisconsin that these plants are not generating dust. The process removes the dust from the sand and the air quality in the State is excellent. Dust sources are not the sand plants, a lot of them are actually global sources, not sources from these facilities. The questions about noise, even though they are doubling the size of the plant, it's not going to double the level of the noise. It's like two people, one person talking and another person talking. They don't have higher decibels. The

level of noise that they will experience with the new facility will be essentially what it is with the existing facility. Road maintenance on Highway 35 is paid for through the taxes that are charged to people to buy fuel. The state maintains the road based on that. Traffic levels on Highway 35 right now the estimated traffic levels are about 4,000 vehicles a day. In and out of their facility they will be looking at something above 700 vehicles a day emptying loads coming in; that is split north and south. Going to the north will be about 416 vehicles a day and south will be 320 vehicles a day. That represents in those two directions 8% and 11% of the load on Highway 35. The capacity of Highway 35 is 8,000 vehicles per day. So they are well below that in the carrying load on the highway. Addressing a couple questions, this project in no way considers using 150th St. south of the railroad. All this activity is north of the railroad. Getting a crossing across the BN would be a monumental task regardless. All this work is entirely on the north side of the railroad. This project is in the industrial zone, the corridor of Highway 35 and the railroad. The Town of Trenton has identified this is where they want this activity. So it's not intermixed with residential or other uses. It is in the zone that is earmarked for industrial use. The Knudsen's are the people that own the land adjacent to Thomas & Betts north of the railroad. But as Mr. Roy stated, our negotiations with Thomas & Betts fell through so they will not be using either of those parcels in this project. Mike Melton will address the questions regarding hazardous materials. Before he goes into that, in terms of listing all the chemicals, some of the chemicals they use are proprietary. All the hazardous chemicals are listed in the staff report. Other industries are not required to list all the chemicals. The list would be very long. The design of the facility is such that all the chemicals will be stored in the building for the coating plant. Basically it is a containment facility. All the chemicals are in that containment. They use best practices to keep spills from getting out of their facility and controlling them by all the best practices that are at their disposal. Mike Melton stated as a truck delivers the chemicals involved, it will back into an off-loading station that is within the building that has concrete floor that is sloped and has like a concrete bathtub that all the tanks are contained in. If there was to be a spill, and they don't anticipate it, but they also anticipate possible human error, any spills will be contained within the secondary containment. They will have a spill plan for the facility. They will have spill training for the workers. That is the standard that they will have. That is how they are going to safely receive those chemicals. If there is any shipment away of chemicals, it will be in the same bay. As those chemicals are used, as Jeff indicated, the dust from the operations, from the sand processing is controlled through dust collectors. Any surplus vapors from the coating operation will go through a thermal oxidizer. It will go through a chamber that is at 1400 degrees plus which will destroy the organics of any of the surplus vapors from the coating process. They want the coating chemicals to stick to the sand. And the surplus will be controlled so it won't be going up a stack and causing an adverse emission and all that both particulates and vapors will be permitted through the State of Wisconsin. Mr. Himes stated the next question was about the water table, high cap wells, Mr. Krumenacher will answer those questions, he just wants to point out this facility doesn't have tailings ponds on site. The tailings will be dewatered, the water will be recycled inside the system and the tailings will be transported back to the mines. They will be recycling essentially 95% of their water. The water that is lost will either be the moisture kept in the tailings going back to the mine or what is evaporated from the sand in the dryer. Mark Krumenacher stated there is going to be two high capacity wells. The application has already been submitted to the State. They really only need one but they are applying for two so one can serve as a backup although the water is going to be recycled. The loss from drying and what is in the sand and what is in the tailings, the loss will amount to something less than 400 gals per minute. So the wells are going to have a capacity of maybe 300 – 500 gallons per minute so they can charge the system when they need to charge the system. The amount of water that is going to be used is relatively low from a hydro-geologic perspective. The DNR, as they review the high capacity well permit application, will evaluate at the wells maximum pumping rate assuming both are pumping at the maximum pumping rate to determine whether or not pumping at the maximum rate will have any impact on neighboring wells. Their responsibility is to evaluate whether it is going to have an impact on municipal water supply wells or other high capacity wells. In their review they also evaluate whether it's going to impact residential water supply wells. If pumping both wells at the maximum rate will theoretically have an impact on neighboring residential water supply wells, then they won't permit that

amount. They will run the model to evaluate what flow rate will be acceptable and that is what they will put in their permit for Wisconsin Industrial Sand. That is actually the permitting process. As Mike mentioned, the chemicals will be managed inside the building, no different than any other chemical use anywhere else. State laws require certain procedures for spills. Their own best management practices will have procedures for spills. There is no perceived risk to groundwater here anymore than there is anywhere else where there are chemicals being used as long as everything is properly managed and best management practices are considered. The amount of flow of 400 gallons per minute is relatively low for this aquifer. That is because the groundwater, the USGS did a groundwater model for Pierce, Polk and St. Croix Counties back in 2009. Based on their model, they modeled all of the groundwater input and the groundwater outputs basically for these three county areas. This site is very close to the Mississippi River so the groundwater that is flowing in Pierce County or this part of the Township is very close to discharging at the river. When we look at the width of this property and the length of about 2500 feet of this property where the groundwater is flowing through and at 500 foot thick aquifer that is primarily all sand and assume an average porosity of about 20%, we estimate that there is about 1.7 billion gallons of water just beneath this property. The flow through the property, given conservative estimates is somewhere between 350 and 400 gallons a minute flowing through this property as we speak. That water will discharge to the Mississippi River which is flowing, as we speak, on the order of 10 million gallons a minute. It could be 8 – 15 million gallons a minute. Sometimes there are concerns raised that we are going to draw down the water so much that we are going to impact the river, that is very impossible. The amount of water that is available here is very high. The amount of water that they are going to use is relatively low. They are pretty confident that when the DNR reviews the high capacity well permit application that they are going to come to the same conclusion and it shouldn't be an issue. Mr. Himes stated the high cap wells are drilled at a much deeper level than the residential wells in the area as well. Ruth Wood asked about the study from 2009 and the drought years since. Mr. Krumenacher stated the USGS groundwater model takes that into consideration. It may have been a drought year but it's not a drought of biblical proportions that is going to dramatically impact things. Regionally and understanding hydrogeology and groundwater flow models, he does understand that you are not seeing rivers and lakes dramatically changing here. When you look at a river and a lake the water you see is effectively groundwater. It is a surface expression of the groundwater table. Where the groundwater is not exposed its groundwater, where it is exposed, it's called surface water. It's all the same. So if you are not seeing dramatic changes in surface water and ponds that are connected directly to the groundwater table, lakes and rivers and water supply wells. People don't need to lower their pumps or get deeper wells because of excessive drought then those are indicators that it's not having a regional affect. Mr. Himes stated a question was asked, what are the positive impacts of this facility? When this facility is completed and they are up to full production at their facilities, their total employment for the two mines, the expanded plant will be approaching 146 employees. They also have the additional jobs for construction workers, truckers and other service contractors. Yes, unemployment in the area right now with the recovery in full swing is quite low but it hasn't always been that way. These jobs are base industry jobs that provide additional benefits in the community. Direct impacts and induced impacts associated with their employment add up to about 24.9 million dollars injected into the community. In addition to that is all the purchases the company makes for parts, supplies and materials and all the contractors they hire directly. Fairmont has been very aggressive with donations and volunteer time into the community. The Hager Bay Facility as it exists right now donated in 2014, \$86,000 to nonprofits in the region. All of the facilities in the northern region donated over \$400,000.00 last year. The Hager City Facility alone had over a 1,000 hours of volunteer time supporting organizations like Trout Unlimited, community projects and so forth. The Northern Region, our plants were 3900 hours donated. He thinks they bring a good industry and very good jobs as Mr. Schroeder pointed out. These aren't minimum wage or low skilled jobs. They hire people and don't require a college education. They can have a high school education. They teach them how to operate equipment and operate the plant and they are making a living wage with very good benefits so it is a very positive contribution from their point of view into the community. Chairperson Fetzer asked about the concern brought up about sticking the money in, the lowering price of oil, walk-

away and the plant sitting there. Mr. Himes stated the oil industry cycles, all industries cycle and we're still seeing a fairly high demand, even with the downturn, for the product. The sand that is used in hydraulic fracturing, the sand that is in this region is very attractive for that. The use is not going to disappear. We will see cycles, ups and downs in demand. The current situation is not going to result in the sand industry collapsing; this is still a very healthy industry. Fairmont is an extraordinarily healthy company. They take their obligations seriously. They have plans at the end of their operations for reclamation to bring the property back to its highest and best use, both the plants and the mines. Those plans are in place, they are filed with the County. There is bonding in place to make sure there is funding available to implement these plans should an operator fail and leave. Resources are available to make sure that doesn't happen but Fairmont is a company that takes this responsibility as a critical one and a value for us. They want to leave the community in a better position than it was when they started. That is why they are so active with their sustainable development process. Why they donate so much money and why they put so many hours of volunteer time into the communities. They are not going to walk away and just leave a rusting whole. Ms Newhart asked about the water and the chemicals, after you do your washing and your chemicals you put it into this clay stuff and take it back to the mine? Mr. Himes stated there are two issues here; the washing process where they will be bring raw sand from their mines and other sources. The sand will be processed. The process is washing the clays and fines out of the sand. Part of the chemicals that they use in that are flocculants and coagulants; one of which is polyacrylamide which has received a lot of attention. Polyacrylamide is also used in water treatment to remove the materials to make our water clean. There is a lot of regulations regarding that. The fines they wash out are referred to as tailings. Those fines and the chemicals will be bound in that product will be dewatered and that will be trucked back to the mines and used as backfill in the mines. The second issue is the coating facility itself. There are three outcomes for the chemicals that are used in the coating process. One is it will be the coating on the sand as it is sold and shipped. The other is the chemicals that come off as volatiles and go up the stack. As Mr. Melton indicated, on the stack will be a thermal oxidizer which will burn off everything. The exhaust coming out the stack; the chemicals will be burnt to elemental oxygen, carbon, and nitrogen. So they won't have hazardous chemicals leaving the stack. The third option, if they have waste, is generated in the plant. Those will be handled under tightly controlled processes either going to landfills, if that is allowed or another disposal system that is setup and regulated for that use. Ms Newhart is concerned about what goes back into the mine. It can't get back into the water system? Mr. Himes stated the chemicals that are bound with the tailings as they go into the tailings ponds in the mines. They have a very short life, they break down into the nitrogen oxygen carbon elemental products very quickly. They don't get back into the groundwater. They stay with the tailings until they break down into basic elements. What is the half life? Mr. Krumenacher stated it's less than 90 days. Mr. Husom asked how many employees live in Pierce County? Mr. Himes stated the vast majority of the employees are in Pierce County. Ms Wood asked about the review of the fish and mussels. Avoid human activity during March 15th through August 1st. Nothing about that recommendation in the conditions. Sanden asked if you are referring to just the construction time, because this isn't site plan review. Pichotta suggested that compliance with DNR recommendations is contained in recommendation #2 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. That would include their recommendations in regard to how to deal with State and Federally listed muscles and fish. As it is noted, if abiding by this time and restriction is not feasible, performance survey within 660 feet of the site for bald eagles and contact the DNR for guidance and mitigated impacts. That is required by condition #2. Sanden asked what is the timing for construction. Would it fall between those dates? Mr. Himes stated their intention is to start very quickly after the permitting process. That was the last guidance he was given. They may have some stutter steps because of economic conditions with the oil price and sales affecting the company right now. Specific to that condition, they had the same condition for the rail expansion. The construction phase would take one to one and one half years. They would be doing construction those dates the same as with the rail expansion. They did the survey in conjunction with the rail expansion and there were no eagle nests within that distance of the site so that satisfied the condition for the DNR. That is specific to eagles,

the dates are their nesting period. Sanden asked about toxic chemicals, are you required to list those with toxic release inventory through RCRA (Resource Conservation & Recovery Act)? Is that something that the quantity involved requires that? Mr. Melton stated he doesn't believe that any of them are reportable through TSCA (Toxic Substance Control Act). They are not toxic chemicals or hazardous. These are chemicals that have hazardous characteristics if you are exposed to a concentration of them. That is why they are listed as such and that is why they have control for them. Not so much for the emissions control but for worker protection. We have to have a safe and healthful environment for our workers for particulate emissions or for vapors from the processing. Sanden stated you mentioned this area is no more prone to chemicals than any other area. His understanding is that sandy areas tend to be more of the aquifer recharge areas. Just by definition, this would seem to be a sandy area. Would that not give it a bit more heightened issue in this particular location? Mr. Krumenacher stated this is the Hager City Plant, not mining. It is sand. The Mississippi River Valley is estimated to have about 500 feet of sand beneath the plant area, beneath that sandstone. It's not really a groundwater recharge area. This is a groundwater discharge area. This is the edge of the aquifer basically. The water that flows beneath this property needs to travel 800 feet or so and it's going to discharge into the Mississippi River. It's not going to go under it into Minnesota. The same thing is happening in Minnesota. That water is coming to the Mississippi River. It's sand so anything that spills onto the ground can migrate vertically and once it reaches the water table can migrate horizontally and that is always a concern in sand. But the geology doesn't dictate how the chemicals are managed anywhere. Whether it is 100 feet of clay over granite or 500 feet of sand over more sandstone; it's going to be managed the exact same way. Everything that they use (chemicals) is extremely expensive. They can't afford to spill a drop. If they spill a drop, they have to clean it up and that is a cost and if they spill and have to go through the effort of cleaning it, there is always that risk that they won't get it all. They don't want the spill to happen in the first place. You have to have very strict best management practices. For this particular plant, they are keeping all the chemicals inside a building and designing the building not to be a slab on grade, similar to outside the building. It's going to be a slab below grade so it's built to contain any spill of any chemical that ultimately might spill inside. It has no place to go. No world is perfect, but it's got to be managed. Sanden asked about water quantity, 400 gallons per minute through evaporative loss and he did some quick calculations. He came out to about 57,000 gallons a day yet the pumping is going to be on an order of magnitude above that, about 500,000 gallons a day. Can you describe the discrepancy? Mr. Himes stated in the report, they show water use at about 400,000 to 800,000 gallons per day. They are very aggressive about water recycling and their intention is to drive that number down. They recycle 3 million gallons a day through the process and will lose, in the report it says 400,000 to 800,000. They intend to drive that down to 150,000 gallons a day is what they are seeing in Bay City right now. That works out to be about 5% of the total water that cycles through the system. Sanden asked why they would require to pump 500,000 gallons a day if you are only using 150,000. Mr. Himes stated 150,000 is their objective but in terms of setting a benchmark in this report they didn't want to understate it. The coating plant will use about 58,000 gallons a day for quenching. Mr. Krumenacher clarified that when you apply for a high capacity well permit, the DNR looks at the capacity of the well; so meaning its ability. If that well has a pump that can pump 500,000 gallons a minute. It's always good to reach high and it might not be that much but at least you have the capacity. Mr. Himes stated another measuring point is the Maiden Rock facility uses 360,000 gallons a day but the Maiden Rock facility is still pumping tailings to ponds in the mines and they won't have that in this facility. Sanden stated at one point a comment was made that these wells would be deeper than the other wells of the neighbors. Does that mean you are accessing a different aquifer? Mr. Krumenacher stated yes, a deeper part of the aquifer. It's one aquifer here at least 500 feet thick and most of the residential water supply wells down in the valley are less than 200 feet deep. Those up on the bluffs are deeper than that because they need to go through the limestone unless they are further away from the bluff. Then the groundwater goes up, the further away you get. They are going to draw the water from the bottom portion of the aquifer which will have less opportunity for impact on the shallow groundwater. Sanden asked about the sound. You pointed out this will be like two people talking versus one. Can you put that into accessible numbers, decibel wise? Mr. Himes stated when you are standing in the middle of

the plant, you are able to carry on a conversation without raising your voice. Mr. Krumenacher, stated when you increase it, it doesn't double the decibels. If they existing dryer that is operating at 30 decibels and you add a mirror image double plant just like it, the noise is going to be about 30 decibels because it's the same equipment that is generating the noise. Mr. Himes stated the equipment, the screens, the dryer, the burner; things that generate noise are in buildings. When you are outside the buildings, the noise is much reduced and controlled by that. Sanden made a comment to LMC members stating that he works with hydrologists and geologists every day. He always double checks on what these folks tell them and they have always been on the up and up. He has never found where they have told us something different than what the experts have told him. He interacts with these people every day so he has some confidence in what they do tell him. He has never found them to be telling us anything out of the ordinary. Ross stated he did tour the Wedron facility and can attest to the noise. They were able to hold a conversation inside the plant at full operation. He was able to hear the people talking to him right there. The noise levels were not excessive in anyway. He thought that was good. To address a couple other quick points, he wants people to be mindful at all businesses, whether it's Home Depot in Cottage Grove and they are wrestling with their closures up there and so forth. If businesses close, it's not their choice necessarily. Businesses don't operate with the intent to no longer operate. They want to stick around so efforts are made to do that. He doesn't think we can ever guarantee any business model to be that of a successful one for eternity. We have to be mindful of that. As you pointed out, he does have a business on the Great River Road. He also monitors tourism in the area. He works very closely with the Department of Tourism to impact studies and revenue generational studies and so forth of the area. The Great River Road has experienced growth every year except in 2009 or 2010 related primarily to the overall economy as opposed to necessarily any direct affect to the road or those that may travel it. We have not seen a decrease of tourist traffic as a result of our industrial areas; whether it be the mine or farming equipment or trucking. We have not seen a drop in tourist numbers. The decisions he makes on this committee have nothing to do with his self-interest. They have only to do with the merits of the request. If he were to sit here and say he wants one industry or he doesn't want industry based on his personal business interest, he doesn't think that would be very prudent. His decisions are made on the merits. His only question is, compare water usage for him, if he can get some kind of perspective; water usage at this facility maybe compared to an irrigation system. Mr. Krumenacher stated irrigation systems will vary and are commonly in the hundreds of gallons per minute range or even over 1000 gallons per minute. Residential use is on the order of a hundred gallons a day per person, on average. Residential use in reality is viewed as having very little impact on the water table. The high capacity wells for irrigation is part of a study that the State is doing, it is on-going right now and is showing that it actually has quite a substantial impact on the water table in certain parts of the State. It can be several hundred to over 1000 gallons per minute. Mr. Himes wants to make sure these two points are clear; the bulk of the business that they are looking to build here is going to be supplied in the near term by the Bay City Mine and the Diamond Bluff Mine. As stated in the report, they may take sand from other sources. He wants to make sure that people are aware. If they find a market for the tailings, they would sell them as opposed to putting them back in the mine. Pichotta stated he would like to recommend an additional condition based on several concerns that have been raised about the use of Town or County roads. He would recommend a 14th condition that would be: Road use agreement shall be secured with applicable Pierce County municipalities (Town and/or County) for hauling industrial and prior to use. Copies of any agreements shall be provided to the Land Management Department. Ross asked if condition #5 could be amended to strike the last three words of that sentence. It seems a little too open-ended. It still gets the point across. Sanden stated it's a bit redundant. **Aubart moved to approve the conditional use permit expansion for Heavy Industrial Use for Wisconsin Industrial Sand Company and Wisconsin Specialty Sands Inc due to the fact this is not found to be contrary to public interest or would be detrimental or injurious to public health, public safety or the character of the surrounding area/Ross seconded. Sanden added an amendment with conditions #1 through #13, amending condition #5 by striking the last three words and adding condition #14 road maintenance agreement as stated by Mr. Pichotta. Aubart and Ross agreed. All in favor. Passed with Holst not voting.**

Public hearing to consider and take action on a request for a map amendment (rezone) from Rural Residential 20 District to Industrial District for Wisconsin Industrial Sand Company LLC, owner on property located in Lot 1, Certified Survey Map (CSM) V6, P168, in the NW ¼ of the SW ¼ of Section 1, T24N, R18W, Town of Trenton, Pierce County, WI. Chairperson Fetzer invited WISC forward:

Staff Recommendation – Dillon Hayes: As was stated the Wisconsin Industrial Sand Company is seeking a map amendment or rezone of a 2.11 acre parcel from Rural Residential 20 to Industrial in the Town of Trenton. This property is located in Section 1, Town of Trenton and current land use on the parcel is residential with an existing dwelling and accessory structure present on the site. The proposed use will be an office for the nonmetallic mineral processing plant located on adjacent property also owned by the applicant. Adjacent land uses are industrial, residential and undeveloped. Adjacent zoning districts are Industrial and Rural Residential 20. The Wisconsin Industrial Sand Company owns three of the four adjacent parcels. The value of land for agricultural use is shown on a table in the staff report. No Prime Farmland classified in the area.

Pierce County Zoning Code §240-15 Purpose and Intent of Zoning Districts:

Rural Residential 20 zoning is established to provide for the densest residential development in the unincorporated areas of the county. The district is intended to be used where residential development is encouraged on lots without public sewer and water and in locations where such density of development is compatible with surrounding uses. The district is intended to enhance residential areas by restricting nonresidential development.

Industrial zoning is established for the purpose of allowing those industrial uses that are more intensive than those uses allowed in the Light Industrial District. The purpose of the district is to accommodate a heavy volume of traffic, the potential need for rail access to parcels and the presence of noise and other factors which could pose a nuisance in other districts. The intensity and use of land as permitted in this district is intended to facilitate the total range of industrial uses. 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 Trenton Town Board recommended approval of this request on December 4, 2014, stating that "[the] area to be rezoned is in the industrial corridor. We feel this makes sense to rezone all property to industrial." The Town's Comprehensive Plan, on the "Future Land Use" map, identifies the area located riverward of State Highway 35 as being appropriate for "Mixed Uses". Their plan (page 109) further states:

Mixed Use

Purpose: Development continues to be a key focus for Trenton's economy. By providing basic employment, industry serves as the foundation for further expansion in the retail and service sectors. Located near STH 63 and STH 35, there is a need for additional planned acreage to serve the industrial potential of Trenton. There are a number of business uses in the Town that are reliant on a highway arterial or collector road location. The Town wishes to reduce the potential for conflicting traffic movement, congestion, and hazardous conditions along these highways. This plan attempts to balance the benefits to the Town's tax base that this type of development will bring with the impacts associated with highway business development. Design standards should be established for all development along the highway. Such standards may include both site design criteria such as landscaping and building design criteria such as construction materials. The design standards are intended to ensure high-quality development that is aesthetically pleasing and that reinforces the desired character of Trenton. Mixed Use Area Standards are also discussed. Criteria the Town is to consider are listed in the staff report. It should be noted that the establishment, expansion or intensification of an industrial use in an Industrial District requires the issuance of a conditional use permit by the Land Management Committee. As such, a Town

Recommendation is required at the time of application and will provide the Town the opportunity to apply the above criteria to any proposed industrial uses.

Staff Recommendation: Given that the Trenton Town Board has determined this proposed rezone of 2.11 acres from Rural Residential 20 to Industrial to be consistent with their comprehensive plan, staff recommends the LMC approve this rezone request and forward a recommendation to the County Board of Supervisors.

Chairperson Fetzer opened the hearing to the public. No public comment. Public hearing closed.

Mr. Himes stated that there is a shop facility on the property as well as the house and they would intend to use that for storage and maintenance. The shop itself is inside the scenic easement on Highway 35 so they would make sure their activity is not inconsistent with that. The short term use of the house, the plan is to use it as office space. Sanden asked if the purpose of the rezone is for office space? Mr. Himes stated and for the shop. Sanden asked if there is any space on the current site for either of those? Mr. Himes stated they are pre-existing structures. Sanden asked if they are being used as such right now. Mr. Himes stated the house has a family living in it and the prior owner use the shop facility. Sanden asked if you are going to purchase it and have it rezoned. Mr. Himes they have already purchased it. Sanden asked if there is any intention to develop beyond what they have just stated. Mr. Himes stated there is nothing in the plans as they are today. In the future they may want to develop parts of the property consistent with the rest of the property. Sanden stated you would have to come back before this committee because that would be intensification. Mr. Himes stated yes.

Sanden moved to approve this rezone request for Wisconsin Industrial Sand Company and forward a recommendation to the County Board of Supervisors/Aubart seconded. All in favor. Passed with Holst not voting.

Discuss take action on renewal of a conditional use permit for Wieser Concrete Products Inc, et al., owners on property located in Sections 4, 9, & 10, T25N, R16W, Town of Salem, Pierce County, WI. Chairperson Fetzer invited Andy Wieser forward:

Staff Report – Brad Roy: This request is for renewal of four (4) nonmetallic mines located on Wieser property in the Town of Salem. Pierce County issued the original CUP in 1992. Reclamation plans and fees have been submitted to Pierce County for Pits 1 and 2 since 2001. It had been previously understood that, given the proximity of Pit 3 and 4 to navigable waters of the State, the DNR had issued Chapter 30 permits - which cover reclamation. It was recently determined that there are no such permits on file with the DNR. The process of securing Chapter 30 permits was apparently initiated, but no permits were ultimately issued. It was recently agreed by the DNR, Pierce County, and the applicant that reclamation plans for these two quarries would be filed with Pierce County consistent with Code Chapter 241. The applicant is currently developing said reclamation plans. In the past, the mined product was primarily used in the production of concrete products. At the last renewal there were no major changes planned and volumes of material were dependent on market needs. Recently the material in Quarry 4 was identified as being appropriate for use as industrial “frac” sand. The applicant began mining the frac sand and trucking it to the Muskie Proppant processing facility located in the Town of Union as well as to Winona, MN to be loaded on rail cars. The applicant has been in discussions with the Town of Salem regarding the use of Town roads and an agreement has apparently been reached. There are currently plans being developed to construct a bridge over the Rush River from the mine to Hwy. 10 which would eliminate the need to utilize Town roads. Although the use of the site has technically not changed, the intensity of the mining conducted at the site has increased dramatically. Given this, it is appropriate for the LMC to consider establishing hours of operation consistent with other similar uses. If the applicant wishes to utilize the site at an intensity beyond that which is typical for a “gravel pit” in Pierce County (i.e. 24 hours a day) a rezone of the property to an Industrial zoning district should be considered. The mining location occurs in the E ½ of the NE ¼, NW ¼ of the NE ¼, and the NE ¼ of the SE ¼ in Section 9, the W ½ of the NW ¼ in Section 10, plus acreage along the river in the middle of Section 4, all in Salem Township. The property on which the mines are located is zoned General Rural and Primary Agriculture. Mining is a conditionally permitted use in each district. Mining has continued on a very limited basis in mines 1, 2

and 3 and acreage has remained similar since the previous renewal. Mine #4 has expanded and the use intensified. Mines 1 and 2 are largely used for concrete production. Mine #1 is located on a hilltop and is located in Sections 9 & 10 and is a limestone source. The operation plan identifies normal workdays as being Monday through Friday, 7a.m. to 6p.m. and notes that in rare cases material may be needed at other times due to project requirements or emergencies and may need to operate 24 hours per day. Blasting operations are conducted from 8 a.m. to 5p.m. several days per year. After blasting, the limestone is crushed and transported to the bottom quarry via conveyor for washing and stockpiling. Mine #2 is behind the pre-cast plant is mined for sand and gravel. Material is removed through the use of a front end loader or backhoe and dump trucks. The operation plan identifies normal workdays as being Monday through Friday, 6a.m. to 8p.m. and also notes that in rare cases material may be needed at other times due to project requirements or emergencies and may need to operate 24 hours per day. Mine #3 is a small sand and gravel source located near Hwy 10. At this time the mine does not appear to be active and the area is currently a pond. Hours of operation were not identified for this site in the operations plan. Mine #4 operations consist of mining as well as washing and load out of the sand and gravel from all the mines. The applicant has begun extracting industrial sand from this mine which has greatly increased the intensity of activity at the site. Equipment used for the mining includes front end loaders, screener, excavator and dump trucks. Currently, the hauling of industrial sand is generating approximately 50-60 truck trips per day from this site. The industrial sand is hauled to the Muskie Processing Plant on Highway 10 and also Winona via County Road A. Typical hours of operation are from 6a.m. to 6p.m. When the industrial sand mining first began the operation was active 24 hours a day to build stockpiles. The applicant wishes to continue to have the flexibility for 24 hour operation. Wash water for the sand and gravel is supplied from the existing pond on site adjacent to mine #4. No supplemental water is necessary for washing operations. Crushing at the site is conducted as necessary and has been conducted up to 24 hours a day. Total hauling for all of the Wieser operations is approximately 100 to 180 loads per day and goes to other various private parties and locations from the Twin Cities to Eau Claire. Review fee calculation is \$200 plus \$20/acre, which totals $\$200 + (\$20/\text{ac} \times 40.3\text{-ac}) = \$1,006$. The Chairman of the Town of Salem was contacted about this renewal and he expressed concerns regarding the Town road (390th Ave) used access to Hwy 10. He requested that there be a condition to limit hours of operation in the winter months to the plow trucks can get out prior to Wieser using the roads. He recommended that operations not start until 6 a.m. from December to April, at a minimum. Staff has not received any complaints about the mining operations. The existing conditions are listed #1 - #13 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. Renewal fee in the amount of \$1,006 shall be submitted to the Land Management Department.
2. All required permits shall be kept current with the DNR.
3. Applicant shall follow all recommendations and receive all necessary permits from all relevant departments and agencies.
4. A 100-ft setback shall be maintained from all property lines for all mining activities.
5. The applicant shall notify the Zoning Office if groundwater is encountered.
6. Blasting shall be conducted by a state licensed blaster.
7. Blasting shall take place between the hours of 8am and 5pm. Hours of operation, including crushing operations, shall be from 6am to 9pm. Temporary deviation from these hours may be authorized by the Town of Salem. The Department of Land Management shall be notified of any authorized deviations.
8. Reclamation shall be completed consistent with the submitted plans. Reclamation plans for Pits 3 and 4 shall be submitted within 6 months.
9. Well tests for nitrates, suspended solids and dissolved solids shall be conducted annually for all wells within 1000 feet of any mine where blasting takes place. All results shall be provided to the Zoning Office.

10. Any unforeseen erosion issues shall be addressed to the satisfaction of the County.
11. Applicant shall comply with PCC Chapter 241 Nonmetallic Mining Reclamation.
12. Reclamation financial assurance information shall be reviewed and approved by Corporation Counsel and kept current.
13. Road use agreements shall be secured from applicable Pierce County municipalities (Town and/or County) for hauling industrial sand prior to such use. Copies of any agreements shall be provided to the Land Management Department.
14. A copy of the Storm Water Pollution Prevention Plan and Spill Prevention Control and Countermeasures Plan shall be submitted to the Zoning Office.
15. A Fugitive Dust Plan shall be developed and implemented.
16. A Traffic Impact Analysis (TIA) shall be completed for any potential access points onto Hwy 10.
17. The applicant shall appear before the LMC in 6 months (June/July) to provide a status report.
18. This conditional use permit shall expire in 2 years.

Mr. Wieser stated he has a couple corrections in the staff report, on page 2, first paragraph, where it states "After blasting the limestone is crushed and transported to the bottom quarry via conveyor" - it is transported via dump truck not conveyor. And only a small portion is transferred to the bottom for washing of that material. That is the quarry on top of the hill. Just a comment, he didn't realize they are using Cty Rd A. They are in the process of talking to the trucking company not to use Cty Rd A. There is no reason to be using Cty Rd A or any County roads for that matter. Pichotta stated he did receive a call yesterday from the Highway Commissioner stating that one of his plow drivers had nearly been bumped into by a sand truck on Cty Rd A. He did say that if you are interested in using County Roads, potentially CC or D could be used but he would need to be contacted about that. Mr. Wieser stated there is no reason. They can go to Winona on Hwy 10 to Durand and down Hwy 25 and they are hauling some to the cities now. They have talked to them and they will get that stopped. Mike Graham, Salem Planning Commission Chairman, the Town's primary concern is with regard to the operation is the road or the haul trucks are using as a Town road and the second thing is the hours of operation. On the road side, we have an agreement in place with Wieser's. They are hoping that there will be an alternative method of getting the material to Hwy 10 sometime this spring. For now they have an agreement in place that is working for both parties. Wiesers have been a good neighbor and a good cooperative relationship with the Town for many years. In terms of the hours of operation, they are happy to see that the recommended conditions here on the 6am to 9pm have been put forward here by staff. That is consistent with what Paul Shingledecker, Town Chairman, has been discussing with Brad. They are happy with what is being put forward as far as proposed new conditions for the CUP. Paul Shingledecker, Chairperson of Town of Salem, just wanted to state they have had good relations with Wiesers. Any issues that have come up, they have met with Wiesers and whoever is involved and they have gotten it settled. They have to realize that we've only got one employee in the Township and he can't run 24 hours a day. So in case of snow, the roads they are using are basically the worst roads in the township as far as hill and stability. Andy has agreed to keep up the road and he has a bond set aside for that. They are OK with that and haven't had any complaints - until they do, everything is a go. Sanden asked if there has been any increase in sediment to the river given the proximity of pit #4, since the increase in operations. Mr. Shingledecker stated they are far enough away from the river they aren't going to bother it. Mr. Wieser stated if he understands correctly the main concern with the hours is the trucking and the road use. For instance, right now they have a company in there doing some crushing and they like to run 24 hours, not seven days a week but during the week. He doesn't think anybody knows they are in there other than a glow of light they might see from their light plant. They would like to be able to continue to do that, especially in the summer and some of this sand washing. They would like to be able to wash 24 hours a day and there again it's not the trucking or the traffic, it's down in the plant. Nobody even knows they are doing it. They are back off the road. They would like to be able to continue. Right now they are running 6am to 6pm. Holst stated it would be hard to wash right now. Mr. Wieser stated they are still washing. They have a building set up and are able to wash. As is needed, they would like to be able to wash especially in the summer time. Holst stated he believes the way condition #7 is worded, it gives you the latitude to strike an agreement

with the Township and then the Township and you have to inform us what you are doing. That protects us as a County because it's consistent with the way we handle other pits that aren't in an industrial district. Mr. Shingledecker stated they as a Township, they are primarily interested in the roads. They don't want the roads to get garage on them. As far as how long Andy runs in the pit, it doesn't matter to him. They haven't had any complaints whatsoever. Aubart asked Pichotta, in regards to Brad's referral to a possible rezone and you talked about the 24 hour operation. At what point or what is the catalyst for rezoning, because this seems to pretty much be an intensification of the process in that particular pit. Pichotta stated if the applicant was interested in running 24/7 that is what an industrial district is for, those sorts of intensities of uses. What we are attempting to do is to ensure that he is treated the same as the rest of our gravel pits that are located in agricultural districts. What they try to do is rely on the applicants relationship with the Town, similar to what they have done with Vino in the Valley and its ability to go to the Town of El Paso and request additional hours. We have done similar things with other towns, including County Materials, in the Town of Spring Lake. We are seeking to treat them all the same but yet allow them the flexibility to deviate from that by going to the town. If they want to formalize it and have it so they simply could operate 24/7, that would require the need for an industrial district. Aubart stated which may get triggered if somebody decides to complain or whatever and it's not an industrial zone that forces our reaction basically. Pichotta stated if there were complaints; that surely would. Pichotta stated what is a bit unique about this site is that Wieser owns basically all of the surrounding property. He is his own neighbor. Mr. Shingledecker asked if this area is rezoned industrial, does that take away the conditional use permit. Pichotta stated no it wouldn't and noted that the rezone would fall entirely on the Town and its comprehensive plan. You would be in the driver's seat in regard to any requested rezone. Mr. Graham stated in regard to the 24 hour operation, it would be easier for the Town to stomach that if the Town road isn't being used anymore. Chairperson Fetzer asked how that (new direct access to Highway 10) is coming. Mr. Wieser stated pretty good, they are getting close doing soil borings. They will get a design. It has to make financial sense. They can build the bridge themselves, the structure out of precast and now that the new building is going real well. That helps a lot. The footings were a big deal and if they get pilings figured out in the next week or so. They are real close to being able to submit a plan. They were able to get through all the wetlands issues and find a spot to put it, now it's just a structural thing for the footings which looks like that is going to go initially. They are hoping they can build a bridge in April. Holst stated Pierce County enforces the State wetland/shoreland zoning districts. We don't write the rules and don't always agree with them but unfortunately have to enforce them. Mr. Wieser stated they found a spot where they could fit it in and they won't be impacted. It was a challenge but they were able to do that. He stated they have submitted a reclamation plan for pit 4 recently. Roy said he got drawings and talked to the consultant about additional materials needed. Mr. Wieser stated pit 3 is basically at idle and has been for several years, as far as a reclamation plan there he will talk to Matt. Roy stated he will talk to the DNR. Maybe they will say just let it be as is. Mr. Wieser stated they don't intend to increase pit 3 anyways. **Holst moved to approve the request for renewal of a conditional use permit for Wieser Concrete Products Inc, et al. due to the fact this is not found to be contrary to public interest, nor detrimental or injurious to public health, public safety or the character of the surrounding area with conditions #1 - #18/Ross seconded. All in favor. Passed.** Mr. Wieser thanked the Town for working with them and cooperating with them as they worked through all this.

Discuss take action on Travel/Training Requests. Pichotta stated he has one request for Louie Filkins, County Surveyor, to attend the WI Society of Land Surveyors annual seminar for 3 days of vendor displays and continuing education for professional land surveyors at the Kalahari Resort on January 21st through the 23rd. The fee is \$240.00 plus hotel. **Aubart moved to approve the travel/training requests for Louie Filkins/Ross seconded. All in favor. Passed.**

Departmental Update and Future Agenda Items

Request to renew a conditional use permit for mining for WISC on their Bay City Mine.

Proposing revisions for Chapter 240, Article VIII-Signs. We will need to have a philosophical discussion with you about signage regulations.

Pichotta noted that the committee should have a letter in their folders from the neighbors of Valley Vineyard, regarding Rudy Jungwirth. It appears as though there may be a future agenda item.

Motion to adjourn at 8:08pm by Holst/Ross seconded. All in favor. Motion carried. Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, January 7, 2015 – 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: January 21st, February 4 th & 18 th , all in 2015.	Chair
3	Approve minutes of the December 17, 2014 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for a conditional use permit for Heavy Industrial Uses pursuant to Pierce County Code Chapter 240-37E for Wisconsin Industrial Sand Company LLC and Wisconsin Specialty Sands Inc, owners and agents for Knudsencourier LLC and Trinity Meyer Utility Structures LLC on property located in part of the W ½ of the SW ¼ of Section 1 and part of the W ½ of the NE ¼, part of the SE ¼ of the NE ¼ and part of the NE ¼ of the SE ¼ of Section 2, all in T24N, R18W, Town of Trenton, Pierce County, WI.	Roy
5	Public hearing to consider and take action on a request for a map amendment (rezone) from Rural Residential 20 to Industrial District for Wisconsin Industrial Sand Company LLC, owner on property located in Lot 1, Certified Survey Map (CSM) V6, P168 in the NW ¼ of the SW ¼ of Section 1, T24N, R18W, Town of Trenton, Pierce County, WI.	Hayes
6	Discuss take action on renewal of a conditional use permit for Wieser Concrete Products Inc, et al., owners on property located in Sections 4, 9 and 10, T25N, R16W, Town of Salem, 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.

(12/23/14)

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, December 7, 2016

Present: Jon Aubart, Joe Fetzer, Jeff Holst, Eric Sanden and Ken Snow

Others: Andy Pichotta, Brad Roy, Emily Lund, Ryan Bechel and Shari Hartung

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

Next meeting dates: December 21st, if necessary, all in 2016.

Approve Minutes: **Sanden moved to approve the November 16, 2016 Land Management Committee minutes/Snow seconded. All in favor. Passed with Fetzer not voting because of absence at the last meeting.**

Public hearing to consider and take action on a request for a conditional use permit for a Farm & Home Based Business for an on-line sporting goods business in the General Rural Flexible 8 District pursuant to Pierce County Code Chapter 240-36D, for Willis Hoade Jr & Lona Hoade, owners on property located on Lot 3, Certified Survey Map (CSM) V6, P111, in part of the SW ¼ of the NE ¼ of Section 18, T27N, R19W, Town of Clifton, Pierce County, WI. Chairperson Fetzer invited Lona Hoade forward: Ms. Hoade explained they are requesting the conditional use permit for an on-line sporting goods business. It is on-line only. This is their residence. It's not a store front and there will be no signage. They have gone through the Town of Clifton through two meetings and she went around to all the neighbors within 200 feet. All her connecting properties and all signed and said they had no problem with it. The next meeting they were called to attend to discuss it, ask questions and no one even showed up. Chairperson Fetzer asked if this is a new business. Ms Hoade stated no, they have done this for 12 years. They started in Osh Kosh and moved to North Carolina and they have lived in River Falls for two years but they just built a house so now they have to get another one for the Town of Clifton. Chairperson Fetzer stated so you have been doing this the whole time. Ms Hoade stated yes, for 12 years and never had a complaint. Sanden asked about the 1 – 10 shipments/deliveries, pickups per month, is it UPS not semi's? Ms Hoade stated yes, UPS, no semi's just the local, normal UPS and FedEx.

Staff Report – Ryan Bechel: The applicant is seeking a CUP to operate an online sporting goods business at his residence. Proposed merchandise includes bows, electronics, optics, lights, clothing, survival supplies, holsters, cases, safes, firearms and various other sporting goods related items. The applicant anticipates items being purchased via online auction marketplaces or in person at the residence. The applicant holds a type 1 Federal Firearms License (FFL) which enables him to engage in commercial dealing of firearms. Per federal regulations, firearms being transferred must be shipped amongst dealers holding an active FFL dealer's license to fulfill tracking and back grounding requirements prior to delivery to the customer. Retail activities involving the sale of consumer goods produced off-site and not accessory to any on-site produced goods require a CUP for a Farm & Home Based Business in Pierce County's agricultural zoning districts. The ten-acre property is located in the Town of Clifton and is zoned General Rural Flexible 8. Pierce County Code 240-36(D) permits farm and home based businesses accessory to permitted single-family residences upon issuance of a CUP in agricultural districts, subject to the following:

1. The farm and home based business shall be conducted by the owner of the dwelling unit. No more than eight persons not residing on the site may be employed in the business.

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

The property is the applicant's primary residence. The applicant intends to utilize a 12ft x 11ft (132sq ft) office located within the primary residence and is proposing no new structures. The applicant does not anticipate any new employees. Adjacent zoning districts are General Rural Flexible 8 to the north and west; Primary Agriculture to the east and Rural Residential 8 to the south. Adjacent land uses include agriculture and low density residential. Lot access is located off of CTH FF on the south side of the property. Equipment utilized for this business includes a gun safe, personal computer, filing cabinets and general office supplies. Primary on-site activities include retail sale of firearms and sporting goods items and product shipping and distribution. One to ten shipment deliveries/pickups are anticipated per month. The applicant utilizes a gun safe for storage of retail firearms. Hours of operation are proposed to be year-round from 8:00AM – 4:00PM, Monday through Friday; Saturday 10:00AM – 2:00PM. Sales are conducted over the phone, on-line or in-person. Pierce County Code §240-54 establishes parking requirements for retail establishments and requires a minimum of 1 off-street parking space per 200 feet of primary floor area which one must be ADA compliant. Ample room exists on the premises to fulfill parking requirements. A restroom is available for customers within the existing residence. Waste Management provides solid waste disposal services for the business. There is no signage associated with the business on the property and no further signage is being proposed. No additional exterior lighting is proposed. The Clifton Town Board recommended approval of this request on 11-01-2016. The Town recommendation stated "This business is consistent with zoning and the neighbors have offered no objections." The applicants submitted 2 supporting letters of recommendation (attached to staff report). 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."

Staff Recommendation: Staff recommends the Land Management Committee determine whether the proposed use at the proposed location would be contrary to the public interest, detrimental or injurious to the public health, public safety or character of the surrounding area. If found to be not contrary to the above, staff recommends the LMC approve the proposed Farm & Home Based Business with the following conditions:

1. Activities shall be conducted as presented in the application unless modified by a condition of this CUP.
2. The business shall be conducted by the owner of the dwelling unit.
3. There shall be at least 1 off-street customer parking space. A minimum of one parking stall shall be ADA compliant.
4. The applicant shall maintain all necessary federal and state firearm dealers' licenses.
5. Hours of operation shall be year-round from 8:00AM – 4:00PM, Monday through Friday; Saturday 10:00AM – 2:00PM.
6. Applicant understands that expansion or intensification of this use 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. This conditional use permit shall be renewed every 2 years. Permit may be renewed administratively if no compliance issues arise.

Chairperson Fetzer opened the hearing to the public. No public comment. **Public hearing closed.** Sanden stated on the aerial photo he doesn't see the house, was it recently built? Ms Hoade stated it just got finished and they just moved in a couple weeks ago and she also wanted to mention that they own the 20 acres of woods back there too. It is located about 700 feet back toward the west. Sanden also mentioned the 100% on-line but it also says or in-person at the residence. Ms Hoade stated occasionally if someone is local they can do the transfer or selling something. That is very rare. They go through a gun broker or other sites to sell. **Snow moved to approve the Farm and Home Based Business for an On-line Sporting Goods Business for Willis**

Hoade Jr & Lona Hoade with conditions #1 - #7 due to the fact this is not found to be contrary to the public interest, detrimental or injurious to the public health, public safety or character of the surrounding area/Sanden seconded. All in favor. Passed.

Public hearing to consider and take action on a request for reclassification of an existing conditional use permit from a Farm & Home Based Business to a Nature Based Operation for Vino in the Valley by Larry Brenner, owner on property located in the SW ¼ of the NE ¼ of Section 33, T26N, R16W, Town of El Paso, Pierce County, WI. Chairperson Fetzer invited Larry Brenner forward: Mr. Brenner stated it's hard to believe it's been ten years. He explained he is asking to reclassify the two conditional use permits that were Farm and Home Based, which is, his understanding, really the only classification that fit when he brought this before this board ten years ago. Since then a new classification has come up called Nature Based Operation which he has been told might be a better fit. He doesn't have any plans to change the business model as it sits right now. The number of days is great, the number of days overall is great, the hours are fine. We found that that works just right and he doesn't have any will or desire to expand on that at all. As Mr. Holst once called it, "The Pizza Palace", is doing just fine as it is. He went in front of the El Paso Planning Commission and got approval from them and then went in front of the El Paso Town Board and it was approved by them as well. They did want to come up with a number of total employees that he might have on-site at any given time and the concern might have been parking. Employees always park to the north of the building not where the public does. So they just kind of picked a number of 50. He doesn't ever see them going to that number. But they wanted to put a number on it. The only time that might come into play is once a year they have the Taste of Tuscany event for the Ellsworth School District and they staff up for that. The whole reason for doing this is to be in compliance with staffing. Because as they've grown, it's hard to exist and do business with the number of people that they were required to keep it under. That is the reason they would like to change the classification.

Staff Report – Brad Roy: The applicant is requesting to reclassify two existing Farm and Home Based Businesses that are located on a single parcel into a single "Nature-Based Operation". The two businesses include Vino in the Valley, which is an event operation where patrons are served wine, bread, cheese, pasta and pizza. Other events include pumpkin sales along with a petting zoo in the month of October as well as Christmas events. The other business is a farmer's market and gift shop. The LMC originally granted approval for the businesses in March 2007. Modifications to the permits occurred in 2007, 2008, 2010 and 2012. In 2007 the Farm and Home Based Business was the only option for permitting this type of operation. Farm and Home Based Businesses have predetermined restrictions on business size and number of employees. In 2012 Pierce County amended the zoning code to include new use classifications for uses which are dependent on agriculture or on the surrounding natural area and the environment, which included the Nature-Based Operation classification. The Farm and Home Based Business classification is essentially intended to allow one to use their home as a business incubator and once a business reaches a certain size/intensity it is expected to move to a more appropriate location. Given this, staff encouraged the applicant to pursue a reclassification to a more applicable use category. The requested reclassification will allow the applicant more flexibility in the operation, particularly with the number of employees staffed for events. The applicant is not proposing any changes to the business model or the conditions of the existing CUPs. Nature-Based Operation is defined as – A site-specific operation reliant on the property's natural environment and characteristics and may include multiple related uses managed as one operation. A proposed Nature-Based Operation requires that the LMC make a determination as to whether the proposed use is, in fact, reliant on the natural environment, as well as impose conditions to limit the scale and intensity of the use to an appropriate level. The primary event for the operation is "Vino in the Valley" which provides outdoor dining experience on a site with views of a vineyard and the Rush River Valley from May through the fall. The operation also has Christmas events with sleigh rides, cookie decorating and Christmas tree sales. Limitations on the seating, days of operation and hours were imposed on the CUP as a way to limit the scope of the business. The primary structures for the business are: a 24ft x 108ft pavilion, a 14ft x 18ft bathroom and a 20ft x 24ft kitchen. The Town of El Paso recommended approval of this request on November 14, 2016, with the following statement "No change in business plan except in the number

of employees to 50.” The existing conditions for “Vino in the Valley” are listed in the staff report #1 - #13. The existing conditions for the Farmers Market/Gift Shop are listed in the staff report #1 - #8.

Staff Recommendation: Staff recommends the LMC consider this request and first make a determination as to whether the proposed use is reliant on the site’s natural environment and character. If it is determined that the operation is reliant on the site’s natural environment and character, staff recommends the LMC determine whether the proposed use at the proposed location would be detrimental or injurious to public health and safety or the character of the surrounding area. If determined to be site dependent and not detrimental to the above, staff recommends approval with the following conditions:

1. Any proposed advertising signs or new construction shall receive all necessary permits.
2. Access shall comply with §240-57.
3. All lighting shall comply with departmental policy.
4. All traffic shall be directed to use Hwy 10 to 400th St to 450th Ave or Hwy 72 to Cty Rd CC to 450th Ave.
5. Applicant shall receive all necessary permits from other state and local agencies (ie restaurant and liquor licenses).
6. A minimum of 43 parking spaces shall be designated for this use and there shall be no on street parking.
7. Seating capacity shall not exceed 120 people.
8. Applicant shall not exceed 88 days of operation per year.
9. Hours of operation from May through September shall be Thursday and Fridays 5pm to 10pm, Saturday Noon to 10pm and Sundays Noon to 6pm. From October through December the hours shall be Saturday and Sunday 12pm to 6pm. Any deviation from the approved schedule shall be at the discretion of the Town of El Paso. The Town shall notify the Department of Land Management when any such deviation is approved.
10. Amplified sound shall not exceed 80 decibels at any location. All sound outputs, except monitor speakers, shall be located in the service pavilion.
11. No more than 50 employees per shift.
12. This conditional use permit shall be reviewed for renewal every two years or if compliance issues arise. Renewal may be completed administratively if no compliance issues are identified.
13. Applicant understands that intensification or expansion of use will require the issuance of a new conditional use permit.

Chairperson Fetzer opened the hearing to the public. No public comment. **Public hearing closed.** Sanden asked based on what was stated he is assuming there were no complaints. Roy stated no. Sanden, and that staff agrees with this being a better fit. Roy stated yes. **Holst moved to approve the reclassification of Vino in the Valley and the Farmer’s Market/Gift Shop for Larry Brenner to a Nature-Based Operation finding the operation is reliant on the site’s natural environment and character, with conditions #1 - #13 due to the fact this is not found to be contrary to public interest, nor detrimental or injurious to public health, public safety or the character of the surrounding area/Snow seconded. All in favor. Passed.**

Discuss take action on a request for Site Plan Review for a new Highway Shop to be located in the Primary Agriculture District for the Pierce County Highway Department, owner on property located in Lot 1, Certified Survey Map (CSM) V14, P58 in part of the SE ¼ of the SE ¼ of Section 25, T26N, R16W, Town of El Paso, Pierce County, WI. Chairperson Fetzer invited Chad Johnson forward: Mr. Johnson, Pierce County Highway Commissioner introduced Matt Gundry with Fleming, Andre & Associates, they did the site design.

Staff Report – Emily Lund: The Highway Dept is interested in site plan review for construction of a highway shop and salt shed and it’s classified as a Public Institutional Use in our code. In February 2016, the 6 acre parcel was created and the applicant purchased the land. Today the applicant is seeking site plan approval for the construction of what was just mentioned. Pierce County Code §240-75 states the purpose of site plan review is to assure site designs promote compatibility between land uses, create safe and attractive site layouts and structures, provide proper access to streets and transportation, protect property values and contribute to efficient

land use in Pierce County. The property is located in Section 25, Town of El Paso and is zoned Primary Agriculture. Adjacent zoning districts are Primary Agriculture. Surrounding land use is agricultural and residential. Pierce County Zoning Code Chapter 240 Attachment 1:1 Table of Uses defines public institutional uses as a permitted use in the Primary Agriculture zoning district. Pierce County Zoning Code §240-15 Purpose and Intent of Zoning Districts is listed in the staff report. The Highway Department has received their address already. The applicant proposes to construct a 24'x132'x22' salt shed and a 48'x142'x26' shop. The shop is proposed to have 6-bays to house 4 patrol trucks, a loader, a grader in the winter and a mowing tractor in the summer. Outdoor lighting is proposed to be wall pack commercial security lighting. Pierce County Code §240-54A does not list a required number of off-street parking spaces for institutional uses. This code section does require one space per employee during the peak shift and 1 parking stall shall be ADA compliant. The Highway Department proposes 4 employees utilizing the site and the plans show 5 parking spaces with one being ADA compliant. A soil test was submitted recommending a mound septic system. The applicant will need to obtain Dept. of Safety & Professional Services (DSPA) mound plan approval and a State Sanitary Permit prior to other permits. The proposed site plan shows a line of pine trees to be planted near the west property line, the septic drainfield to the north. A stormwater catch basin is proposed to be located on the east side of the property. The applicant proposes to submit stormwater plans to the WI DNR for review after site plan approval has been granted. Some of the site plan can show that. The proposed salt shed and shop plans, actually the salt shed has been submitted to the state and received state approval and they are interested in getting their land use permit probably Friday. Their plans for the shop are still being finalized and will need to be submitted to the state for building plan approval and once they have that plan approval they will obtain a land use permit from our department prior to construction. The applicant shall work with the state inspector to ensure compliance with the Uniform Commercial Code. The applicant proposes to begin construction after the LUP is issued probably immediately. Due to cost sharing with the state the salt shed increased in size to 132 feet.

Staff Recommendation: Staff recommends the Land Management Committee review the proposed site plan and determine if any changes or modifications to the plan are necessary. The LMC should consider proposed structures, architectural plans, neighboring uses, use of landscaping and open space, parking areas, driveway location, loading and unloading areas, highway access, traffic generation and circulation, lighting, drainage, water and sewer systems, as well as proposed operations.

Staff recommends the LMC approve the proposed public institutional use (highway shop) with the following conditions:

1. The applicant shall obtain DSPS mound plan approval and a State Sanitary Permit prior to other permits.
2. Applicants shall follow all conditions and receive all necessary permits from WI DNR, DSPS and other agencies as required.
3. Applicants shall obtain a Land Use Permit for any future structures.
4. Applicants shall have the site inspected by a commercial DSPS inspector to follow the uniform commercial code and state plan approval requirements.

Holst asked Ron Foley, Town of El Paso Supervisor, how good is that road. Mr. Foley stated they just reworked that road. Holst asked if the Town is OK with the Highway Department driving their trucks on it. Mr. Foley stated Yes. Mr. Johnson stated he thinks what they will end up doing is post construction, doing an overlay from their driveway to the Cty Rd CC intersection. Holst stated you are actually going to do something for a Township for once? Are you going to do it or not? Mr. Johnson stated if the road breaks up they will do it. Sanden asked what the reasoning for the pine trees on the west side, it seems like the south and east side, given ag-residential across the road and the roads themselves. Mr. Johnson stated a windbreak. We could always add more pine trees too. Chairperson Fetzer stated it's just a field beside there. Mr. Johnson stated from the east it's actually a very large back slope from the highway. He thinks when you are on the highway, at least in a car maybe not a semi-truck, you might not even see the shop. Chairperson Fetzer asked if this is going to give them improved roads on Cty Rd CC? Mr. Johnson stated the plow is going to hit the ground as soon as it comes off the El Paso stop sign. So you are the right guy to have on this committee. Chairperson Fetzer stated today they went through with two sand trucks, that road was an ice skating rink yesterday and this morning. Holst stated if

you lived in a better part of the county you'd get better service. His roads were in excellent condition. Holst stated you guys have more inclement weather over that way. Chairperson Fetzer stated today when they went by with two sanding trucks and a truck in between them, he's guessing he was packing it down, the roads drastically improved today. He is sure you have heard plenty over the years. Mr. Johnson stated this was one of the reasons for siting, someone is going to be first and someone is going to be last. **Sanden moved to approve the Site Plan for a Public Institutional Use (highway shop) for Pierce County Highway Department with conditions #1 - #4/Aubart seconded. All in favor. Passed.**

Discuss take action on a request for Site Plan Review for a new dining hall structure associated with a conditionally permitted wedding barn located 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. Chairperson Fetzer invited Mellissa Deyo and Donald Dufek forward: Ms Deyo stated they have to build a dining hall because they are not allowed to serve food in the barn. You can't eat in the barn even though they don't cook or anything. It's all brought in already made. They won't let us eat in the barn. It's going to simply be an open-sided pavilion to serve dinner in and then the party moves up into the barn. Holst asked if you can drink in the barn? Oh you can't drink in the barn, guess I'd get rid of the barn.

Staff Report – Emily Lund: Site Plan Review for constructing a new dining hall structure associated with a conditionally permitted wedding barn (retreat center). The applicants received a conditional use permit from the LMC in May 2012 to enable them to utilize their barn as a retreat center for country-style weddings and receptions. Their original plan was to locate the dining hall in the existing barn, but it was found that in order to do so the Dept of Safety & Professional Services (DSPS) would require significant modifications to the barn. The applicants considered establishing the dining hall in another existing building on-site but it was determined that renovation was cost prohibitive. The applicants are now proposing to build a new structure for the dining hall. Since the serving of food has always been intended for the operation and was included in the original plans, the construction of a dining hall is not considered an expansion or intensification of the use. The CUP limits the guest count to 150 people. Pierce County Code §240-75 states the purpose of site plan review is to assure site designs promote compatibility between land uses, create safe and attractive site layouts and structures, provide proper access to streets and transportation, protect property values and contribute to efficient land use in Pierce County. The property is located in Section 33, Town of Martell. The property is in the Primary Agriculture zoning district. Adjacent zoning districts are Primary Agriculture and General Rural Flexible. Surrounding land use is agricultural and residential. The Table of Uses lists retreat centers as a commercial use and is permitted with a conditional use permit in the Primary Agriculture District. The intent of Primary Agriculture is listed in the staff report. Access to the site is near the intersection of 610th Street and County Road N. The uniform address number (W6124 Cty Rd N) was in existence prior to the applicants owning the property. The applicant proposes to construct a 24'x80'x12.7' (or 24,236 cubic feet) vaulted dining hall. Staff discussed the project with Todd Dolan, Town of Martell Building Inspector. He stated the dining hall would be considered A-2 Occupancy and would be exempt from state review per Table 361.30-1 if less than 25,000 cubic feet. Once they receive site plan approval, the applicants will need to obtain a Land Use Permit from the Department prior to construction. The applicants will also need to work with the Town of Martell Building Inspector to obtain Town Building permits, if necessary. Lighting is proposed to be installed on the interior ceiling area and on the outside of the dining hall. Pierce County Code §240-54A requires off-street parking spaces for commercial uses and are adequately met and regulated with the issuance of the existing CUP. The applicants designed a landscaping plan to screen the parking area in September 2013 and planted seven 5+ feet tall spruce trees prior to September 2014. The applicant proposes to begin purchasing materials after permits are issued, begin construction by April 2017 and for the project to be completed by May or June 2017 before the wedding season begins.

Staff Recommendation: Staff recommends the Land Management Committee review the proposed site plan and determine if any changes or modifications to the plan are necessary. The LMC should consider proposed structures, architectural plans, neighboring uses, use of landscaping and open space, parking areas, driveway

location, loading and unloading areas, highway access, traffic generation and circulation, lighting, drainage, water and sewer systems, as well as proposed operations.

Staff recommends the LMC approve the proposed dining hall associated with a conditionally permitted wedding barn (retreat center) with the following conditions:

1. Applicants shall follow all conditions and receive all necessary permits from WI DNR, DSPS and other agencies as required.
2. Applicants shall obtain a Land Use Permit for this and any future structures.
3. Applicants shall work with Todd Dolan, Martell Building Inspector to follow applicable codes and obtain a Town building permit, if necessary.

Holst moved to approve the Site Plan for constructing a dining hall for Mellissa Deyo and Donald Dufek w/conditions #1 - #3/Aubart seconded. Holst stated he would like to apologize for the run that the State has put you through. You worked in good faith and he thinks what you had was sufficient and he thinks you got bent over a barrel. Ms Deyo Thanked him and stated everybody else thinks so too. Sanden stated you are really close to that 25,000 cubic feet so hopefully the As Built dimensions will be exact. Holst stated make sure your cement guy does a good job. **All in favor. Passed.**

Discuss take action on Travel/Training Requests. Roy stated there are two requests at this time. Ryan Bechel and Emily Lund in Chippewa for a POWTS training on December 21st, one day training, no overnight and Emily Lund in Eau Claire tomorrow for a WCZA conference, most of the day, no overnight. **Snow moved to approve the travel/training requests for Ryan Bechel and Emily Lund/Aubart seconded. All in favor. Passed.**

Roy stated we need to set dates for next year's meetings, do we want to continue with the 1st & 3rd Wednesdays of each month. Holst asked why should we change something that's working? Do we need any action? Aubart stated it's not on the agenda. Committee consensus.

Departmental Update and Future Agenda Items

Roy, We have nothing for the December 21st agenda. The next meeting will be Jan 4, 2017. In January, WISC has two renewals, the Hager City Plant and the Bay City Mine.

Motion to adjourn at 6:44 pm by Snow/Aubart seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, December 7, 2016 – 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: December 21 st if necessary, all in 2016.	Chair
3	Approve minutes of the November 16, 2016 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for a conditional use permit for a Farm & Home Based Business for an on-line sporting goods business in the General Rural Flexible 8 District, pursuant to Pierce County Code Chapter 240-36D, for Willis Hoade Jr & Lona Hoade, owners on property located on Lot 3, Certified Survey Map (CSM) V6 P111, in part of the SW ¼ of the NE ¼ of Section 18, T27N, R19W, Town of Clifton, Pierce County, WI.	Bechel
5	Public hearing to consider and take action on a request for reclassification of an existing conditional use permit from a Farm & Home Based Business to a Nature Based Operation for Vino in the Valley, by Larry Brenner, owner on property located in the SW ¼ of the NE ¼ of Section 33, T26N, R16W, Town of El Paso, Pierce County, WI.	Roy
6	Discuss take action on a request for Site Plan Review for a new Highway Shop to be located in the Primary Agriculture District for the Pierce County Highway Department, owner on property located in Lot 1, Certified Survey Map (CSM) V14, P58 in part of the SE ¼ of the SE ¼ of Section 25, T26N, R16W, Town of El Paso, Pierce County, WI.	Lund
7	Discuss take action on a request for Site Plan Review for a new dining hall structure associated with a conditionally permitted wedding barn located 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
8	Discuss take action on Travel/Training Requests.	Pichotta
9	Future agenda items.	Pichotta
10	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.

(11/23/16)

PIERCE COUNTY WISCONSIN
DEPARTMENT OF LAND MANAGEMENT & RECORDS
PLANNING, ZONING, SURVEYING & GIS
414 W. Main Street P.O. BOX 647
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MINUTES - Pierce County Land Management Committee Meeting, November 16, 2016

Present: Jon Aubart, Jeff Holst, Eric Sanden and Ken Snow

Others: Andy Pichotta, Brad Roy, Ryan Bechel and Shari Hartung

Absent: Joe Fetzer

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

Next meeting dates: December 7th & December 21st, if necessary, all in 2016.

Approve Minutes: **Sanden moved to approve the November 2, 2016 Land Management Committee minutes/Aubart seconded. All in favor. Passed with Holst not voting because of absence at the last meeting.**

Public hearing to consider and take action on a request for a Map Amendment (Rezone) from Rural Residential 12 District to General Rural Flexible 8 by Bailey Webster, owner on property located in part of the NE ¼ of the SE ¼ of Section 19, T26N, R19W, Town of Oak Grove, Pierce County, WI.

Chairperson Holst invited Bailey Webster forward: Ms Webster explained she bought the land two and a half years ago. She also owns two 5-acre lots adjacent to it where she grows organic vegetables. She put up a greenhouse about a year after she bought the property on the 1-acre lot that she wants to have rezoned where she grows vegetables in the spring out of the field on her other property. She has a small chicken coop that she put up there with chickens and a small 3ft x 6ft shed with a cooler in that she sells vegetables out of in the summer. Sanden asked what your plans are for the 1-acre that is going to be rezoned, what exactly are you going to be doing on that 1-acre. Ms Webster explained she just wants to continue doing what she is doing there. Pichotta explained that basically we have an enforcement issue in the sense that it's a Rural Residential District where structural ag is not allowed. Ms Bailey stated she doesn't have any additional plans for the property.

Staff Report – Ryan Bechel: The applicant is requesting to rezone a total of 1.00 acre in Section 19 in the Town of Oak Grove. The applicant is requesting the rezone in order to obtain appropriate permits to sustain operation of a Direct Market Agriculture business on the premises. The parcel is currently a single family residence. Direct Market Agricultural operations are currently occurring on the parcel. Access is off of 1180th St on the eastern edge of the parcel. The proposed future use of the parcel is to maintain the existing single-family residence and the business. Adjacent land uses are agriculture, low-density residential and undeveloped land. Adjacent zoning districts include Rural Residential 12 to the east and south, General Rural Flexible 8 to the north and west. Pierce County Zoning Code §240-15 Purpose and Intent of Zoning Districts: General Rural Flexible is established to achieve the same objectives as the General Rural District but to allow a greater density of residential development with the approval of the Town Board. The General Rural District is established to maintain and enhance agricultural operations in the County. The district also provides for low density residential development, which is consistent with the generally rural environment and allows for non-residential uses which require relatively large land areas and/or are compatible with the surrounding rural land. The site consists of 100% Forkhorn Sandy Loam which is considered a Prime Farmland Soil type. 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. The Town of Oak Grove

recommended approval of this request on July 18, 2016. The Town referenced the following supporting objective under “Economic Development Goal #1” of their adopted town comprehensive plan: *Objective 1: “Promote ag-based businesses.”* The Town listed the following concerns/suggested conditions regarding the approval recommendation: 1. “Combine 1 acre lot with adjacent 5 acre General Rural Flexible-8 lot.” The applicant owns two 5 acre (approximate) lots zoned General Rural Flexible-8 directly south of the subject property. The lots currently consist of a mix of undeveloped land and agricultural fields. Although conditional zoning is a legal mechanism because the applicant voluntarily implements the identified condition, and there is no guarantee of government approval, Pierce County has not utilized this mechanism. The Town of Oak Grove, which has an adopted comprehensive plan, has veto authority over rezones proposed within its borders. Given the towns ability to veto the proposed rezone and the limited rationale provided by the town for recommending the condition, it may be that the town is better situated to further define the concern that prompted the need for the condition and to see it implemented. Staff reached out to the Town of Oak Grove regarding the recommended condition. However, it remains unclear what specifically the proposed condition is intended to accomplish and further clarification would be helpful.

Staff Recommendation: Staff recommends the LMC consider referring the rezone request back to the Town of Oak Grove for further consideration and clarification of the recommended condition.

Chairperson Holst opened the hearing to the public. Debra McClure, Town of Oak Grove Supervisor, the Town would at this point would understand that we don’t want to have conditions on a rezone and so they would be supportive if the County wants to send that back to us to review it. Chairperson Holst stated he believes this committee appreciates that position and he believes the applicants do also. **Public hearing closed.** Sanden asked if they are urging consolidation because of minimum lot size, is that the problem. Pichotta stated it wasn’t the rationale. In fact what was presented was something to do with parking. Typically when there is a condition associated with a proposed rezone it’s to limit types of uses that are allowable versus something like this. Also there is typically a clear correlation between the condition and whatever it’s intended to accomplish. Chairperson Holst stated this is a learning process between the planning commissions, town boards and this committee and we realize that and this is just another step in the process of learning how to do it correctly.

Snow moved to refer the request for a Map Amendment (Rezone) from Rural Residential 12 to General Rural Flexible 8 for Bailey Webster, back to the Town of Oak Grove for further consideration and clarification of the recommended condition/Aubart seconded. All in favor. Passed.

Discuss take action on a request for Site Plan Review for two structures to be located in the Commercial District for the City of Red Wing, owner, by Wes Converse and Walters Buildings, agents on property located in part of the NE ¼ of the SW ¼ of Section 6, T24N, R17W, Town of Isabelle, Pierce County, WI. Chairperson Holst invited Curt Miers forward: Mr. Miers explained they are requesting to expand Wes Converse’s office and flight training business and if he understands it correctly, he will have to come back again when they build a hangar in the spring. Looking at building a 36ft x 98ft office, the same as what’s there with a breezeway between the two and then a 100ft x 120ft hangar in the spring.

Staff Report – Emily Lund: The applicants obtained a CUP to expand the airport taxiway in 2007. A portion of the property around the new taxiway was rezoned in October 2013 from General Rural to Commercial in order to serve a new aviation community with public aircraft storage, maintenance, office spaces, pilot training and education. The applicants obtained a Land Use Permit in October 2013 to build an office building and hanger and also site plan approval from the LMC in February 2014 for the commercial construction. Applicants are seeking site plan approval for construction of another hanger and office building. Pierce County Code §240-75 states the purpose of site plan review is to assure site designs promote compatibility between land uses, create safe and attractive site layouts and structures, provide proper access to streets and transportation, protect property values and contribute to efficient land use in Pierce County. This property is located in Section 6, Town of Isabelle and is zoned Commercial. Pierce County Zoning Code §240-15 Purpose and Intent of Zoning Districts: Commercial: The purpose of the district is to provide sufficient space in appropriate locations for certain commercial and other nonresidential uses while affording protection to surrounding properties from excessive noise, traffic, drainage or other nuisance factors. Adjacent zoning districts are General Rural and

Commercial. Surrounding land use is the airport. The applicant proposes to construct a 36ft x 98ft x 19.75ft office building with a 7ft x 20ft x 19.75ft connection to the existing office building and a 100ft x 1120ft x 34.75ft hanger. Lighting is proposed to be installed on the interior ceiling area. Outdoor mounted lighting is proposed to be wall pack commercial security lighting. Pierce County Code §240-54 requires a minimum of 1 parking space per 250 square feet of primary floor area for office use and a minimum of 1 parking stall shall be ADA compliant. This requires a minimum of 28 parking spaces with 1 ADA compliant. The plans submitted demonstrate ample parking area to fulfill this requirement. The new building construction is proposed over the existing conventional drainfield. TL Sinz Plumbing Inc, from Menomonie area was hired and has an approved sanitary permit (#472032016) to move the drainfield north of all the buildings and increase the septic system to accommodate all four buildings and it was installed last week. There are existing stormwater catch-basins on site and there is an existing parking area. The proposed office building received Dept of Safety and Professional Services (DSPS) building plan approval on 10-24-2016 with Transaction ID#2776116. The applicants shall work with the Town or State Inspector to ensure compliance with the Uniform Commercial Code (UCC). The proposed hanger plans are being finalized and need to be submitted to DSPS for plan approval this spring and they will obtain a land use permit prior to construction. The applicant proposes to begin construction immediately. They want to get their land use permit tomorrow and then they plan to have everything wrapped up in the spring of 2017.

Staff Recommendation: Staff recommends the Land Management Committee review the proposed site plan and determine if any changes or modifications to the plan are necessary. The LMC should consider proposed structures, architectural plans, neighboring uses, use of landscaping and open space, parking areas, driveway location, loading and unloading areas, highway access, traffic generation and circulation, lighting, drainage, water and sewer systems, as well as proposed operations. Staff recommends the LMC approve the proposed site plan as presented with the following conditions:

1. Applicants shall follow all conditions and receive all necessary permits from WI DNR, Department of Safety and Professional Services and other agencies as required.
2. Applicants shall have the site inspected by a commercial DSPS inspector to follow the uniform commercial code and state plan approval requirements.
3. Applicants shall obtain a Land Use Permit for any future structures.

Sanden asked if it would be prudent to put a one year time limit on it just in case something blows up. Pichotta stated there is a time limit on the issuance of land use permits, they do expire. Chairperson Holst stated he feels that would cover it. Pichotta explained this is one of those cases, often times when commercial buildings are proposed, their relation to existing residential neighborhoods and there is a need for screening but given this is an airport setting, a lot of our typical considerations don't come into play. Chairperson Holst stated we have that fine string of cedars along the highway anyway. You hardly see these structures. Mr. Miers stated they try to limit that as much as possible because the leaves blow and suck into a motor. There are a whole lot of things we can't do there that we would typically do. Chairperson Holst stated you are very straight forward with what you have presented here. What you have done there already is topnotch and I assume it will continue to be. He has known Wes for a long time.

Sanden moved to approve the Site Plan for City of Red Wing, Wes Converse and Walters Buildings as presented with conditions #1 - #3/Aubart seconded. All in favor. Passed.

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

Departmental Update and Future Agenda Items

Conditional use permit application for Farm & Home Based Business for On-line Sporting Goods Outlet in the Town of Clifton

Conditional use permit application where Vino in the Valley is requesting to change from a Farm & Home Based Business to a Nature Based Business

We have Site Plan Review for a Wedding Barn in the Town of Martell, if you recall, they are going to be putting in a dining hall that isn't an intensification or expansion because it was something they had always

proposed to do but they can't because their building doesn't meet DSPS standards so they want to create a new structure which will require Site Plan Approval.

Site Plan Review for Pierce County Highway Shop out on County Rd CC.

Motion to adjourn at 6:21 pm by Sanden/Snow seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, November 16, 2016 – 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: December 7 th & December 21 st if necessary, all in 2016.	Chair
3	Approve minutes of the November 2, 2016 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for a Map Amendment (Rezone) from Rural Residential 12 District to General Rural Flexible 8 District by Bailey Webster, owner on property located in part of the NE ¼ of the SE ¼ of Section 19, T26N, R19W, Town of Oak Grove, Pierce County, WI.	Bechel
5	Discuss take action on a request for Site Plan Review for two structures to be located in the Commercial District for the City of Red Wing, owner, by Wes Converse and Walters Buildings, agents on property located in part of the NE ¼ of the SW ¼ of Section 6, T24N, R17W, Town of Isabelle, Pierce County, WI.	Lund
6	Discuss take action on Travel/Training Requests.	Pichotta
7	Future agenda items.	Pichotta
8	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.

(11/4/16)

PIERCE COUNTY WISCONSIN
DEPARTMENT OF LAND MANAGEMENT & RECORDS
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MINUTES - Pierce County Land Management Committee Meeting, November 2, 2016

Present: Jon Aubart, Eric Sanden and Ken Snow

Others: Andy Pichotta, Brad Roy, Emily Lund and Tracie Albrightson

Absent: Joe Fetzer and Jeff Holst

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

Next meeting dates: November 16th, December 7th and 21st, all in 2016.

Approve Minutes: **Sanden moved to approve the September 21, 2016 Land Management Committee minutes/Snow seconded. All in favor. Passed.**

Discuss take action on a request to amend the conditional use permit for a Private Outdoor Recreation Use (commercial paintball playing field) in the Primary Agriculture District for Aaron Tholey, agent for Timothy & Carolyn Jennings, owners on property located in the NW ¼ of the SW ¼ of Section 5, T27N, R19W, Town of Clifton, Pierce County, WI.

Vintage Paintball Park would like to add three more shipping containers to their current two to make it a total of five. They need more storage for the park; it's not going to have an effect on the field expansion in any kind of way or any more noise coming from their area at all. When they initially started looking at the expansion they went to the township of Clifton and initially it was a lot bigger deal and then the numbers just didn't add up. They were talking about potentially putting in a garage type structure where it was going to be a permanent structure with electricity, a well, etc. Right now they are piping water from Tim Jennings well and keeping the big compressors in his barn and they are lining the air for the air pressure tanks back from that. So instead of putting the electricity and moving all that stuff back, that is going to stay the same. The committee received an email showing the proposed placement of the shipping containers. It really is just storage and potentially a little bit of work shop space where they can get in out of the weather a little bit. The boundaries of the area are not moving it is just some more shipping containers. With the initial CUP, they were allowed two. It went from being kind of a big deal to more of they can't afford to do that, so this will help make it run smoothly for these guys.

Staff Report – Emily Lund: The applicants obtained a CUP for a Private Outdoor Recreational Use (Commercial Paintball Playing Field) from the LMC on 8-4-2010. The commercial paintball playing field, called Vintage Paintball Park, began full operations in 2010 and continues to date. Renewal of the CUP has been conducted administratively given that there have not been any complaints regarding the operation. The applicants are requesting to amend condition #2 of the CUP. They currently utilize 2 storage/shipping containers on the property for storage and are requesting the ability to place 3 additional containers. The additional storage would enable them to store paintball equipment, a lawn mower, outdoor tools, a skid loader, ladders, and more out of the elements. They also propose to disassemble most of the existing obstacle course enable its placement in the containers over the winter. The property is located in Section 5, Town of Clifton. Given that the proposed additional storage capacity (additional shipping containers) would not intensify or expand the existing permitted use, issuance of a new conditional use permit is not necessary to accommodate this request (§240-76A). The commercial paintball playing field is located ± 400 feet west of 1160th Street. The attached maps illustrate where the course has typically been placed. The land owner previously indicated that the paintball playing field is located on land that is not best suited for agriculture. The paintball course utilizes

inflatable bunkers, recycled electrical spools, and collapsible / movable buildings as obstacles. Safety netting is put up for games and later taken down. Equipment is put away before winter in storage containers. With the original CUP approval, a lean-to shelter and 3 on-premise advertising signs were permitted. The portion of the Pierce County Code relating to signage was recently amended and now limits the number of signs in the Primary Agriculture District to 2. Given the prior approval, the use of 3 signs may continue as a preexisting nonconformity. The owner indicated that no permanent structures will be built on the playing field. The Clifton Town Board recommended approval of the original request on 7-6-2010. The Town's approval stated, "Be sure the parties follow the Pierce County guidelines." The Town Chairman was contacted regarding this requested modification and expressed no specific concerns. A neighboring property owner has recently expressed concerns regarding the operation. Specific concerns relate primarily to the noise level associated with the permitted use and the potential for expansion. The neighbor has been made aware of this agenda item. The existing conditions for this CUP are listed as follows: 1) A Uniform Address Number shall be assigned and located at the driveway entrance off of 1160th Street. 2) Applicants shall be limited to two (2) – 8 ft x 8 ft x 40 ft proposed shipping containers on the property. 3) Adequate portable satellite waste stations (1 to 50 people) shall be provided. 4) Solid waste dumpsters or waste containers shall be located on-site and maintained. 5) Hours of operation shall be daily 9 AM to 9 PM, or as otherwise established by the LMC. 6) The applicant shall be limited to 10 employees. 7) A copy of any changes or additional liability insurance shall be submitted to the Land Management Department. 8) The CUP shall be renewed every two years. Renewal may be completed administratively if no complaints or compliance issues arise. 9) Applicant understands that expansion of intensification of this use may require modification to this conditional use permit, or potentially, the issuance of a new conditional use permit.

Staff Recommendation: Staff recommends that the Land Management Committee consider whether the proposed amendment to condition #2 would be detrimental or injurious to the public interest, public health and safety, or the character of the surrounding area. If the proposed amendment is determined to be appropriate, staff recommends the following: 2) Applicant shall be limited to five (5) - 8 ft x 8 ft x 40 ft shipping containers on the site. Containers shall be shielded from public view to the extent practical. Shielding shall be accomplished through placement and/or vegetative screening.

Aubart clarified that this does not intensify the current use; making this change to the additional containers? Lund stated no. She stated the neighbor is present. Reed Sponsler, Town of Clifton, stated they moved there in December of 2010 and this permit was approved in August 2010. They thought it had been there forever; he had no idea a conditional use permit was there. Since he has moved there, he had counted it earlier that day, there are about 60ish structures that are there all year. He provided an aerial from Google Maps. He also provided a picture of what it used to be when he moved there, and you can see the land is and was farmed at one point; round bales in a field. Recently he has been researching this; he would argue that the buildings are not taken down in the winter and stored in sheds. According to the definitions in article 240; a structure that is built/erected and intended to be there in place for more than nine months is considered to be a permanent structure. So all year long, he showed a view of the structures, off his porch, that was not there when he moved there and a view from his bedroom window, some of those were there when he moved there. He is in opposition to any expansion of the paintball park. He argues that storage allows them to have more ability to serve more people, have more equipment therefore possibly build more buildings eventually. He doesn't think he should have to look at that, he thinks it should be screened from his view. Sanded asked Reed's directional position to the park and Reed stated, south. Lund showed a map from the original conditional use permit to show where his house is. Reed stated there was no real site plan ever put together for this. He was under the assumption that all the buildings would be on skids, collapsible or inflatable, but that is just not the case. The house has been there since 1920 and it is up on top of a hill and he is basically looking down at the paintball park. When there is corn on the field it's not so bad, but 8 months out of the year there isn't corn on the field and every other year it is soy beans. Snow clarified we are not addressing the buildings on this site tonight, we are only addressing whether they can add these three storage containers? Pichotta stated correct. Snow asked if that was a see-through fence all the way around the park. Jennings stated it is safety netting to contain the paintballs from injuring bystanders or getting outside of the field. The structures that are there have no roof, there is no

foundation. They do run an occasional game in the winter where he plows the snow out for it and they have collage/university/high school teams that come out on a nice winter day. That is why those structures stay up. Because they are not on skids, the 4 x 4 posts are put in the ground about a foot to a foot and a half because the wind comes up through that valley and peels them right out of there. If they were not anchored down by cables, it would be safety hazard for the players. So they stuck the posts in the ground; if they had to, they could be lifted out but it just isn't practical to do that. When the wind comes out of the north and if they weren't anchored, then there would be sheet metal all over the place and plywood. The nets get ripped down two or three times a year. So that is why they are not on skids and why they technically don't come down every season. They do have the ability to do some winter games when conditions permit. The inflatable are what they are talking about. The inflatables come up for tournament courses and those all get put into containers for the winter to try and keep the mice out of them; that's why the buildings stay there or why they look like they are building that stay there. Aubart stated Snow is correct in stated this is for condition number 2 and the modification of that; if someone has issues regarding different portions of the code or whatever that you could drive that back to the department. Pichotta stated as far as the structures needing a permit, a conditional use permit is basically a land use permit that is issued by the committee typically with conditions. In the application it was stated that there would be these structures placed and so the reality is that each specific structure doesn't need a permit because the concept of multiple structures was endorsed by the committee and authorized with through issuance of a CUP; so that's not really an issue. The difficulty with this is your proximity is kind of up above looking down. Typically we would screen uses; it is often times from public view verses a view from someone like yourself. So he is not sure if there is a good solution to screening at this point. But the point of us being at the meeting to consider condition number two and weather it is appropriate to allow three additional storage containers. It seems likely that based on this discussion here tonight that the next renewal will be in front of the committee. The concerns of the neighbor are not violations so he doesn't know if that will trigger it to bring it back in front of the committee more quickly but certainly, they next renewal will be brought back to the committee. Sanded asked when the last renewal was. Roy stated a couple of months ago. Sanded stated he thought about the noise concerns and wondered if that has to be addressed. Reed stated noise isn't his major concern; it's the buildings being there all year; they paintball in them for four months out of a year. They are in the ground according to your definition is article 240, they are permanent; he is not saying they have to have permits, he is just saying none of that was there when he moved there. He offered to possibly buy some land from Tim and put some trees on it right next to his house. His house is pretty much on the property line so if he puts trees up they are going to be trimmed up on Tim's field and pushing up on his side. He feels that what needs to be met in the CUP; adversely affected the neighborhood, not harmonious with the surrounding area things of that nature. He doesn't want to have it expand anymore and he doesn't want to have to look at it. It wasn't there when he moved there; he thought a conditional use permit had to be talked to about with neighbors if they were expanding, etc. There was no site plan or anything like that, they just put up buildings. Lund stated in the original plan though it started from nothing. The original plan was to go where it is now. They just happened to finally get there. Reed stated he had no idea there was going to be buildings built on that side of the hill. Pichotta stated timing of it was just very poor from Reed's perspective. Pichotta suggested Reed engage in some discussion with the park owners and see if there is some sort of something that can be done to somehow accommodate his concerns. The next renewal will be brought in front of the committee. Pichotta stated that if there is an expansion of the playing field onto adjacent properties that would trigger the need for a new CUP as would an intensification of the use if they were to start to provide some sort of a service that they are not currently doing. He encourages communication between the parties. Reed stated he offered to buy some land from them that is right there and plant some trees but that was a no go. He has talked and explained his concern to the land owner and the owner of the paintball park before we even got here. But they are driving ahead with more containers which to him means more people and eventually more buildings. He realizes the foot print hasn't got any bigger, but there are things in the zoning ordinance that they have to meet; you can't have just random buildings that look like calf sheds. Pichotta stated our recommendation is that you consider whether or not it would be appropriate to allow three additional storage containers. If so, the department recommended a condition. Sanded doesn't know the nuances of the discussions but it would seem that buying the piece of land

and planting trees would be a great solution. He is sorry that that hasn't happened and hopefully you can come up with a solution.

Sanden moved to approve the amendment of condition number two to read: Applicant shall be limited to five (5) – 8 ft x 8 ft x 40 ft shipping containers on the site. /Snow 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 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 and extraction will extend to the elevation of approximately 900 feet. Current mining activity is at an approximate elevation of 1000 feet. The property is located in Section 29, Town of Clifton, zoned General Rural Flexible 8. The legal description for this property is in the E ½ of the SE ¼ in Section 29, T27N, R19W in the Town of Clifton. The property is zoned General Rural Flexible-8. 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 is conducted by a bonded professional explosive company. Blasting infrequently takes place on this site. No explosives are stored onsite. Hours of operation are 7:00 am to 6:00 pm Monday through Friday and 7:00 am to 4:30 pm on Saturday. Blasting is between the hours of 8:00 am to 4:00 pm Monday through Friday. Crushing is done between the hours of 7:00 am to 4:30 pm Monday through Friday. A 100 foot setback has been maintained for all extraction. A scale and scale house are located on the site. The neighboring property to the east had been previously mined to near the property line. If prior excavation is determined to have occurred across the property line, the applicant would like the ability to mine within the 100 foot setback to connect the two neighboring extraction areas. That would require a future policy exception as its own agenda item. No complaints have been received about this operation. Staff has contacted the Town of Clifton Chairperson regarding this renewal and no complaints or concerns were reported. The current conditions are listed as follows: 1) Applicant shall follow all recommendations and received 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 annually for all wells within 1000 feet of the proposed mining operation. 6) The applicant shall notify the Zoning Office if groundwater is encountered. 7) Dust control measures shall be implemented along haul roads. 8) Hours of operation are 7:00 am to 6:00 pm Monday through Friday and 7:00 am to 4:30 pm on Saturday. 9) Recycling of concrete, asphalt and bricks into Class give materials is allowed. 10) Reclamation shall be according to submitted plans. 11) Applicant agrees that any unforeseen erosion issued shall be addressed to the satisfaction of the county. 12) This CUP renewal shall expire in two years. 13) A new reclamation plan shall be completed if extraction differs from the approved plan on file. 14) Any expansion or intensification shall require a new conditional use permit and potentially a rezone depending on the intensity of the use.

Staff Recommendation: Staff recommends the Land Management Committee consider the above and determine whether existing conditions remain adequate to protect public health, safety and the character of the area. If determined to be adequate, staff recommends the LMC renew this conditional use permit with the conditions 1-14, no changes recommended.

Snow moved to approve the renewal of the conditional use permit for Nonmetallic Mining for Rumpca Excavating/Sanden 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 Bechel Sand & Gravel LLC, 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: Bechel Sand and Gravel acquired this property several years ago and continued the existing mining operation. Diesing Trucking obtained the original CUP for this site in 2006. Mining had previously taken place on this site, but was discontinued prior to 2001. Because the use was discontinued before 2001, no reclamation had taken place. Sand is mined from the site and waste industrial sand has been deposited in the mine. Portable processing equipment is utilized when necessary. The mine, prior to 2001, was considered to be “grandfathered.” Due to this, mining activities that took place prior to that time were not consistent with many of the mining regulations currently in place. All new mining activity has been consistent with the current rules and requirements. The property is in Section 5 in the Town of Isabelle and is zoned General Rural. The mining site has approximately 3.5 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 but did not receive a response so he took that as there were no issues or concerns. Current conditions are listed as follows: 1) Hours of operation remain consistent with daylight hours Monday through Friday, Saturday hours will be 8:00 am to 4:00 pm. 2) Applicant shall receive all necessary permits from other agencies. 3) Applicant shall comply with DNR NR 135 Annual Reclamation permits. 4) A 100-ft setback shall be maintained from all property lines for all mining activities, which includes stockpiling and equipment placement. 5) Applicant agrees that any unforeseen erosion issues that arise shall be address to the satisfaction of the county. 6) Reclamation shall be according to submitted plans and shall be completed within one year of ceasing mining operations. 7) This CUP renewal shall expire in two years.

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 conditions 1 through 7, no changes recommended.

Aubart asked if this was an active site; is it currently being utilized. Matthew Health stated yes, it is pretty frequent; right now this is the main pit they get their bedding sand out of. So it is fairly active. Sanded asked what does it mean by; “mining had previously taken place on this site but was discontinued prior to 2001”? Roy stated there was a mine there; he doesn’t know when it started, as there was no permit on the file so it’s a grandfathered use. In 2001 with the State reclamation requirements, basically every mine was given the opportunity to just discontinue and you would not have to reclaim it. It was discontinued before that. Sanded stated when he read it, he felt it implied that it had been dormant since 2001. Roy stated it has been active since 2006.

Sanden moved to approve the renewal of the conditional use permit for Nonmetallic Mining for Bechel Sand & Gravel LLC with conditions 1 through 7/Snow seconded. All in favor. Passed.

Discuss take action on Travel/Training Requests. Pichotta state he has no travel/training requests for their consideration tonight.

Departmental Update and Future Agenda Items

Public hearing to consider a request for a rezone form RR-12 to General Rural Flex for Bailey Webster in the Town of Oak Grove. Request for Site Plan Review for two Commercial structures at the Red Wing Airport proposed by Wes Converse and Walters Buildings.

Motion to adjourn at 6:29 pm by Snow/Sanden seconded. All in favor. Motion carried.

Respectfully submitted by T. Albrightson

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, November 2, 2016 – 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: November 16 th , December 7 th & December 21 st if necessary, all in 2016.	Chair
3	Approve minutes of the September 21, 2016 Land Management Committee meeting.	Chair
4	Discuss take action on a request to amend the conditional use permit for a Private Outdoor Recreation Use (commercial paintball playing field) in the Primary Agriculture District for Aaron Tholey, agent for Timothy & Carolyn Jennings, owners on property located in the NW ¼ of the SW ¼ of Section 5, T27N, R19W, Town of Clifton, Pierce County, WI.	Lund
5	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
6	Discuss take action on a request for renewal of a conditional use permit for Nonmetallic Mining in the General Rural District for Bechel Sand & Gravel LLC, owner on property located in the SW ¼ of the SE ¼ of Section 5, 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.

(10/21/16)

PIERCE COUNTY WISCONSIN
DEPARTMENT OF LAND MANAGEMENT & RECORDS
PLANNING, ZONING, SURVEYING & GIS
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MINUTES - Pierce County Land Management Committee Meeting, September 21, 2016

Present: Jon Aubart, Eric Sanden and Ken Snow

Others: Andy Pichotta, Brad Roy, Ryan Bechel and Shari Hartung

Absent: Joe Fetzer and Jeff Holst

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

Next meeting dates: October 5th & 19th, November 2nd & 16th, all in 2016.

Approve Minutes: **Sanden moved to approve the September 7, 2016 Land Management Committee minutes/Snow 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. Chairperson Aubart invited Chad Johnson forward:

Staff Report – Brad Roy: Mr. Bisel owns a nonmetallic mining operation along Hwy 10. The Pierce County Highway Department is the current operator of the site. The mining site is approximately 17 acres and active mining area is approximately 6.5 acres. Mineral extraction has extended into the 100 foot setback on the north end of the property line, however this activity had taken place before 1998 and there has been no mineral extraction within the setback since that time. A mining road encircles the outside edge of the mine and crosses the north property line. Last we heard, the Highway Department is working with the property owners about a potential lease. The existing highwalls are approximately 100 feet in height. The original plan states that the highwalls will be benched to limit the heights to 35 to 50 feet. That plan also states that the mine will be restored to slopes of 3:1. A dry run is present on the property. The mining area has not disturbed the dry run at this point, but future expansion may become an issue. The rock is removed by drilling and blasting. Crushing and processing of the rock takes place onsite. Storage of the product is in the active mine as well as on an adjacent property across Hwy 10. Activity on the adjacent property is considered to be a pre-existing nonconforming use, so a permit is not required on that site. There are no wells on the property; therefore 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 7:30am to 3:30pm Monday through Friday, except in June, July and August; hours of operation shall be 6:00am to 6:00pm. There have been no erosion issues on the south wall facing Hwy 10. A groundwater response plan has not been submitted at this time. The applicant is developing a Storm Water Pollution Prevention Plan and a Spill Pollution Control and Countermeasures Plan. It is anticipated that these plans will be completed in the near future and will satisfy condition #3. The water table elevation is approximately 20 feet below the mine floor. Staff contacted the Town of Salem Chairperson regarding this renewal. No concerns were reported. The existing conditions are listed #1 - #13 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 additions or modifications are deemed necessary, staff recommends this conditional use permit be renewed with the following conditions:

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. A groundwater response plan detailing resources used to protect the quality of groundwater beneath and adjacent to the extraction operation and proposed response to encountering groundwater shall be submitted to the Zoning Office. The Zoning Office shall be notified if groundwater is encountered and further operations shall cease until the response plan is implemented.
4. 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.
5. 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.
6. Applicant shall comply with NR 135 Annual Reclamation Permits.
7. All blasting shall be done by a certified state licensed blaster.
8. Residential property owners located within 1000 feet of mining operations shall be given a two day notice of any planned blasting.
9. 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.
10. Any unforeseen erosion issues shall be addressed to the satisfaction of the Zoning Office or the Land Conservation Department.
11. Applicant shall receive all necessary permits from other agencies.
12. 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.
13. A renewal fee of \$200.00 plus \$20 per acre of expansion shall be paid.

Sanden asked about the benching when is that anticipated to be done or is that continued upon when material is needed. Chad Johnson state they have improved the benching since the last time we were here as far as reducing the amount of face that's at the 100 feet. The 100 foot face is right up against the north property line. So we have to finalize plans with the property owner to the north. **Sanden moved to approve the renewal of the conditional use permit for Nonmetallic mining for Pierce County Highway Department with conditions #1 - #13/Snow seconded. All in favor. Passed.**

Discuss take action on 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 – Brad Roy: This nonmetallic mining operation 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 recently purchased this property and secured the mineral rights on adjoining properties with the intent of opening a new frac sand mine. This change in ownership has not impacted the American Materials operation. The mining site is approximately 9 unreclaimed acres. Access is off of Hwy 10. The surrounding uses are farmland and woodland. Overburden is stripped and stored onsite. Extraction is completed with drilling and blasting. All blasting is 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 the operation. The Town of Union Chairperson was contacted regarding this renewal. No concerns were reported. 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 #1 - #10 with no changes recommended:

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. Applicant agrees that any unforeseen erosion issues shall be addressed to the satisfaction of the county.
9. Applicant shall pay renewal fees.
10. This CUP shall expire in two years.

Sanden stated he assumes with the new property and mineral rights that were purchased, when they start that operation they will have to come back. Roy stated he believes it would be two separate permits. The operations would remain separate. Until Muskie gets a final plan, what their plan would even impact this mine. There is a ravine in between the two. Pichotta stated additional mining on this existing parcel wouldn't require a new CUP it would be covered under this one. But he thinks Muskie intends to begin mining on the adjacent pieces. Roy stated for clarity, we would prefer to keep them as two separate CUP's. The mining would be completely different operations. **Snow moved to approve the renewal of the conditional use permit for Nonmetallic Mining for American Materials, agent for Muskie Proppant LLC with conditions #1 - #10/Sanden seconded. All in favor. Passed.**

Discuss take action on a request for a Height Exemption, pursuant to Chapter 240-29D, by New Cingular Wireless PCS LLC (AT&T), agent for 3 proposed Wireless Communication Service Facilities to be located in; the NE ¼ of the SW ¼ of Section 7, T27N, R19W, Town of Clifton, Boni Lavelle-Bjerke, owner, the SW ¼ of the SW ¼ of Section 8, T27N, R17W, Town of Martell, Ernest Koukal, owner, and the NE ¼ of the SE ¼ of Section 23, T26N, R17W, Town of Ellsworth, Richard Holm, owner, Pierce County, WI.

Staff Report – Ryan Bechel: AT&T is seeking height exemptions to construct three new Wireless Communication Service Facilities (WCSF) exceeding 35' in height in the towns of Ellsworth, Clifton and Martell. The complete project proposals include erecting self-support wireless communication towers, constructing prefabricated equipment shelters and installing supporting equipment to improve broadband and wireless services in the county. Newly adopted code amendments removed conditional use permit requirements for Wireless Communication Service Facilities. AT&T is proposing three new towers. PCC §240-29D states, Industrial and commercial structure heights may be granted height exemptions by the Land Management Committee, provided that all required setback and yards are increased by not less than one foot for each foot the structure exceeds 35 feet. PCC §240-41C(3)(d)1 states, "If engineering certification reveals that the WCSF support structure, or an existing structure, is designed to collapse within a smaller area than the requirements of §240-29D, the certified fall zone shall be applied to the setback requirements of §240-29D. PCC §240-27B addresses county highway setbacks and states county highways shall be 100 feet from the centerline of the road or 67 feet from the edge of the right-of-way, whichever is greater. PCC §240-27C addresses setbacks and states town highways shall be 75 feet from the centerline of the road or 42 feet from the edge of the right-of-way, whichever is greater. PCC §240-88 Relevant definitions are listed in the staff report. Staff visited all 3 tower sites and observed no structures located within the 150 foot fall zones of the proposed tower locations. The Ellsworth tower is located on property zoned General Rural Flexible. Access to the Ellsworth site is off of 530th Street. The site, to be leased by AT&T, is currently agricultural land owned by Richard Holm. Neighboring land uses are agriculture to the north, east and south. There is a residence located on the property south of the proposed tower location. The tower is a 150 foot monopole. Right-of-way setback is 157 feet from 530th St; side

and rear yard setbacks are 125 feet. The applicant is proposing the tower to be 159'11" from the 530th St right-of-way and 197'7" from the nearest side or rear property line. No certified fall zone engineering is proposed for this site. The proposed Martell tower is located on property that is zoned Primary Agriculture. Access to the Martell site is off of 690th Street. The site, to be leased by AT&T, is currently Ag land owned by Ernest Koukal. Neighboring land uses are agriculture to the north, south and west; undeveloped land to the east. Two residences exist south and west of the proposed tower location. This is also a 150 foot monopole. Right-of-way setback is 157 feet to 690th Street; side and rear yard setbacks are 125 feet. In the proposed location, the tower is 165 feet from the 690th Street right-of-way and 165 feet from the nearest side or rear property line. Certified fall zone engineering certifications are not proposed for this tower. The Clifton tower is located on property zoned Rural Residential8. Access to the Clifton site is off of CTH F. The site will also be leased by and is currently pasture land owned by Boni LaVelle-Bjerke. Neighboring land uses are agriculture to the north and east, undeveloped land to the south. There is a residence located on the property west of the proposed tower location. This is also a 150 foot monopole. Required right-of-way setbacks are 182 feet to CTH F; 157 feet to 820th Ave. Side and rear yard setbacks are 125 feet. The applicant has submitted engineering certifications with a proposed certified fall zone of 75 feet, reducing right-of-way setbacks to 107 feet from CTH F and 82 feet from 820th Ave. Side and rear yard line setbacks are 50 feet. Applicant is proposing the tower to be 160'11" from the CTH F right-of-way, 347 feet from the 820th Ave right-of-way and 169'4" from the nearest side or rear property line. Staff will verify appropriate setbacks prior to issuing a Land Use Permit for the structures.

Staff Recommendation: Staff recommends the Land Management Committee review the proposed WCSF height exemptions and determine, if any changes or modifications are necessary. If none, staff recommends the LMC grant approval of the height exemptions.

Sanden asked if there have been any violations. **Sanden moved to approve the height exemptions for New Cingular Wireless PCS LLC (AT&T) for 3 Wireless Communication Service Facilities to be located in the Towns of Clifton, Martell and Ellsworth for owners, LaVelle-Bjerke, Koukal and Holm/Snow seconded. All in favor. Passed.**

Discuss take action on draft Pierce County Outdoor Recreation Plan 2016 - 2020. Staff Report – Brad Roy: The Mississippi River Regional Planning Commission (MRRPC) has updated Pierce County's Outdoor Recreation Plan and has submitted a final draft plan for review and approval. The purpose of the plan is to provide information to help develop and improve the county's recreation resources and to make the County and other participating local governments eligible for WDNR grants. A draft of this plan was presented to the LMC on September 2, 2015. However, we did not receive a final copy from the MRRPC until recently. Staff wanted to present the plan again prior to public hearing due to the amount of time since last presented. The plan lists the County's "goals and actions" to improve the recreational opportunities in the county, which are listed on pages 45-46. These were developed by the Parks Committee on July 24, 2014 and the Land Management Committee on September 17, 2014. The draft plan is enclosed for your review.

Roy stated members from the Town of River Falls are here. They have their own plan which they would like submitted with that and will work with Mississippi River Regional Planning Commission as to the best approach to include their plan within ours. It should be pretty simple he just doesn't know what the best format for them is. Pichotta stated it will probably get stuck as an appendage under community plans. Roy stated we will work with them and then he will let the committee know what the best approach is.

Staff Recommendation: The LMC should review the plan to determine if any changes or additions are necessary and direct staff to schedule a public hearing to consider its adoption.

Sanden asked if staff has seen the River Falls Plan yet. Roy stated he has not. Sanden asked if you anticipate any conflict or inconsistencies between the two. Pichotta stated he doesn't imagine there would be any inconsistencies. Basically what this plan does is it enables projects that are discussed in here whether it be in the individual community plans or in this plan itself to be eligible for some funding sources that they wouldn't otherwise be. It lends credence to grant applications if it's included in this plan. Sanden asked on page 45 & 46, how do we read those that don't have a priority listing. Is that to be considered low priority or no priority? Roy stated he would consider it low, probably one of those that if the opportunity came up for a specific grant, we could pursue it but we aren't actively pursuing it. Sanden so this should be judged like a guideline not like a

Capital Improvements Program (CIP) or something. Pichotta no, we are not held to anything that is in here. It's not a roadmap that we must follow. It is projects that the county feels are worth pursuing. Sanden asked if he could characterize any substantial changes that have been made. Pichotta stated there have been no changes. He isn't sure what happened at Mississippi River Regional Planning but despite occasional phone calls to them to ask what the status was; we simply heard nothing back. Eventually we were provided with a draft which we had been waiting for. Sanden stated best case scenario, they had some ideas in mind for changes and that never made it through the process. Pichotta stated he thinks it became a low priority for them and they had more pressing projects. Snow stated some of these recreation goals have been completed; construction of the bridge to access the trails at the Trimbelle Recreation Area, we have constructed a new boat ramp at Trenton Island. He knows they are working on some grants right now for a new snowmobile bridge down by Vino. Chairperson Aubart asked for clarification, the River Falls Township addendum, all we are doing is just moving it forward to a public hearing. That could be added at any time. Pichotta stated that could be added at any time before or after the public hearing. The public hearing is an opportunity to hear whether folks think things should be changed or added. If a need is identified at the public hearing it would certainly be appropriate after that point to add it. Roy stated every Village and City submit something as part of this plan. He has no idea where they are on those processes, or if they are still gathering that information. That is typically left to the regional planning commission. Pichotta asked so we haven't gotten that information from Mississippi River Regional Planning? Is that our responsibility to collect those plans or does Dave Bonifas typically do it? Roy stated they've always collected it and handled it on their end. Snow asked if we need a motion to adopt this recreation plan. Pichotta stated no, just direct staff to schedule a public hearing. We didn't want to schedule a public hearing in front of the committee without you seeing it in the last year. Roy asked the River Falls folks if they had any questions. Katie Pata stated no, it sounds great.

Sanden moved to direct staff to schedule a public hearing to consider adoption of the Pierce County Outdoor Recreation Plan/Snow seconded. All in favor. Passed.

Discuss take action on Travel/Training Requests. Pichotta stated he has two requests for your consideration; the first is for Kevin Etherton, our GIS guy, to attend the GIS/LIS conference in the Duluth Conference Center, October 26th – 28th. The cost is \$275.00 and he would need to stay in a hotel for a couple days. Pichotta reminded the committee that we get a grant for this sort of thing through the Land Records Program. So there will be no impact on our budget. The other request is for Shari Hartung to attend a Skillpath Seminar on Coaching and Teambuilding Skills for Managers and Supervisors. Training would be a daytime thing, with no hotel required and the cost being \$199.00. We have that available in our training budget. Sanden asked where the training is taking place. Pichotta stated in the City of Bloomington. **Snow moved to approve the two travel/training requests/Sanden seconded. All in favor. Passed.**

Departmental Update and Future Agenda Items

Pichotta stated at this point, we have no agenda items, no public hearings or renewals for the next meeting. He could come up with a house cleaning item or two but rather than do that he would suggest we take that evening off. Chairperson Aubart stated that sounds like a plan. So October 19th will be the next meeting.

Motion to adjourn at 6:25 pm by Sanden/Snow seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, September 21, 2016 – 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: October 5 th & 19 th , November 2 nd & 16 th , all in 2016.	Chair
3	Approve minutes of the September 7, 2016 Land Management Committee meeting.	Chair
4	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.	Roy
5	Discuss take action on 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.	Roy
6	Discuss take action on a request for a Height Exemption, pursuant to Chapter 240-29D, by New Cingular Wireless PCS LLC (AT&T), agent, for 3 proposed Wireless Communication Service Facilities to be located in; the NE ¼ of the SW ¼ of Section 7, T27N, R19W, Town of Clifton, Boni Lavelle-Bjerke, owner, the SW ¼ of the SW ¼ of Section 8, T27N, R17W, Town of Martell, Ernest Koukal, owner, and the NE ¼ of the SE ¼ of Section 23, T26N, R17W, Town of Ellsworth, Richard Holm, owner, Pierce County, WI.	Bechel
7	Discuss take action on draft Pierce County Outdoor Recreation Plan 2016-2020	Roy
8	Discuss take action on Travel/Training Requests.	Pichotta
9	Future agenda items.	Pichotta
10	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.

(9/9/16)

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, September 7, 2016

Present: Jon Aubart, Joe Fetzer, Jeff Holst, Eric Sanden and Ken Snow

Others: Andy Pichotta, Brad Roy, Ryan Bechel and Shari Hartung

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

Next meeting dates: September 21st, October 5th & 19th, all in 2016.

Approve Minutes: **Snow moved to approve the August 17, 2016 Land Management Committee minutes/Aubart seconded. All in favor. Passed.**

Public hearing to consider and take action on a request for a Map Amendment (Rezone) of 30 acres from Light Industrial to General Rural Flexible 8 by Lee Nesbitt, agent for Leon & Donna Nesbitt, owners on property located in part of the SE ¼ of the NE ¼ of Section 35, T26N, R19W, Town of Oak Grove, Pierce County, WI.

Staff Report – Andy Pichotta: In 2008, the LMC and County Board of Supervisors approved the rezone of 38.39 acres from GRF8 to LI. That rezone was done to permit a commercial nursery and retail shop. The applicants are now requesting to rezone 33 acres back to GRF8 because the use has been agricultural (crops, tree production, apple orchard, garden and berry patch). The 5.39 acres with Nesbitt Nursery retail, shop and storage buildings will remain in the LI district. Commercial uses are conditionally permitted in Light Industrial zoning district. The parcel is located in Section 35, Town of Oak Grove. Adjacent land uses are agriculture, residential and forest. The entire property is surrounded by General Rural Flexible8. 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 3-21-2016 and stated, “Surrounding property is GRF8, so the change would not create a problem with the surrounding uses.” The Town cited Goal #2 of the Land Use chapter – promote and encourage growth and development in appropriate areas within the Town of Oak Grove. The Town noted the need to protect existing agricultural lands (Objective 2) and also stated that the rezone “fit in appropriately” with neighboring uses. Pierce County Zoning Code §240-15 Purpose and Intent of Zoning Districts are included in the staff report as is the value of the land that is proposed to be rezoned. You will see that about 30% is prime farmland, 35% is farmland of statewide importance.

Staff Recommendation: Given that the Oak Grove Town Board of Supervisors has determined this proposed rezone of 33 acres from Light Industrial to General Rural Flexible 8 is consistent with their comprehensive plan, staff recommends that the LMC approve this rezone request and forward a recommendation to the County Board of Supervisors.

Chairperson Fetzer opened the hearing to the public. No public comment. **Public hearing closed.** Sanden asked if by peeling off the majority of the property and having five acres left over, do we run the risk of spot zoning? Pichotta stated that he would say no. A spot zone is when someone who is similarly situated couldn’t expect the same treatment or a land use decision that is not consistent with one’s comprehensive plan. Because it’s consistent with their comp plan and they have determined it to be so, he would suggest that takes it out of

that realm. Sanden asked about the size of five acres and that it's not adjacent to Light Industrial Zoning does that come into play? Pichotta suggested that you could have an issue only if it wasn't consistent with a comp plan – for example if you had a situation where you had light rail coming through and you determined that it was appropriate for a small area where the light rail was going to stop to be zoned commercial/industrial, or something like that. Even if it was a very small piece it could be reasonably considered to be a stand-alone district as long as it was consistent with the comp plan. Chairperson Fetzer asked the applicant if he had anything to add. Mr. Nesbitt stated not at this time. **Holst moved to approve the request for a Map Amendment (Rezone) from LI to GRF8 and forward a recommendation to the Board of Supervisors/Sanden seconded. All in favor. Passed.**

Public hearing to consider and take action on a request for a conditional use permit for a Farm & Home Based Business for farm machinery and parts sales in the General Rural Flexible District, pursuant to Pierce County Code Chapter 240-36D, for Scott & Gayle Knight, owners on property located in the NW ¼ of the NW ¼ and the SW ¼ of the NW ¼ of Section 11, T26N, R17W, Town of Ellsworth, Pierce County, WI. Chairperson Fetzer invited Scott forward:

Staff Report-Ryan Bechel: Mr. Knight operates Knight's Tractor, a used farm machinery sales and machinery parts business. The business has apparently been in operation since the applicant purchased the subject property in 2003. Staff became aware of the operation following an anonymous complaint. In addition to the business, the applicant farms the surrounding agricultural land. The applicant sources farm machinery and parts from the surrounding area to display them for sale at the property. Equipment is also advertised on the business's website which is the primary avenue through which customers view and purchase his items. The 37.81 acre property is located in the Town of Ellsworth. The property is zoned General Rural Flexible. Pierce County Code 240-36D permits farm and home based businesses subject to the following four perimeters:

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 Chapter 240-76 shall apply.

The property is the applicant's primary residence. The applicant utilizes a 32ft x 40ft (1280 sq ft) existing shed for the business. No new structures are proposed with this request. The applicant employs one part-time employee. Adjacent zoning districts are Primary Agriculture to the north and west; General Rural Flexible to the east and south. Adjacent land uses are agricultural and low density residential. Lot access is located off of US Hwy 63 on the west side of the property. Equipment utilized for this business includes a tractor-loader and a front-end loader. The equipment is also used in the applicant's farming operation. The main activities on-site are the loading and unloading of trucks with machinery and equipment. Machinery is trucked to the site via semi-trailers and offloaded at an off-street location near the applicant's storage buildings. Shipment delivery is anticipated at once per week during peak periods. The business currently occupies approximately 6.5 acres. The majority of the equipment is situated approximately 500 feet from the centerline of US Hwy 63 near the center of the property and towards the eastern property line. The applicant stated that he displays some machinery in the south western portion of the property parallel to US Hwy 63 after fall harvest. Pierce County Code does not specify a limit for exterior operational space for a Farm and Home Based Business. The applicant indicated he does not desire to expand operational space at this time. Hours of operation are proposed to be from civil daylight to civil sunset, 7-days per week. The lot is typically not open to customer's at-will. Sales are primarily conducted over the phone, on-line, or in-person by appointment only. Pierce County Code §240-54 establishes parking requirements and stipulates in cases where a uses parking requirements are not specifically listed, the minimum number of parking spots shall be determined by the Zoning Administrator based upon the requirements for similar uses. A minimum of 3 parking spots shall be provided, plus one for each employee on site at a given time. A minimum of one parking stall shall be ADA compliant. Ample room exists on the

premises to fulfill parking requirements. A restroom is available for customers within the existing residence. P.I.G. of Hager City, WI provides solid waste disposal bins and removal services for the business. There is no signage associated with the business on the property. The applicant is not proposing a sign at this time. An existing “dusk to dawn” light pole provides exterior lighting for the property. No additional exterior lighting is proposed. The Ellsworth Town Board recommended approval of this request on 8-1-2016. The Town recommendation stated “chapter 7 of the Town Comprehensive Plan addresses agriculture and supports economic activity and development that does not detract from the rural way of life in the town. Mr. Knight, in an agricultural community and his home based Ag business of selling farm equipment and machinery conforms to the objectives of supporting agriculture. The Town promotes maintaining the aesthetic qualities of the town and to protect the natural resources in the town.” The Town Board also cited the following concern’ “The Town is concerned about the amount of equipment Mr. Knight has on display and does not want his whole 38 acres filled with equipment.” 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.

Staff Recommendation: Staff recommends the Land Management Committee determine whether the proposed use at the proposed location would be contrary to the public interest, detrimental or injurious to the public health, public safety or character of the surrounding area. If found to be not contrary to the above, staff recommends the LMC approve the proposed Farm & Home Based Business with the following conditions:

1. Activities shall be conducted as presented in the application.
2. The business shall be conducted by the owner of the dwelling unit.
3. There shall be at least three customer parking spaces plus one for each employee; a minimum of one parking stall shall be ADA compliant.
4. Machinery shall not be loaded or off-loaded in the US Hwy 63 R-O-W.
5. No machinery shall be located in the US Hwy 63 R-O-W.
6. Exterior operational space for storing and displaying equipment shall be limited to 10 acres.
7. Applicant understands that expansion or intensification of this use will require issuance of a new conditional use permit. If applicant has questions as to what constitutes expansion or intensification, Land Management staff should be contacted.
8. This conditional use permit shall be renewed every 2 years. Permit may be renewed administratively if no compliance issues arise.

Chairperson Fetzer opened the hearing to the public. Barry Barringer, Trenton Township, asked if he could ask a few questions after the committee has made their decision. He is just wondering about Farm & Home Based Businesses and how that figures into the Pierce County Comprehensive Plan and other Township Comprehensive Plans? Is there a definition for rural businesses at this time where you don’t have to have a residence involved? Where are we on that? Pichotta stated yes, we do allow rural businesses. We have three major classifications for rural businesses: Home Occupation which is allowable even in the residential districts, Home Business which has a two acre minimum lot size, also limits on the size you can use in an accessory structure. Then you have the Farm & Home Based Business. All of those categories are essentially intended to allow one to pursue entrepreneurial activities and to basically use their home as a business incubator to grow their business and if it gets to a certain size, where they require more than the 5,000 square feet in an accessory structure or eight employees at any one time, the expectation is that they would either limit it to that size or they would move it to an appropriate district whether it be Commercial, Industrial or Light Industrial. After our last comp plan update, we created a number of different business categories, mostly relating to agri-business, agri-tourism, nature based operations. So if one wants to do something of that nature, there is not necessarily the requirement that there have to be a residence present on the property. Those are also permitted through the conditional use permitting process. As far as the plans of the Town and the County, basically what the County has said in their comprehensive plan is that they will seek to further the goals and objectives of the town’s adopted comprehensive plan. If a Town wanted to have an impact on a particular use that was conditionally permitted, what they would do, would be to cite the goals, objectives and/or policy that are applicable in their town’s comprehensive plan and describe how their recommendation would further their comprehensive plan. If it was a reasonable interpretation of their plan there would be the expectation that this committee would follow

that recommendation. Pichotta stated that he is not sure if that answers your questions, but hope it does. Mr. Barringer stated he thinks it does, thanks. Chairperson Fetzer asked if there is any further public comment. No more public input. **Public hearing closed. Holst moved to approve the Farm & Home Based Business for machinery and parts sales for Scott Knight with conditions #1 - #8/Snow seconded.** Holst stated Scott provides a service to not only the ag community in the area but the ag community throughout the United States. He does a good job doing what he does, it's relatively attractive for what he does and if he tries to expand it much more than from where he is, he's going to get in that wet whole he will lose his inventory. He's kind of limited as to what he can do. **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. Chairperson Fetzer invited Bill Holst forward: Jeff Holst recused himself from discussion and voting on this issue due to possible conflict of interest.

Staff Report – Brad Roy: The applicant received a conditional use permit (CUP) for nonmetallic mining to expand an existing mining operation on September 3, 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 was 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 new area will take many years, up to 50, to extract all of the material. The adjoining pre-existing nonconforming mine has 110 open acres. A small Ready-Mix plant is also located on the adjoining site. The LMC approved an application for a sand processing and rail load out facility on a portion of the adjoining property. The property is zoned Industrial and General Rural Flexible. Access to the site is off 830th St. The site is currently used for agriculture. Surrounding uses include mining, agriculture, industrial uses and higher-density residential. The required berm has been constructed and required trees planted. 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, extraction will be done with frontend-loaders. The mined materials will be hauled north to the pre-existing 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 nonconforming mine. The 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 elevation of 712 and only a few feet above the 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 below the water table will be economically feasible many years into the future. The entire site, new and existing mining areas, will be internally drained. The applicant intends to operate 24 hours per day, seven days per week. The application states that mining will not occur within 100 feet of the property lines, which is consistent with the Mining Policy. The Mining Policy also requires that no mining may occur within 200 feet of existing residences. The reclamation plan states that the proposed post-mining land use will be industrial uses, which is consistent with the current zoning district. A portion of the site is cataloged as an archeological site. The applicant is working with the State Archeologist on this issue. It was recently verified that a Storm Water Pollution Prevention Plan and a Spill Prevention, Control and Countermeasures Plan are not required for this site by the DNR. Those plans are typically the major component of a Ground Water Response Plan which is required by Condition #4. Due to questions about whether the plans were required, the Ground Water Response Plan has yet to be completed. Well tests were completed in 2015 and submitted to the Department. Staff has yet to receive tests for 2016. The Town of Trenton Chairperson was contacted regarding this renewal. At this time, staff has not received any comments or concerns. The existing conditions #1 - #18 are listed in the staff report. **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 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: (Conditions 3, 12, 16, 17 and 18 have been removed due to completion of requirement).

1. Activities shall be conducted consistent with the application unless modified by another condition of approval.
2. 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.
3. A ground water response plan which details resources to be used to protect the quality of ground water beneath and adjacent to the extraction operation, and a proposed response to encountering ground water, shall be provided **within 6 months**.
4. Prior to extraction of any material from below the water table the applicant shall present proposed plans to the LMC for review and approval.
5. Applicant agrees that any erosion issues that arise shall be addressed to the satisfaction of the county.
6. Applicant shall pay the Nonmetallic Mining fee to the Zoning Office prior to any material extraction from the site.
7. 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.
8. Hours of operation within areas zoned General Rural Flexible (GRF) shall be limited to 6am to 7pm Monday through Friday.
9. 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.
10. Applicant shall obtain all necessary permits for structures, signs or activities not discussed in this plan from the Zoning Office.
11. Any lighting shall comply with the Land Management Department Policy.
12. Applicant understands that any intensification or expansion of the use will require the issuance of a new Conditional Use Permit.
13. This permit shall expire in two years.

Bill Holst stated he ordered another round of tests for the wells for this year. After this year, he doesn't see that he should be required to do that every year because we will have completed a baseline and he is not doing any mining on this property below the water table. He thought the purpose was to establish the baseline and that he feels will have been completed. Chairperson Fetzer asked how many years he has done this. Mr. Holst stated this is the second year. Chairperson Fetzer asked how many years do we typically require? Pichotta stated with WISC we have them testing every year. Pichotta stated really the baseline is established to enable one to use the results of the yearly test to determine whether or not something has changed. He would be hesitant to do away with the requirement in its entirety because the proximity to homes. We don't require this for all nonmetallic mines, it's only mines that are operating in close proximity to the water table, like WISC who is underground but are in close proximity to the water table. He would be hesitant especially when we hold others to that standard, to just do away with it. The other thing that makes this site particularly unique is the proximity to residential - you have the industrial area and then there is the ring of houses around it. The reality is this protects Mr. Holst too, if someone has concerns about their water, he can point to the well test results. He thinks it may be appropriate to have a discussion at some point; perhaps there could be a limiting of the number of wells tested, but enough to ensure that the sampling is adequate. Chairperson Fetzer asked how many houses are within the 1,000 feet? Mr. Holst stated there's only 11 that would let us do the tests, the others wouldn't let the guys in to test their water. It's about \$2500.00 and it goes up every year. Pichotta stated the concern isn't necessarily that they are mining in the ground water, it is a concern if there was a spill of some sort. Testing is how one would figure out if that occurred. Sanden asked if the residences are "down river" as far as the ground water flowage? Pichotta indicated that they are. Sanden asked what if we look at these well test for several years and we didn't see any change then we could revisit and do it every two or three years. Pichotta indicated that discussion would be appropriate. Mr. Holst thanked the committee for their consideration. Chairperson Fetzer asked Dr. Sanden what he would think. Sanden stated after three years if there was no change, significantly,

then maybe go to every two years. Maybe we could consult a hydrologist and see what the wisdom is, if they would agree with that. Roy stated, if this held, it will be renewed in 2018, so you would have 2016, 2017 tests possibly 2018 test before the next renewal. That would give you three or four, we can compare numbers. Sanden asked if you would have to wait for a renewal to make changes. Roy stated we couldn't do it administratively. It would have to come to the committee for modification. Sanden asked if he can direct staff to talk to a hydrologist to see what they would recommend, he would be open to it if things were stable. Pichotta stated absolutely. He thinks as long as there is a methodology that can be followed and can reasonably address concerns, it's certainly worthwhile to discuss. Chairperson Fetzer would be comfortable with that also. Mr. Holst asked if Pierce County Highway Dept does that every year. Roy stated the adjoining property there is a grandfathered mine. Pichotta, pre-existing, nonconformity, we don't have the ability to regulate pre-existing, nonconformities. Town of Trenton didn't come into County Zoning until the late 80's, anything existing prior to that time, especially when it comes to gravel pits, we've got no ability to regulate. **Sanden moved to approve the renewal of the conditional use permit for Nonmetallic mining for William F. Holst III, due to the fact this is not contrary to the public interest, nor detrimental or injurious to public health, public safety or the character of the surrounding area, with conditions #1 - #13/Aubart seconded. All in favor. Passed with Jeff Holst not voting.**

Discuss take action on Pierce County Comprehensive Plan survey results and proposed implementation of plan. Staff Report – Ryan Bechel: In an effort to collect as much input from the public as possible, the Pierce County Land Management Department and Committee developed an online citizen survey to gather opinions and identify attitudes of the various county stakeholders. The survey was made available to the public for response over a 6 week period from June 20th through July 31st 2016. As anticipated, the number of survey participants was substantially lower than that of the survey conducted in 2009 with a total of 117 citizens participating in the survey. The goal of the survey was to gather as much information as possible to develop an understanding of how community attitudes may have evolved since the plan's initial adoption by capturing a snapshot of community attitudes concerning planning, development and citizen-government interactions. The information gathered through the survey will be used to help evaluate the Comprehensive Plan's goals, objectives and policies. Additionally; staff reviewed survey data to help identify and prioritize implementation strategies for the implementation element of the comprehensive plan update.

Survey Methodology

An efficient, economical, user-targeted questionnaire delivered via an online format was developed by Land Management staff and approved by the Land Management Committee. The "targeted" survey format divided participants into 3 main cohorts (Residents, Non-resident Landowners, Small Business Owners) based on respondents most prominent role (self-identified) in the Pierce County Community. This method was selected as it allowed questions to be tailored to each specific cohort, in addition to general questions provided to all participants. Knowing the "role" a participant plays in the Pierce County community allowed staff to foster a deeper understanding of community attitudes from responses, while operating on a lower volume of survey respondents. The "Survey Matrix" graphic provided on the next page, illustrates this survey format. Participants were asked approximately 12-16 questions depending on their selected cohort, with an estimated 5 to 10 minutes required to complete the survey. Public access to the survey was made available through the Pierce County Website's main page and via a link on the Pierce County Land Management Department's main web page. Notices of the survey were published in the Pierce County Herald and provided on the Pierce County web page. Additionally, notices were mailed to towns and municipalities with instructions for accessing and completing the survey and encouraging participation. There is the survey matrix in the staff report. Basically everybody got asked a common question set of general questions and those that identified themselves as elected officials got another specific question set and there were three other question sets tailored for the non-resident land owners and the small business owners.

Introductory Question

Diving into the results, the first big question looking at what respondents identified as a role in the community; 89% identified as residents, 9% as small business owners and only 2 respondents say they were non-resident land owners.

Next question looked at whether they were an Elected Official.

83% did not hold an elected office; 19% did. Of those, that would be a total of about 19 respondents and 5 of those were in the city or village which we didn't direct them to the Elected Officials question set. Chairperson stated he found it interesting that no County Board members responded to the survey. Holst suggested some of them might have taken them under a different guise.

Common Question Set

Bechel stated the results for the common question set asked of everybody first looking at whether the respondents were in the unincorporated or incorporated areas, about a 60%/40% in favor of the unincorporated. The next question asked them to rate the current efforts of Pierce County to regulate and guide development. It is fairly equal distribution there, 36% being the greatest for About the right amount of planning and regulation; same question asked of respondents regarding the Town. About 50% said it was the right amount of planning and regulation and then it was split between too much and not enough. Sanden asked what is 17 out of a total of how many for Pierce County? Bechel stated 41,019. Sanden stated a fraction of 1%. Holst stated he doesn't think it's real accurate. Pichotta stated certainly not statistically valid. Bechel stating moving on, what type of additional land use regulation would you support? About half the respondents said ground water protection, larger minimum lot sizes came in the lowest at 13%. What is your opinion of expanding/developing additional areas for community/industrial/retail use? Half of the respondents said Focus development to existing business districts or Develop commercial/retail areas in cities and villages. Very few respondents said they were against any expansion or development, only 3%. Sanden asked, they were allowed to select more than one? Bechel said correct. The next table is asking if respondent's felt there was a need for any more of the following: a 50/40% split with everything a yes with the exception of major discount retailers, the majority of them said no. Dining establishments probably had the highest yes rate at 65%. Have you interacted with the Land Management Department within the last two years and if so, which of the following would most improve your experiences with Pierce County Land Management. Over half the people hadn't had any interaction with our department and of those people that had, the highest number said no changes and services are satisfactory at 16%. Pierce County Comprehensive Plan is a long-term guidance document designed to capture the "vision" for the future held by the Pierce County community. Which of the following statements do you feel shares your "vision" of Pierce County's future? The top three answers there would be protection of streams, rivers, natural areas, maintaining Pierce County's rural character and investment and development are focused in existing communities to ensure they remain functional and desirable. Sanden stated even though it's a small sample it does reflect what we saw in the bigger samples. Due to strong community support identified through the 2009 comprehensive plan development process, Pierce County adopted new regulations broadening opportunities to establish businesses in agricultural districts (e.g. agri-business, agri-tourism, nature-based operations). Do you feel there is a need for additional regulatory flexibility in agricultural districts to accommodate entrepreneurs and small business owners? Basically a split between no change and didn't know or have no opinion. Same thing for regulations should be either tightened or relaxed. They weren't leaning either one way or another on that one.

Resident Specific Question Set - about 104 people for this one.

What characteristics about Pierce County do you find most desirable: rural atmosphere stuck out and so did natural beauty. This kind of falls in line with what we saw in the last survey. Same question but least desirable: lack of retail options, half the respondents selected that one as the least desirable characteristic.

Non-Resident Landowners Specific Question Set

Nothing much to look at here, there were only two people and they both chose different sides of the road.

Small Business Owners Specific Question Set – 11 respondents for these questions.

Characterizing their business, about five said services industry, five said ag production and one in manufacturing. Which of the following statements most characterizes your opinion of the Pierce County business climate; about half said unwelcoming, not business friendly and a tie between don't know and no opinion of welcoming; business friendly. The note on the side, when you break down the data a little more, about half the small business owners, five were in the municipalities so breaking these back on how they feel about Pierce County specific. Rules and regulations may not be a close relationship as the data shows on here. Next question In your experience, how do Pierce County's land use procedures (permitting fees, timelines,

inspections, and other requirements) compare to other levels of jurisdiction your business is subject to, such as federal, state, municipal and town land use procedures? Over half said Pierce County's procedures are similar to those of other jurisdictions. Pierce County has sought to involve towns in conditionally permitted uses by requiring conditional use permit applicants to solicit a town recommendation concerning a proposed use. In your experience, how has this requirement shaped your view of the conditional use permitting process? 36% thought it was positive and provided an opportunity to diffuse conflicts and address complaints and the other half thought it was prohibitive. With respect to your business, what characteristics about Pierce County do you find most desirable. Rural atmosphere, Natural beauty, Ag community those same kind of themes were the top responses there. The flip side of that, which do you find least desirable? None of the above was by far the number one, with maybe a third saying lack of available workforce.

Elected Officials General Question Set

Which of the following best describes your level of familiarity with Pierce County's Comprehensive Plan? All over the board with somewhat familiar and not very familiar. Which of the following best describes your level of familiarity with your town's comprehensive plan? 67% or two thirds said they were very familiar with their town's comprehensive plan. Chairperson Fetzer stated that doesn't seem surprising to you? I guess with the 100 people that came on maybe they're the ones that read their town's comp plan. Pichotta noted that we did send a notice to the town boards asking folks to participate in the survey. Bechel stated this sample size is actually fifteen people that participated and we excluded those that were elected officials and part of the city and villages. Pierce County, through its comp plan, establish a process through which a town can further the goals and objective of their adopted comprehensive plan when considering the establishment of conditionally permitted uses. How would you characterize your understanding of how this mechanism functions? Pretty scattered responses, once again, fully understand the legal concept had the highest at 33% and pretty close was somewhat familiar and completely unfamiliar with the mechanism. As a town elected official, how often do you estimate your town consults the adopted comprehensive plan when considering Conditional Use Permits and/or Rezone applications? 40% said usually, Never received 6%. To the best of your knowledge, has your town adopted any of the following? A general spattering through there, about two-thirds has the ones that we would expect, subdivision/land division ordinances, mining ordinances, those sorts of things. The last one, just asking if they recognize any opportunities for any governmental cooperation amongst state, county, municipal and town governments. They had an opportunity to fill in and there we got three responses as well. Any thoughts or questions? Holst stated he believes that whoever mentioned the poor internet service is right on the nuts here because in 2007 we mailed out 25,000 surveys and we had a response of 44%, now today we did it over the internet the median of choice and what did we get 117. So he thinks maybe the mail worked. Pichotta stated you have to remember we spend a whole bunch of money on that last one. This one was just a kind of testing the winds. Sanden asked if staff saw any significant changes or difference from what we saw last time? Pichotta stated not really. He thought that was encouraging, especially given that a lot of the respondents were from the town level and the results that we got are relatively positive. Holst stated he thought that when we did it the way we did it that we could have gotten a skewed response if we would have had an organized group that wanted to screw the thing up they could have. We didn't see that. Sanden stated that means that probably they felt it was open and fair. Bechel stated moving on into Implementation.

Introduction

The comprehensive plan is the primary instrument the county will utilize to plan for and guide the growth and development of Pierce County over the next twenty years. To be effective, this plan should be actively used as a tool to guide decisions concerning the included elements such as land use, planning, management, public health and services, transportation, housing and economic development. The plan has been prepared to present a vision for the county in terms of population growth, land development and infrastructure development. This vision simply identifies an intention – a statement of what the county would like to achieve. However, this statement says very little about how it can be achieved. This element is intended to provide a link between the vision, goals, objectives, policies and reality through the various proposed implementation actions that can be used to translate the plan into action. Having the appropriate tools to implement the action steps in this comprehensive plan is critical. There are several regulatory tools and administrative mechanisms/techniques that can be utilized to implement the policies. This chapter summarizes many of the action steps the county could take to implement

the policies. This chapter also identifies actions that can be cooperatively taken by the county and individual communities and by the communities themselves, to implement the policies in the county comprehensive plan. It has been said that a plan is only as good as its implementation. Ultimately, in the case of Pierce County, local governmental bodies (elected and appointed) will make decisions that determine whether or not the plan can be realized. All of this affects how the plan relates to the future development of Pierce County. Over the twenty-year life of the plan, hundreds of decisions will be made that will impact its success. Therefore, it is important that each of these decision-making bodies understand the basic tenets of the plan and make decisions and recommendations with it in mind.

Amendments

The comprehensive plan is considered to be a flexible guide to decision making rather than an inflexible blueprint for development. Decisions regarding the location of different land uses are based on prevailing knowledge of the characteristics and expressed priorities of Pierce County leaders and its residents, as well as anticipated growth and development patterns. As this knowledge or comprehension of these and other factors expands and makes existing proposals undesirable, the plan may require amendments. Amendments should be made only after a realistic evaluation of existing conditions and the potential impact of such a change is made. Amendments should not be made merely to accommodate the daily pressures of development and/or government. It is important to recognize that planning is a process that should occur on a continuing basis if the county is to take advantage of new opportunities as conditions change. An effective planning program should be continually reviewed and updated to reflect the processes of actual development and the changing attitudes and priorities of the County's residents and landowners. Resource information should be gathered and studied to determine trends and reevaluate projections, forecasts and the plan. In five years (ten years at a maximum), the comprehensive plan should be again reviewed to make any necessary policy and recommendation changes in relation to the direction and character of community development at that time.

2009 Implementation Plan – this highlights a few of the accomplishments we've had since 2009.

Agricultural, Natural and Cultural Resources – working with towns to ensure their comp plans recognize a responsibility in ensuring continuance of ag and protection of cultural and natural resources. Sixteen of the seventeen towns now have comp plans since Pierce County adopted theirs in 2009. Under Economic Development the ag business operation zoning code amendments which Andy recited tonight. Those are a part of that as well as some code amendments; wireless communication service facilities. Looking at Land Use, Emily worked on a map depicting county wide plat development locations. Under Planning we created the form and updated the Town Recommendation Form that's used for all CUP's & Rezones. Parts and Rec Plan was completed and plan adoption is this year yet. On the back page, mostly dealing with technology and electronics; all of our minutes, staff reports are now available on-line. Sanitary info is now all on-line and some of our permitting procedures and brochures are all on-line, as well as our interactive GIS. Various internal data bases have been created to house all that information as well. That was the existing Implementation Plan, the new one pretty much mirrors that. A lot of it has stayed in and When Action Completed has been changed from a specific date to On-going for the most part. A few of the new proposed ones under Ag, Natural and Cultural Resources support the establishment of Ag Enterprise areas within the county. Something we have been doing as they have arisen. The same case when considering impacts to known cultural resources when reviewing development plans and/or permits. Another thing that we have been doing, including it now as an implementation step in our comprehensive plan. Under Land Use, economic development did not change anything in there unless the committee can think of anything in these steps as we go through them. Land Use: proposing to add review in non-structural lot uses and standards in our open-space uses, particularly looking at clarify some of our language. Looking at camping, along those lines. Housing, nothing has been added or removed from there. Transportation, added work with towns and the DOT to ensure safe and efficient truck routes during CUP's as appropriate. Something that we regularly do, mostly looking at those with our commercial, industrial and light industrial uses for heavy trucks. Community Facilities, Planning, Regulatory Techniques, Finance and Budgeting; nothing has been changed in there aside from changing some of the dates to becoming an On-going program. Under Intergovernmental Relations the last point there, continue to explore opportunities to enhance awareness and understanding of Pierce County planning & zoning department policies and procedures. Through the comprehensive plan process we have received a couple of suggestions that points

for more planning or more informational opportunities. So maybe looking at something along those lines in the future, implementation action stuff. Information, about the same as well. Pichotta stated jumping back under Finance and Budgeting, evaluate the land management fee schedule to ensure adequate recapture of costs of providing services. If you recall we touched on that a few years ago and ended up not really doing too much of anything with it, we will broach that subject again and just see where we are at with that and see if there is any desire to do anything in regard to that. As far as the opportunities to enhance awareness and understanding, actually he is thinking we have been approached from some folks in the Town of Trenton who are interested in having staff put together an informational sessions relating to some of the concepts in land management and zoning that being density transfers, subdivision review, floodplain, those sorts of things. So we are thinking we will put together a series of workshops, that we will hold over the course of this winter and we will invite anybody from Town Planning Commissions or Town Boards who are interested in getting some additional information or additional understanding, to come in and attend those. It's our intention to actually act on a couple of these things relatively quickly. A lot of this is on-going and as we worked our way through the entire plan he was happy to see that we did a good job in the first place so it didn't require too much, seemed like our direction was good and the folks that are subject to county zoning seem to be working well within it and recognizing that it is a kind of partnership between the county and the towns. All in all he is happy with how this has gone. Should the committee approve this tonight, our next step is to schedule a public hearing. It's a different kind of public hearing. It's a Class I so you have to advertise it a month out. In the meantime, once that is scheduled, we would send out copies of this on disk to all the municipalities located within the county as well as those touching it, Goodhue, Red Wing, Dunn, Pepin, those sorts of folks and give them an opportunity to provide comment and hold the public hearing. Once the public hearing is held, it would be moved on to the county board of supervisor and F & P as an ordinance that requires two readings prior to adoption. Sanden asked if he found this process helpful kind of like internal review and see where you want to go. Pichotta stated yes, he thinks so, he thinks it was some validation that the committee did the right thing as far as kicking the door open as far as Agri-Business, Agri-Tourism. He thinks that was good and well accepted. Holst stated our vineyards and some of that stuff sometimes the establishments after a while become accepted but initially there is some feedback. Chairperson Fetzer stated there was some trepidation early. Pichotta stated he doesn't disagree but anytime you are proposing a change from what is there now, many of the people in proximity will be instinctively against it. Holst stated not all of them run as smoothly as others. Sanden stated you put a lot of time into it, he was hoping you would get a nice benefit out of the process. Pichotta stated it's good too, to reassess the demographic data and see if anything has substantially changed in the county and see if that in of itself warrants some changes. There is definitely value in it. **Snow moved to accept the Pierce County Comprehensive Plan as presented and proposed implementation of plan/Sanden seconded.** Aubart asked if this goes through 2035, what it says on here. Pichotta stated the timeframe is usually out twenty years but you revisit it, typically in five or ten. **All in favor. Passed.**

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

Departmental Update and Future Agenda Items

Renewal of a conditional use permit for nonmetallic mining for the Bisel pit in the Town of Salem
Renewal of a conditional use permit for nonmetallic mining for the Gilles Quarry by American Materials, agent for Muskie Proppant in the Town of Union

Chairperson Fetzer asked if there has been anything happening with Muskie Proppant

Request by Verizon Wireless for Height Exemption on 3 proposed towers, one is located in the Town of Clifton, one in the Town of Martell & the other is in the Town of Ellsworth.

Final draft of the Rec Plan back from the Mississippi River Regional Planning Commission, we're going to bring it to the committee prior to holding a public hearing.

Motion to adjourn at 7:08 pm by Sanden/Aubart seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, September 7, 2016 – 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: September 21 st , October 5 th & 19 th , all in 2016.	Chair
3	Approve minutes of the August 17, 2016 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for a Map Amendment (Rezone) of 30 acres from Light Industrial to General Rural Flexible 8 by Lee Nesbitt, agent for Leon & Donna Nesbitt, owners on property located in part of the SE ¼ of the NE ¼ of Section 35, T26N, R19W, Town of Oak Grove, Pierce County, WI.	Lund
5	Public hearing to consider and take action on a request for a conditional use permit for a Farm & Home Based Business for farm machinery and parts sales in the General Rural Flexible District, pursuant to Pierce County Code Chapter 240-36D, for Scott & Gayle Knight, owners on property located in the NW ¼ of the NW ¼ and the SW ¼ of the NW ¼ of Section 11, T26N, R17W, Town of Ellsworth, Pierce County, WI.	Bechel
6	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
7	Discuss take action on Pierce County Comprehensive Plan survey results and proposed implementation of plan.	Bechel
8	Discuss take action on Travel/Training Requests.	Pichotta
9	Future agenda items.	Pichotta
10	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.

(8/26/16)

PIERCE COUNTY WISCONSIN
DEPARTMENT OF LAND MANAGEMENT & RECORDS
PLANNING, ZONING, SURVEYING & GIS
414 W. Main Street P.O. BOX 647
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MINUTES - Pierce County Land Management Committee Meeting, August 17, 2016

Present: Jon Aubart, Joe Fetzer, Jeff Holst, Eric Sanden and Ken Snow

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

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

Next meeting dates: September 7th & 21st, October 5th & 19th, all in 2016.

Approve Minutes: **Snow moved to approve the August 3, 2016 Land Management Committee minutes/Aubart seconded. All in favor. Passed.**

Public hearing to consider and take action on proposed amendments to Chapter 240 of the Zoning Ordinance relating to the removal of Shoreland regulations and to create Ordinance Chapter 242- Shoreland Zoning (NR115).

Staff Report – Emily Lund: Wisconsin lawmakers passed 2015 WI ACT 55 making shoreland rules uniform and mandated that all Counties have the minimum state standards adopted by October 1, 2016. Lawmakers continued changing the shoreland rules and adopted 2015 WI Act 167 on 2-29-16 and 2015 WI Act 391/2015 AB 582 on 4-27-16. The shoreland code will apply to all unincorporated areas, including the Town of River Falls. Shoreland standards apply to the use of property within 1,000 feet of a lake, pond or flowage and 300 feet of a stream or river. Shoreland zoning ordinances do not apply to lands adjacent to artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body. The DNR may not issue an opinion as to whether or not a variance should be granted or denied without the request of the Board of Adjustment (by letter or spoken in the minutes). The DNR also cannot appeal a BOA shoreland decision. Mandates: As discussed at the April 20, 2016 LMC meeting, the mandated changes include the following:

- Counties are prevented from adopting more restrictive regulations than state standards.
- Counties are prohibited from requiring previously developed land to establish a vegetative buffer or expansion of an existing vegetative buffer.
- Counties are required to allow viewing access corridors 35' for every 100' and allowed to run contiguously rather than separated by a certain distance.
- Counties are required to implement Impervious Surface standards. Pierce County's standard is, "Construction, reconstruction, expansion, replacement, relocation of any impervious surface on parcels located entirely within 300 ft of OHWM; 0-15% allowed; 15-30% allowed with Mitigation; >30% not allowed."
- Impervious surface standards shall take into consideration systems or discharges that allow infiltration into the soil.
- Counties are required to develop mitigation standards for certain types of new development.
- Provide a reduced setback requirement for principal structures by setback averaging.
- Cannot prohibit or regulate outdoor lighting.
- Cannot prohibit or regulate, or impose fees for maintenance, repair or replacement of nonconforming structures that do not increase the size of the footprint.
- Cannot prohibit lateral expansions up to 200 square feet of nonconforming principal structures that are at least 35' from the OHWM, over the lifetime of the structure.

- Cannot prohibit or regulate or impose fees for vertical expansion of a nonconforming structure, unless vertical expansion is above 35 feet above grade.
- Cannot prohibit the relocation of nonconforming principal structures if certain standards are met.
- Cannot require inspections or improvements at the time of selling a property.
- Provide a rezoning process for land inaccurately mapped as a wetland in the Shoreland-Wetland District.

At the April 20, 2016 meeting, the LMC gave staff direction on numerous options within the shoreland code, including the following:

- Vegetation. The regulation area remains within the first 35 ft from the OHWM.
- Filling & Grading. Depending on slope and the amount of disturbance, a Land Use Permit is required for filling and grading in the shoreland area.
 - A Conditional Use Permit (CUP) will no longer be required given that a technical plan review is more appropriate for this type of activity. Staff will utilize the Land Conservation Department (LCD) to assist in the review.
 - Land Conservation Department projects (e.g. rip-rap projects, swales, detention ponds, etc.) built to NRCS Technical Standards will be exempted from permitting requirements.
- Impervious Surfaces. Where runoff is collected and appropriately discharged, the impervious surface standards are exempted.
- Mitigation. Mitigation is required for the impervious surface standards, when exempted structures are added to the site and for nonconforming structure modifications. This is a point based system that is proportional to the impervious surface created. Total project points are applied against mitigation options that are also assigned points based on their effectiveness. The mitigation plan shall be enforceable obligations of the property owner that adequately offset the impacts of the permitted expansion.

DNR Comments:

Staff submitted the draft Ch 242 Shoreland Zoning ordinance to the DNR on 6-22-2016. DNR review comments were received on 8-2-2016. DNR comments were minimal and issues identified include: the inadvertent omission of verbiage regarding the ability to work with a surveyor to determine the OHWM; to list a standard description of an exempt structure; to add a descriptive word (non-navigable) to an allowed exemption for maintenance of agricultural drainage ditches; to remove a redundant code reference; and to add a CUP section to comply with minimum standards even though it will not be utilized. Staff called the DNR to discuss their review comments, staff made suggested changes and the DNR has indicated that they are satisfied with the revisions and that the ordinance will be certified when adopted by Pierce County. DNR staff asked the Department to consider adding language for relaxation of standards for persons with disabilities (ADA). DNR staff noted that variances are not the appropriate route for addressing these sorts of circumstances. To address this, staff included PCC §242-46B(12).

Staff Recommendation: Staff recommends the Land Management Committee review the proposed amendment and, if determined to be appropriate, approve said amendments and forward a recommendation to the Finance and Personnel Committee and to the County Board of Supervisors for approval. Staff further recommends that adoption on the first reading by the County Board of Supervisors be considered to enable compliance with the October 1, 2016 deadline.

Chairperson Fetzer opened the hearing to the public. No public comment. **Public hearing closed.** Pichotta stated that this ordinance is based on the DNR’s model Shoreland Ordinance with some options that were identified by the committee. Given this he suggested that it probably wasn’t necessary to go through it line by line or even page by page but we certainly can if the committee would like to. Are there any questions, comments or concerns, perhaps about any of the mandated areas or some of the options that we had discussed earlier? Holst stated he noticed this included the Town of River Falls, is that in the State or just for our information? Lund stated it was for their information. Pichotta noted that the inclusion of shoreland regulations in Chapter 240 could be confusing because general zoning didn’t apply for the Town of River Falls, but yet certain provisions that were contained within it did. Sanden asked if staff ended up putting in the CUP section even though it won’t be used. Pichotta stated yes. Pichotta also noted that the ADA provision enables the Zoning Administrator to allow for relaxation of the standards in order to accommodate an ADA disability.

Sanden asked if the DNR is saying the ADA should be addressed this way and not through variances. Is that just for expediency? Pichotta stated it's because a variance is supposed to be based on limitations of the property, not the property owner. Sanden stated let's say the property did not contain a ramp and because of the person's disability wanted to include it but it would have infringed on that setback, would that not been a classic variance type of issue? Lund stated that there is an exemption in the code for that situation. **Sanden moved to approve the amendments to Chapter 240 Zoning of the Zoning Ordinance relating to the Removal of Shoreland regulations and to create Ordinance Chapter 242 – Shoreland Zoning (NR115) and forward a recommendation to the Finance and Personnel Committee and to the County Board of Supervisors further recommending adoption on the first reading by the County Board of Supervisors to comply with the October 1, 2016 deadline/Snow 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. Jeff Holst recused himself from discussion and voting due to the fact there may be a conflict of interest.

Staff Report-Brad Roy: The applicant has a mining permit that will expire on September 3. However, he was unable to attend the meeting tonight so we are requesting a renewal for 30 days and this item has been scheduled for the September 7th meeting. A 30 day renewal will make sure it doesn't expire, with the existing conditions.

Snow moved to renew the conditional use permit for Nonmetallic Mining for 30 days, for William F. Holst III, with the existing 18 conditions/Sanden seconded. All in favor. Passed with Jeff Holst not voting.

Status report on a conditional use permit for a Private Outdoor Recreation/Dual Sport Event that was held on July 16th 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. Chairperson Fetzer invited Scott Freier forward: Mr. Freier explained everything went well and they had no complaints. He noted that the Sheriff's Department did patrol it. The recreational officer rode the entire event. He had a car blow a stop sign and pull out in front of him so he got a chance to pull someone over with his new dual sport bike. Holst stated now they will be wanting one of them. Mr. Freier stated the County already has one. He was told it was acquired through a grant and that Burlington Northern had sponsored the motorcycle.

Staff Report – Emily Lund: The Dual-Sport Ride event was held on July 16, 2016. The Department did not receive any complaints regarding this event. This status report is required per condition #9. The Club proposes to hold an event next year with expanded properties; given this they will likely be submitting a new CUP application in the near future. The LMC approved this CUP for a Private Outdoor Recreational Use on June 15, 2016 with the following conditions:

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.

9. The CUP shall expire in 2 years, with a status report given to the LMC prior to any additional events.

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.

Scott is here tonight to provide a status report consistent with condition #9. Mr. Freier stated they did hold it at the Gas Lite and everything went good there. The week before the event, the storm took out a lot of the land that they were able to go on. They couldn't get the trails all cleared because of the massive amount of trees that were down so they ended up running the event for the first half and then went back across the same land so they could get their event in anyway. The storm took out most of the Wieser property that they were going to ride on. So the night before they were remarking their whole route so they could run it backwards at a certain point and map it. It worked out fine. Some of the landowners, when they were picking up signs, were wondering when the event was. They told them it happened already. They had one gal that was curious with her horses right along the road but Jeremy took care of that. They had 42 riders that signed up to ride and then with the club people that were policing it or watching the event, they had about 50 bikes go through. Some of the property got hit twice. As far as that, everything went good. Mr. Freier stated that he would like to submit a request for blanket approval for the County. First he would like to take it to the Townships for a blanket and if he gets their approval for a blanket, because of what happened this year with the land taken away because of the storm, they rerouted it and still down the same roads but they would like the option of using whatever roads are in the County or the Township. Holst stated it's a public road. Mr. Freier stated some of the loopholes were to map out the actual map of the roads they were going to use. He is asking to use any of the roads so he can adjust his route as needed. With that, if he gets that through the Townships, which he doesn't see any reason why they won't accept that, if the County would accept that as a blanket through the County. He will also submit, with the CUP, the new land owners and minus the ones out that they won't be using anymore. So you will still have all the information on property owners. They can comply with all that, so he doesn't have to go to every Township, every year and get this all approved. It's quite a task. Chairperson Fetzer asked if he is still going to be sending information to the Townships. Mr. Freier stated all they really wanted was the information that the County had. It gets to them anyway. After he has this whole process done once and they understand what it is and we've had the event, he feels it will be easy to go there and explain. To have to do this process every year and all these Township meetings and get it approved. He would get a blanket from them and have a form for them to sign. Pichotta stated certainly there are some ways to streamline the process but he isn't sure that blanket approval can be granted. The roads are public so it's not actually the roads that are being authorized to use, it's the private property. He doesn't see a Town being willing to just give carte blanche permission to use any property within the Town. Holst stated they don't have that authority. That's private property. Mr. Freier stated he isn't looking for the Township to give him approval. He will have the property owner's sign through the CUP and the same format. He will have their letters saying he can use it. All he is asking for is that right now he has to have an approved route on the roads. Holst stated you will need an approved route anyway even if you do, which you do have a blanket because it's public roads. Mr. Freier stated that's his point. Holst stated you are still going to have to have an approved route. Mr. Freier stated so why is that if he has the availability to use all the roads, why does he have to have an actual map of the roads he is going to use. Holst stated you would want it for the Sheriff's Dept and the EMS insure safety. Holst stated we would need one within 24 hours of the event. Mr. Freier asked why is that? Holst stated for health and public safety. It's the only thing we are concerned about. Let's say you are running in River Falls Township and you are supposed to be on Road A but the new one said you are on Road B. Well they had the directions to Road A, just things like that. Mr. Freier stated he really can't control where they go. If he says there is a gas stop over here. They may take four other roads to get to that gas stop. He really has no control over that nor does he want control. He has motorcycles that say this gas station doesn't have 91 octane so they went clear to Plum City or they go to Pepin. His issue is that he can't control that, nor does he really want to. The idea is to have an organized event on the roads and go off-road. He understands the idea of having the property owners signed up so you know it's approved but the actual roads that he is taking, he doesn't see why that is such a big issue. Pichotta asked if his concern is providing the route map or that he has to go to each Town twice? He thought you wanted to streamline this process in order to ensure that you do not have to go to a Town Planning Commission and then the Town

Board and just to get them to sign off on the activities within their Town. Mr. Freier that is part of it, yes, the idea is, he had to reroute the route a little bit. He had to go on roads that he wasn't planning on to keep it safe so he didn't have people meeting on the road. There were only 40 bikes and not like there aren't cars meeting every day. To do that he had to use roads that weren't on his map, he didn't feel bad about, but it's in the ordinances that he give you the actual map and the roads. If he does that, then you have a reason to not give him a permit because he's not going on his route. Lund stated the start of the route map came about when she was working with Sue and she said this is where they are going to go. Then for us, on the zoning map, we definitely need to know who is giving you approval to cross their property. Mr. Freier, all my land owners, we would still do that process. He has to do that anyway, the paper gives him something if something does happen. He just doesn't know why he has to give an actual map because when things do change, there is no way he can have a County meeting when the storm hit a week before the ride. Sanden asked if there couldn't be a map with a disclaimer. Mr. Freier stated he can give us a proposed map that he gives his riders and that is fine. He just doesn't want it as one of his conditions and then have to stick with that. Pichotta asked which condition are you referring to? Holst stated it's not listed. Mr. Freier stated it was part of the CUP, it was a requirement to get the CUP was to get the map. Lund stated it was a requirement to get the CUP and then Sue added to it. Mr. Freier stated so I don't need to put my roads on necessarily? Pichotta stated no, it's based on properties. Our notification is not based on the roads that go by but on properties that you have permission to go on. Chairperson Fetzer stated, off-roading on. Mr. Freier asked so I don't have to give you all the roads? Pichotta stated the only thing that will require you to know your route is condition #5: Emergency services (Sheriff's Dept and EMS) shall be given adequate notice of event and route. Mr. Freier asked if he could provide that at any time? Basically it's just an email he can send his route to. Pichotta stated as long as it's adequate in the eyes of the Sheriff's Dept. Mr. Freier asked what is adequate? Pichotta stated he is not the Sheriff's Dept so he can't answer that. Mr. Freier stated he had heard the comment that the County didn't know we were doing this event. You brought that to my attention. The Sheriff's Dept knew about it, one of their people were on my route so I'm not sure. Pichotta agreed stating that is why that issue was not brought up in the staff report. Mr. Freier stated he has a GPS map and that is what he is giving all of his riders. He is asking if that is acceptable to the committee. Pichotta stated to talk to the Sheriff's Dept. Holst stated get it in writing. Lund stated she thinks the route got created because Sue asked if we could help. Mr. Freier stated the Townships were curious but when he got down to that level they stated he could go where ever he wanted. Mr. Freier asked if there is a possibility of getting a blanket like the snowmobile association runs their trails. Can we treat this like that? Pichotta suggested to the applicant that this is a discussion we wouldn't necessarily have to have in front of the Land Management Committee. If you were to have the same properties year after year we could even do renewals administratively. Once you have a CUP, if you use those same properties again, we could simply renew the CUP and you could use them again the next time but his understanding is that you want to change those properties and it's those changes in properties that lead to the need for another public hearing because you are actually expanding the use onto additional properties. If you had a laundry list of properties and you had permission from all of those land owners and that was what was acted on by this committee, you could use that year after year as those properties did not change. Mr. Freier stated that won't happen for a couple years because he is growing. Pichotta stated once everybody is comfortable with what you are doing, you will probably get to that point. Mr. Freier stated he will probably proceed to the Townships and try to get everything OK'd again for this season. So basically I have to have all those landowners in again. Lund stated you can stop by the office and we can get you a new application. Mr. Freier stated once we get the AMA to grab one of the dates that he has submitted; that is when he will pursue the CUP. Pichotta stated the way he reads condition #9: The CUP shall expire in 2 years, with a status report given to the LMC prior to any additional events. If you were to use the same properties next year or some subset of the approved properties, you don't even need to go to the Towns or come back to us. You can hold another event next year. Mr. Freier stated he has a number of people that want to see me go through their property. Pichotta stated it will only be those Towns that you have new property in that you have to visit, so not as difficult as the first time. Mr. Freier stated that's a two year deal so after next year does he have to do this all again. Pichotta stated only if you add properties otherwise this could be renewed by this committee. Mr. Freier stated that process is done now it's only at the County level unless I add properties, thanks for clarifying that for me. Chairperson Fetzer stated he is glad everything worked out well. Mr. Freier stated it was nothing but

positive from the riders, they were pretty amazed that we didn't have more people. But no one saw a route before, now that it's here and we will have more time, we only had 30 days to get it out there for people to come. So hopefully next year, they will have a full event.

Discuss take action on Proposed 2017 Land Management Department Budget. Pichotta: you should have materials that were mailed out and a couple of things were put in your folders. He will go through each item but the memo basically outlines the changes between '16 and '17 which is minimal and primarily due to health insurance and personnel costs. The fact that we purchased a pick-up truck in 2016 basically enabled us to come in at very close to zero. The overall proposed budget is about \$400.00 different than this year. As far as Planning, Zoning, GIS & Surveyor, there is information provided on each one, basically, each one went up \$4 or \$5 thousand. The Land Records Modernization Fund and Grant, as you recall, the Land Information Program; we retain fees associated with the recording of documents from the Register of Deeds Office. They are placed in the Land Records Modernization Fund and utilized to implement the Land Records Modernization Plan. The Land Information Council was created to help update the Land Records Modernization Plan and also to identify priorities for the upcoming year and recommend expenditures out of the Land Records Modernization Fund and Grant Program. If you recall, the changes to this program a couple years ago resulted in a guaranteed \$100,000.00 per County per year. You get what you retain and whatever it takes to make that to \$100,000.00 the State gives you through a grant. The Land Information Council has recommended:

\$41,504	Pictometry – it will be our last payment
\$10,000	For the last part to COGO the Town of Clifton
\$5,000	For parcel updates and changes
\$2,411	For County Highway printing (2000 maps) we are proposing to create a nice highway map with insets of the County. That we would give out to the Departments as well as sell.
\$4,500	GIS Maintenance
\$4,000	ArcGIS Licenses (Annual)
\$4,950	Upgrade to ESRI Standard License (One Time Fee)
\$2,250	Spatial Analysis – ESRI Extension (One Time Fee)
\$13,500	40" Scanner/44" Printer Combo (Surveyor/GIS Room) this would replace existing equipment that is 13 or 14 years old which is getting pretty antiquated in the technology realm.
\$2,800	LINK (ProWest) Maintenance Annual
\$880	ArcGIS for Server Upgrade 10.4.1 (ProWest LINK)
\$91,795	Total Potential Expenditure (Grant and Land Records Fund)

Revenues: he will go through page by page. He had been optimistic and thought we were going to generate more in revenues this year than we had last. We were on track to do so and then it just really slowed down. He is comfortable saying we are going to probably be at the same level we are this year. He has over time become more pessimistic about revenues. You have about 10 pages in front of you; a Department Proposed Budget Worksheet. It goes through with the various line items and then the final column is the percent change. There is not much change proposed in the County Planner budget. Health Insurance just goes up, never goes down. The Zoning budget, we are proposing to increase travel by \$400. One of the reasons for increasing travel in the Zoning budget is because we have replaced our Zoning Specialist with Ryan who is also POWTS Certified so we now have another body that is able to go out and do septic inspections. In order for him to maintain his credentials he needs to attend some of these meetings also. So there is a little more travel that will take place. Not proposing to buy any more vehicles. The Surveyor budget: Nothing substantial going on there. We should be able to go another 10 years with the new equipment purchased. GIS: Nothing substantial here. The next sheets are revenue sheets what is anticipated to come in in fees. Zoning permits in 2015 the actual was \$70,345. He had anticipated \$65,000. I'm anticipating \$65,000 for 2017 also. Holst asked where about is the Department right now. Pichotta stated probably at about \$40,000. We were on track. Holst stated you still may have a rush this fall. Pichotta stated he thinks we will hit \$65,000 but he doesn't think that we will exceed \$70,000. At one point this year, he had thought we would exceed \$80,000. Just based on what we were seeing on a monthly basis. Surveyor revenue, the actual was \$8,550 in 2015, not quite that level of activity this year. Next page is 7a

which is another revenue account. That is Zoning Aids; that is the Wisconsin Fund to help folks replace septic systems. It has averaged about \$15,000 historically. In 2015 it was \$36,000 that was a bit of an anomaly. He is pretty sure we'll see about \$15,000 next year. 7b is the expense account associated with that revenue account. It's essentially pass through funds. So that of course is also \$15,000. Next we have State Aid Land Information Grant; 2015 actual was \$49,152 which means that through the Register of Deeds Office we have retained \$51,000 and change. It's the combination in numbers that adds up to that \$100,000. GIS Revenue; Selling maps and digital data and lastly Land Information Grant. In your folders you should have two sheets which are the 3-Year Budget & Staffing Summary as well as the Capital Improvements Plan. As you will see, he is anticipating the operating budget to remain the same, staffing levels to remain the same and he is not requesting any capital improvements in the next three years. Specific Capital Improvements which is our existing equipment. We have the three vehicles and the surveyor equipment: he isn't anticipating replacing that anytime between now and 2021. Holst stated you did a very good job. Chairperson Fetzer stated his only comment is the front page where you are only \$400 different, he is very impressed going through it. Aubart asked why the retirement dollars percentage varies? Some are at 5%, some at 7%. Pichotta stated it does seem like it would be a constant. Holst stated it should be a constant. Pichotta stated he doesn't know that he is able to answer that because those are numbers provided by Administration. Pichotta stated that he will look into it. **Snow moved to approve the proposed 2017 Land Management Department Budget/Aubart seconded. All in favor. Passed.**

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

Departmental Update and Future Agenda Items

Rezone, 30 acres, in the Town of Oak Grove for Nesbitt Nursery from Light Industrial to General Rural Flexible.

Public hearing for a Farm & Home Based Business for Scott Knight for the sale of farm equipment in the Town of Ellsworth.

Renewal of a CUP for William F. Holst III in the Town of Trenton

Discuss take action on Pierce County Comprehensive Plan survey results and proposed implementation of plan.

Motion to adjourn at 6:54 pm by Snow/Aubart seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, August 17, 2016 – 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: September 7 th & 21 st , October 5 th & 19 th , all in 2016.	Chair
3	Approve minutes of the August 3, 2016 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on proposed amendments to Chapter 240 of the Zoning Ordinance relating to the removal of Shoreland regulations and to create Ordinance Chapter 242 -Shoreland Zoning (NR115).	Lund
5	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
6	Status report on a conditional use permit for a Private Outdoor Recreation / Dual Sport Event that was held on July 16 th 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.	Lund
7	Discuss take action on Proposed 2017 Land Management Department Budget.	Pichotta
8	Discuss take action on Travel/Training Requests.	Pichotta
9	Future agenda items.	Pichotta
10	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.

(8/5/16)

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, August 3, 2016

Present: Jon Aubart, Joe Fetzer, Jeff Holst, Eric Sanden and Ken Snow

Others: Andy Pichotta, Emily Lund, Ryan Bechel and Shari Hartung

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

Next meeting dates: August 17th, September 7th & 21st, all in 2016.

Approve Minutes: **Aubart moved to approve the July 20, 2016 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 Rural Residential 20 to General Rural Flexible District for Daniel & Jean Ryan, owners on property located in the SE ¼ of the SE ¼ of Section 34, T25N, R18W, Town of Trenton, Pierce County, WI. Chairperson Fetzer invited Mr. Ryan forward:

Staff Report – Ryan Bechel: The applicant is requesting to rezone a total of 3.09 acres consisting of a 2.28 acre parcel and an adjacent 0.81 acre parcel located in Section 34 in the town of Trenton. The applicant is requesting the rezone in order to obtain a permit to construct an agricultural structure on the eastern parcel. Pierce County Code does not permit the construction of agricultural structures in non-agricultural zoning districts. The property is located in the Town of Trenton. The western parcel is currently utilized for row crop agriculture. The eastern parcel is currently vacant land being utilized for agricultural equipment storage. There are no residential uses occurring on either parcel at this time. The applicant does not anticipate utilizing the parcels for residential use in the near future. The parcels are accessed off 815th St which runs north to south between the 2 parcels. The proposed future use of the eastern parcel is to obtain a permit to construct a principal agricultural structure to accommodate the applicant's agricultural equipment storage needs. The western parcel will continue to be utilized for row crop agriculture. Adjacent land uses are agriculture, higher-density residential and industrial. Adjacent zoning districts include Rural Residential 20 to the east, south and west; Industrial to the north. Pierce County's adopted Comprehensive Plan states: "The County will approve rezonings or map amendments only when the proposed change is consistent with an adopted or amended town comprehensive plan. In cases where a town has not adopted a comprehensive plan, rezoning will be approved only when consistent with the Pierce County Plan (encouraged vs. discouraged). In such cases, Pierce County will solicit a non-binding town recommendation regarding the proposed rezone." The Town of Trenton recommended approval of this request on May 10th 2016, stating that approval was "recommended by the town planning commission and that the plan is consistent with the Town's Comprehensive Plan." The Town attached a copy of the Agricultural, Natural and Cultural Resources chapter of their adopted comprehensive plan and cited the following goals and objectives Cultural Resources Goal #1 and Agricultural Resource Objectives #1. Pierce County Zoning Code §240-15 lists the Purpose and Intent of Zoning Districts: The purpose and intent of the Rural Residential 20 District is established to provide for the densest residential development in the unincorporated areas of the county. The district is intended to be used where residential development is encouraged on lots without public sewer and water and in locations where such a density of development is compatible with surrounding uses. The district is intended to enhance residential areas by restricting nonresidential development.

General Rural Flexible is established to achieve the same objectives as the General Rural (GR) District but to allow a greater density of residential development with the approval of the town board.

General Rural is established to maintain and enhance agricultural operations in the county. The district also provides for low-density residential development which is consistent with a generally rural environment and allows for nonresidential uses which require relatively large land areas and/or are compatible with surrounding rural land. The Value of Land for Agriculture is listed in the staff report with 71% not defined as a prime agricultural soil.

Staff Recommendation: Given that the Trenton Town Board of Supervisors has determined this proposed rezone of 3.09 acres from Rural Residential 20 to General Rural Flexible is consistent with their comprehensive plan, staff recommends the LMC approve this rezone request and forward a recommendation to the County Board of Supervisors.

Chairperson Fetzer opened the hearing to the public. No public comment. **Public hearing closed.** Sanden stated due to it being adjacent to Industrial area any down zone would be a good thing, by reducing any further conflict between residential and Industrial and given that the Town supports this.

Sanden moved to approve the map amendment (rezone) from Rural Residential 20 to General Rural Flexible for Daniel & Jean Ryan and forward a recommendation to the County Board of Supervisors/Holst seconded. All in favor. Passed.

Public hearing to consider and take action on a request for a conditional use permit to allow the Expansion of a Nonconforming Structure in the General Rural District, pursuant to Pierce County Code Chapter 240-67A(2), for Joseph Dohmen, owner on property located in the SE ¼ of the SW ¼ of Section 33, T27N, R15W, Town of Spring Lake, Pierce County, WI. Chairperson Fetzer invited Mr. Dohmen forward:

Staff Report – Emily Lund: Conditional Use Permit for the Expansion of a Nonconforming Structure. The applicant's property is located at W1560 County Road G, near Elmwood. The existing house has an open porch that is 56 ft from the center line of County Rd G and the outside house wall is 60 ft from the centerline of County Rd G. The applicant proposes to construct a 2-car attached garage that is 26 ft x 28 ft east of the existing house. They propose to maintain a 66.5 ft setback from the centerline of County Rd G. This parcel is located in Section 33, Town of Spring Lake. The property is zoned General Rural. Pierce County Code (PCC) states all structures fronting on county highways shall be 100 feet from the center line of the road or 67 feet from the edge of the right-of-way, whichever is greater. PCC §240-67A(2) also 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." Permit renewal is not required for this request. The Town of Spring Lake recommended approval of this request on July 12, 2016. The Town did not reference its Comprehensive Plan, so it is assumed that the plan is silent on this request. The Town recommendation is attached.

6:10pm Ken Snow arrives at the meeting.

Staff Recommendation: Staff recommends the Land Management Committee consider the above and determine whether the proposed expansion would be contrary to the public interest, or detrimental or injurious to public health, safety or the character of the area. If found to be not contrary to the above, staff recommends the LMC grant this conditional use permit with the following conditions:

1. Activities shall be conducted as submitted in the application and as presented to the LMC. If plans are modified, the applicant shall go back to the Town for review and back to the LMC for reconsideration.
2. The applicants shall maintain the 66.5 ft setback from the centerline of County Rd G.
3. The applicants shall follow Piece County Solid Waste Code Ch. 201 and Wisconsin Administrative Code NR 447 for disposal of used and unusable building materials.
4. The proposed expansion shall be completed within 12 months of CUP approval.

Chairperson Fetzer opened the hearing to the public. No public comment. **Public hearing closed.** Holst stated this looks pretty straight forward and he has a good set of drawings. **Holst moved to approve the conditional use permit for Expansion of a Nonconforming Structure for Joseph Dohmen with conditions #1 - #4 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/Aubart seconded. All in favor. Passed.**

Public hearing to consider and take action on a request for a conditional use permit to allow the Expansion of a Nonconforming Structure in the Rural Residential 20 District, pursuant to Pierce County Code Chapter 240-67A(2), for Larry J. Gerdes Irrevocable Family Trust, owner on property located in the NE ¼ of the SE ¼ of Section 28, T25N, R17W, Town of Hartland, Pierce County, WI.

Staff Report-Ryan Bechel: The applicant owns a corner lot at the intersection of 230th Ave and County Road EE located in the unincorporated Village of Esdaile. The applicant is requesting to expand an existing nonconforming structure located 26 ft from the centerline of 230th Ave. The proposed expansion is a 20 ft x 20 ft open-sided addition attached to the south end of the existing garage encroaching no further into the 230th Ave right-of-way setback than the existing garage. The proposed expansion would be utilized by the applicant to accommodate vehicle and general storage needs. The third acre property is located in the Town of Harland and is zoned Rural Residential 20. Pierce County Code (PCC) §240-27C addresses town road setbacks and states; “except as provided in Subsection E, the required setback for all structures fronting on all town highways shall be 75 feet from the centerline of the road or 42 feet from the edge of the right-of-way, whichever is greater.” PCC §240-67A(2) addresses nonconforming structures and 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. PCC §240-76A details 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.” Lot access is located off of 230th Ave in the southeast corner of the property. The proposed addition would meet the required 100 ft minimum setback to County Road EE. Permit renewal is not required for this request. The existing topography is level throughout the property. A portion of the existing garage and the entirety of the proposed addition would be within the Vision Clearance Triangle area of County Road EE and 230th Ave. The adopted policy regarding Vision Clearance Triangles states: “For corner lots you are required to keep the intersection corner clear of buildings, dense vegetation or other obstructions to maintain clear sight-lines for motorists. The clear area is a triangle measured back along the road centerlines from where the centerlines of the roads intersect. The distance to measure depends upon the class of road; Town/private roads = 150 feet, County Roads = 200 feet and State/Federal Roads = 300.” As noted above, the placement of structures within the Vision Clearance Triangle area is typically prohibited. However, a review of the existing development pattern in Esdaile reveals numerous instances of structures located within the vision clearance area. These structures were constructed prior to the enactment of current restrictions. The LMC should take into consideration the existing development pattern and the speed limit when considering the merits of this request and its potential impact on public health and safety. The Town of Hartland recommended approval of this request on July 12, 2016, listing no recommended conditions. The Town did not reference its Comprehensive Plan. It is assumed that the plan is silent on this request. The Town recommendation is attached.

Staff Recommendation: Staff recommends the Land Management Committee determine whether the proposed use at the proposed location would be contrary to the public interest, detrimental or injurious to the public health, public safety or character of the surrounding area. If found to be not contrary to the above, staff recommends the LMC approve the proposed expansion of a non-conforming structure with the following conditions:

1. The applicant shall maintain a minimum setback of 26 ft from the centerline of 230th Avenue.
2. The proposed expansion shall not be located within the 230th Avenue Right-of-Way.
3. The proposed expansion shall be completed within 12 months of CUP approval.

Chairperson Fetzer opened the hearing to the public. No public comment. **Public hearing closed.** Holst asked what the speed limit in the Village of Esdaile? Bechel stated its 25 mph at that particular location.

Chairperson Fetzer asked from both of those roads? Bechel stated on County Rd EE. The posted speed limit is quite a ways back on 230th Ave. Chairperson Fetzer stated so everything is going pretty slow through there. Pichotta stated we did receive one phone call from someone who expressed a concern about the existing trailer sitting there creates a little bit of a hazard when you are trying to get on EE. Typically we wouldn't be comfortable with something like this but given the existing development pattern and existing speed limit, it seems like the typical concerns may not apply, but if they were going 55 mph that would be serious issue and would likely create a public safety hazard. Chairperson Fetzer asked if the trailer is there year-round. Mr. Gerdes stated no, it's gone now. **Holst moved to approve the conditional use permit for expansion of a nonconforming structure for Larry J. Gerdes Irrevocable Family Trust with conditions #1 - #3 due to the fact this is not contrary to the public interest, nor detrimental or injurious to public health, public safety or the character of the surrounding area/Snow seconded.** Mr. Gerdes stated he gave the committee a plan for a wooden structure and he found out that a metal structure that is the same snow load, would that make any difference? The posts will be smaller. Bechel asked if the dimensions will remain the same. Mr. Gerdes stated actually it will be a little bit shorter because the posts are back in a little ways. A metal roof and the snow load is the same. It's less expensive and it will be quicker to put up. Chairperson Fetzer stated it shouldn't pose any problems as long as it's the same size. **All in favor. Passed.**

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

Departmental Update and Future Agenda Items

Public hearing to consider proposed amendments to Chapter 240 relating to the removal of Shoreland regulations and the creation of Chapter 242 which will be a Shoreland Zoning Ordinance

Renewal of a conditional use permit for Nonmetallic Mining in the Industrial District for William Holst III in the Town of Trenton.

Status report on the CUP for the Dual Sport Event held a couple weeks ago for Scott Freier.

2017 Land Management Department Budget

Motion to adjourn at 6:27 pm by Aubart/Snow seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, August 3, 2016 – 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 17 th , September 7 th & 21 st , all in 2016.	Chair
3	Approve minutes of the July 20, 2016 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for a Map Amendment (Rezone) from Rural Residential 20 to General Rural Flexible for Daniel & Jean Ryan, owners on property located in the SE ¼ of the SE ¼ of Section 34, T25N, R18W, Town of Trenton, Pierce County, WI.	Bechel
5	Public hearing to consider and take action on a request for a conditional use permit to allow the Expansion of a Nonconforming Structure in the General Rural District, pursuant to Pierce County Code Chapter 240-67A(2), for Joseph Dohmen, owner on property located in the SE ¼ of the SW ¼ of Section 33, T27N, R15W, Town of Spring Lake, Pierce County, WI.	Lund
6	Public hearing to consider and take action on a request for a conditional use permit to allow the Expansion of a Nonconforming Structure in the Rural Residential 20 District, pursuant to Pierce County Code Chapter 240-67A(2), for Larry J. Gerdes Irrevocable Family Trust, owner on property located in the NE ¼ of the SE ¼ of Section 28, T25N, R17W, Town of Hartland, Pierce County, WI.	Bechel
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.

(7/22/16)

PIERCE COUNTY WISCONSIN
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MINUTES - Pierce County Land Management Committee Meeting, July 20, 2016

Present: Jon Aubart, Jeff Holst, Eric Sanden and Ken Snow

Absent: Joe Fetzer

Others: Andy Pichotta, Emily Lund and Shari Hartung

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

Next meeting dates: August 3rd & 17th, September 7th & 21st, all in 2016.

Approve Minutes: **Aubart moved to approve the July 6, 2016 Land Management Committee minutes/Snow seconded. All in favor. Passed with Eric Sanden abstaining from voting because of absence at the last meeting.**

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., agent on property owned by William E. Schroeder, located in the N ½ of the SW ¼ and all of the SE ¼ of Section 29 and the N ½ of the NE ¼ of Section 32, T25N, R17W, Town of Hartland, Pierce County, WI. Chairperson Holst invited Colin Cain forward: Mr. Cain stated that we were here a year ago asking for permission. We had some land approved. That land is still approved but the last two times that we went through this process, it ended up getting so late in the year, that we rushed and didn't do a complete job like we would have liked too. So this year he tried to find someone, Mr. Schroeder and he had conversation and he offered to make land available and said that he would be putting soybeans on and we would have a little more time to perform the operation before the ground freezes in the fall. That is why they are requesting this additional land to be approved for the process. He is hoping that it does provide them with a little more time this way. Again they certainly intend to follow all the restrictions/guidelines that the DNR puts out. Sanden asked if there is anything different from the 2015 request? It seems like it went pretty smoothly, which is what he likes to hear that there were no issues. Has anything changed substantially? Mr. Cain stated nothing has changed as far as the process. Sanden asked about the quantity. Mr. Cain stated it will be less than what they had hoped to do last year but they weren't able to get as much moved as they expected last year.

Staff Report-Emily Lund: There are two wastewater settling basins at their Ralston Nestle Purina Petcare Co that needs occasional sludge removal. The request today is to have a new site called Field 14 located in Section 29 & 32 of Hartland, owned by William Schroeder. They want to land apply after soybeans are harvested this fall. The applicants have also submitted this request to the WI DNR. The property is zoned General Rural Flexible. The Hartland Town Board recommended approval of this request on 6-14-2016 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 Town did not reference its Comprehensive Plan, so it is assumed that the plan is silent on this request. Lots of technical information was submitted. NR214.18(2)(f) indicated that sludge spreading sites are limited to slopes of 12% or less when the temperatures are above freezing and 2% or less when the ground is frozen or snow covered. Sludge spreading needs to follow these and possibly other WI DNR setbacks distances which are listed in the staff report. It is recommended that the properties receiving sludge update their NRCS 590 Nutrient Management Plan after this spreading takes place.

Staff Recommendation: Staff recommends the Land Management Committee consider the above and determine whether the proposed land spreading of sludge at the proposed locations would be contrary to the

public interest, or would be detrimental or injurious to public health, safety or character of the area. If found to be not contrary to the above, staff recommends the LMC grant this conditional use permit with the following conditions:

1. Applicant shall adhere to all conditions and recommendations of the WI DNR.
2. Applicant shall update the land spreading site maps to reflect required WI DNR setbacks and slopes.
3. Sludge shall be applied only during daylight hours.
4. Sludge application shall cease if the ground becomes frozen or too wet for land injection.
5. Field access points shall be protected to control field soils and sludge from being tracked onto public roads.
6. Sludge spreading locations need to follow all WI DNR specified slope and setback requirements (i.e. to wells, to dwellings, to surface water, to dry runs with or without vegetative buffers, to bedrock or groundwater).
7. Any damage to roads shall be the responsibility of the applicant. A financial surety to address potential road damage shall be provided consistent with the Town of Hartland's request.
8. Applicant shall contact the Land Management Department when sludge spreading begins.
9. This conditional use permit will be active for 16 months from the date of issuance.

Chairperson Holst opened the hearing to the public. No public comment. Public hearing closed.

Snow moved to approve the conditional use permit for Sludge Disposal for Ralston Purina & Nestle Purina Petcare Co. with conditions #1 - #9, due to the fact this is not contrary to the public interest, nor detrimental or injurious to public health, public safety or the character of the surrounding area/Aubart seconded. All in favor. Passed.

Discuss take action on a deferred renewal of a conditional use permit for a Heavy Industrial Use (Sand Processing Facility) located in an Industrial District for Muskie Proppant LLC, owner on property located in the South half of Section 7, T25N, R15W, Town of Union, Pierce County, WI. Chairperson Holst invited Chris Boe forward:

Mr. Boe introduced himself as the HSE Manager for Muskie and Taylor Frac, and stated they would just like to renew the conditional use permit from where they were last year.

Staff Report – Emily Lund: This facility was permitted in 2011 and began full operation in 2012. Muskie was originally processing sand from a mine located in Pepin County and then later secured material from a mine located in Dunn County. Muskie, for a time, also processed sand acquired from a Wieser Concrete mine that is located in the Town of Salem. Due to market conditions and low demand, Muskie shut down processing operations on June 30th, 2015. They have sand stockpiled at the site to assist with start-up operations. They continue to water the stockpiles, maintain roadways and mow the property as needed, typically weekly. Chris Boe, the Health, Safety & Environmental Manager, visits the facility once a month. At this time, they are unsure when they will start-up operations again. If the market condition continues, no production is planned for 2016 and 2017. However, they plan restart production in 2018. When in operation, sand is trucked to the site, off-loaded, conveyed to a raw sand stockpile, then dried and processed for sale. The facility also has byproduct storage stockpiles, storm water ponds, a high capacity well, process water treatment facilities and elevators for the storage silos. The final product is trucked primarily to St Paul or Chippewa Falls to be loaded on rail as well as loaded for over-the-road shipping to North Dakota and Montana. The property is in Section 7, Town of Union and zoned Industrial. The hours of operation are generally five days a week 12 hours per day 6:00am to 6:00pm for the quad axle trucks; semi-trucks hauling are spread out over 20 hours per day. A Fugitive Dust Plan has been submitted. The plan details potential sources, control measures and daily record keeping. No complaints have been received recently. Staff has contacted the Town of Union Chairman regarding this renewal request; the Town did not have any concerns at this time. There has been no processing of material since the facility shutdown on June 30, 2015. Staff consulted with the Pierce County Corporation Counsel's Office regarding the status of this use. It was determined that the activities taking place onsite are, although minimal, enough for the use to be considered "active." Given this, review for renewal is appropriate. The existing conditions are listed in the staff report #1 - #13.

Staff Recommendation: Staff recommends the Land Management Committee consider whether established conditions continue to be 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 are necessary, staff recommends the LMC renew the CUP with the following conditions:

1. 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.
2. Activities shall be conducted as submitted in the application and as presented to the LMC, unless modified by another condition of this CUP.
3. Applicant understands that expansion or intensification for this use will require modification to the conditional use permit.
4. Applicant shall obtain all necessary permits and approvals for any construction and signage for the site.
5. Raw product and load out stockpiles shall be limited to 35 feet in height above grade.
6. No jake brakes shall be used in sensitive areas when approaching the facility along the designated haul route.
7. The Fugitive Dust Plan shall be adhered to.
8. Byproduct shall be utilized in the reclamation of an existing licensed nonmetallic mine or disposed of or stockpiled consistent with Pierce County Solid Waste Code.
9. Any potential new or modified haul route shall be reported to the Land Management Department and road agreements shall be secured from applicable municipalities prior to route use.
10. The facility 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.
11. All polyacrylamide flocculants must be used consistent with WI DNR permit requirements.
12. Any unforeseen dust and/or erosion issues that arise shall be addressed to the satisfaction of the County.
13. The conditional use permit shall expire in 1 year.

Pichotta stated he received a phone call regarding this issue. There were two concerns or questions that were brought up. One was, it was noted that the lights are off at night. Mr. Boe stated yes, they are. Pichotta asked if they have any security concerns. Mr. Boe stated monthly they go there, more frequently than that especially in the spring to fall they are maintaining the lawns. They are there every week to 14 days. They are making their presence known at the facility. To address the concern, yes they are looking into a security system. Pichotta stated the other concern is about watering of the stockpiles and whether it was blowing off the site. He did get another call from Union Town Chairperson, Bill Bechel, who spoke to the neighboring land owner who had stated that they didn't have any issues nor had he noticed any sand leaving the site. Sanden asked about this expiring in one year, given that they are not expecting to start up until 2018 would it be prudent to expend that to the typical two-year. Pichotta stated they are recommending it be a year, given the uncertainty of it, in a year they may have a sense of what is going on and it's almost more of a status report. Mr. Boe stated he is comfortable with that. Obviously, it would be great to get two years but he understands the committee's position. Pichotta stated also the applicant has a pending app for a 160 acre open-pit mine in the Town of Union. Sanden stated it would be nice to hear an update on the security system also. Mr. Boe stated he can send updates to the committee through Emily and let you know. **Sanden moved to approve the renewal of the conditional use permit for a Heavy Industrial Use (Sand Processing Facility) for Muskie Proppant LLC with conditions #1 - #13/Aubart seconded. All in favor. Passed.**

Discuss take action on proposed new design of Uniform Address Number (UAN) signs.

Staff Report-Andy Pichotta: As part of recent discussions with county law enforcement, it was noted that our existing address signs can be difficult to see. Basically as you know when you drive by, the sign is facing the road. Many Counties have moved to a sign that is perpendicular to the road and it's got letters/numbers on both sides so it is more readily visible. The cost associated with a two sided sign is approximately \$4.95 more than that of the current signage utilized. The single sided UAN signs currently used cost \$13.35 each and the proposed two sided sign costs \$18.30. LM staff would continue to affix the actual address numbers to the signs. The costs associated with a new sign would continue to be \$50 and \$25 for a replacement sign. We could revisit that when we take a look at our fee structure which we will need to do in the next year or two. Chairperson Holst asked how come the new signs are twice what a replacement sign is. Pichotta stated because we have to actually do measurements and create the address number, and then enter it into the system. There are more steps

involved. Chairperson Holst stated it's not just for the sign, it's for the process. Pichotta stated that he had been thinking that we would use up our existing supply. He has second guessed that and is now thinking that what we ought to do is draw a line in the sand and move forward with new signs. We have some towns, like the Town of Rock Elm – for which we have eleven signs on hand. It could be five or eight years before we create eleven new addresses in the Town of Rock Elm. We don't want to have it where some of the Towns where we are permitting houses more quickly and we are using one style of sign versus another. It would require that we eat the cost on about 125 signs that we have on hand which is roughly \$1700 - \$1800. Although, if a change to the new signs results in emergency services finding one person quicker, it's probably worth it.

Staff Recommendation: Staff recommends the LMC consider the above information and determine whether a change to a two sided UAN sign is appropriate. Aubart asked if there is going to be some kind of program for replacing existing signs. Pichotta stated there is not, we will just move forward. All the new ones will be the new style. However, if one has an existing sign and wants to replace it with the new style, they can do so for \$25. Aubart stated at their individual request. Pichotta stated yes. Otherwise it would become quite expensive for us to systematically go out and replace all of the existing signs. He has noticed when he was driving through Barron County the other day; you can see a mix of the old signs. That is clearly how they are doing it also. Aubart noted that it's pretty much impossible to monitor the age of the old signs, some, depending on if they are maintained, get damaged, some are really faded at this point. There is no standard. Pichotta, usually when those signs get faded like that, that's when folks come in and ask what they need to do to get a new sign. Aubart stated he has been on the other side of this and sometimes they are hard to find. If it's an emergency, you want to get there and he is whole-heartedly in support if it's more visible - that is what we should do. Chairperson Holst stated some are faded and some people just don't maintain them or stuff cut away from them. Snow stated he is frequently, in his job, out in rural America meeting with folks and often drive by driveways because you can't see the signs. The smart phone is telling you that you have arrived and where is it? For my job, it would be much easier and he does understand from a safety standpoint when you can see it from both directions and you are looking forward instead of looking off in one direction or the other. Pichotta stated perhaps we could pursue a strategy to make folks aware of the new signs. Sanden asked if these are two-sided signs or two signs back-to-back? What kind of post would they require because his is on a T-Post. Pichotta stated it is a two sided sign on a U-Post. Some counties do a brochure on how to place and affix them. We will look into doing that. Chairperson Holst stated he saw some while driving out east this weekend and they look considerably better than the ones we have. Snow asked if the question is whether we are going to eat the cost on the signs we have. Sanden stated he thinks we have to.

Snow moved to approve the two-sided UAN sign and scrap the existing inventory/Sanden seconded. All in favor. Passed.

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

Departmental Update and Future Agenda Items

Rezone request in the Town of Trenton for Dan Ryan from Rural Residential 20 to General Rural Flexible in Section 34.

Public hearing request for Expansion of a Nonconforming Structure in Spring Lake Township for Joe Dohmen.

Public hearing request for Expansion of a Nonconforming Structure in Hartland Township for Larry Gerdes Irrevocable Family Trust.

Motion to adjourn at 6:26 pm by Sanden/Aubart seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, July 20, 2016 – 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 3 rd & 17 th , September 7 th & 21 st , all in 2016.	Chair
3	Approve minutes of the July 6, 2016 Land Management Committee meeting.	Chair
4	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., agent on property owned by William E. Schroeder, located in the N ½ of the SW ¼ and all of the SE ¼ of Section 29 and the N ½ of the NE ¼ of Section 32, T25N, R17W, Town of Hartland, Pierce County, WI.	Lund
5	Discuss take action on a deferred renewal of a conditional use permit for a Heavy Industrial Use (Sand Processing Facility) located in an Industrial District for Muskie Proppant LLC, owner on property located in the South half of Section 7, T25N, R15W, Town of Union, Pierce County, WI.	Lund
6	Discuss take action on proposed new design of Uniform Address Number (UAN) signs.	Pichotta
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.

(7/8/16)

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MINUTES - Pierce County Land Management Committee Meeting, July 6, 2016

Present: Joe Fetzer, Jon Aubart, Jeff Holst and Ken Snow

Absent: Eric Sanden

Others: Andy Pichotta, Ryan Bechel, Brad Roy and Tracie Wold

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

Next meeting dates: July 20th, August 3rd & 17th, all in 2016.

Approve Minutes: **Holst moved to approve the June 15, 2016 Land Management Committee minutes/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.

Jeff Holst recused himself from this agenda item.

Staff Report-Brad Roy: In 2012, WISC obtained a permit for a Mineral Processing and Rail Load-Out Facility in the Town of Trenton. 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. The permit is set to expire on July 18, 2016 and there has yet to be any construction of the facility. WISC no longer has any intention of constructing a processing and rail load-out facility on the site. WISC has also indicated that they do not have any record of activity occurring on the site since the last renewal. The original proposal detailed operations for sand to be received, washed, dried, screened and shipped either by rail car or truck. The materials would have come from the WISC mining operation nearby in the Town of Diamond Bluff. Height exemptions and Variances were granted for structures greater than 35 feet. The property owner, William F. Holst III, is now proposing to establish a new mineral processing and rail load-out facility on the site. Mr. Holst has been working with Total Excavating to construct a facility to process sand from the Weiser mine in the Town of Salem and claims that he has taken action on the site to further the use each year since 2013. The property is located in Sections 28, 33, and 34, T25N, R18W in the Town of Trenton. The property is zoned Industrial. 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. No structures have been built. The permit was renewed administratively in 2014. At that time, WISC submitted information requesting a renewal and a list of actions taken onsite, which was largely securing state permits and meeting survey requirements. The renewal request also revealed that the delay in site activity was due to a mining moratorium by the Town of Oak Grove. The material for this facility was to come from the Diamond Bluff/Oak Grove mine. On April 26, 2016, Wisconsin Industrial Sand notified staff that they did not intend to renew the permit and that they have no record of activity occurring at the site since the previous renewal. The owner (now applicant) now wishes to renew the permit and construct a different sand processing and rail load-out facility. He claims that he began filling and grading on the site in 2013 and that work has been ongoing and continues today. Aerial photos confirm a large amount of fill has been deposited on the site since 2012. In 2014, Mr. Holst installed a berm along County Road K. The

establishment of the berm was a condition of the original permit (as requested by the Town of Trenton). Staff has sought a legal determination from the Pierce County Corporation Counsel's Office as to whether or not the "use" had ceased for 12 months and would thus be terminated pursuant to §240-76(I). Which states, "If an established conditional use is not conducted in conformity with the permit or this chapter, the conditional use permit may be terminated by action of the Land Management Committee. If an established use permitted as a conditional use ceases for a period of more than 12 months, the conditional use permit shall terminate, and all future activity shall require a new conditional use permit." The approved and proposed facilities have many similarities, but are not identical. Each facility would receive, wash, dry, screen silica sand for shipment. Each facility proposed to operate 24 hours a day, seven days a week. The originally permitted use and the proposed use are essentially the same. However differences in processing techniques could create different impacts. The original WISC plan was for the sand to be handled primarily inside structures and protected from the elements. It is unclear at this point as to what likely impacts the Holst processing facility would have on the area. Raw sand will be transported to the site by truck from Hwy. 35 and entering the site from 830th St. In the original plan the sand would come from the north on Hwy. 35, the proposed plan has trucks coming from the south on Hwy. 35. A new Traffic Impact Analysis (TIA) would be needed to determine if any road improvements are required. The new 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. In both plans unsalable product would be used for mine reclamation. Both plans call for the construction of six rail sidings to the BNSF Railroad. The sidings will be used for storage and in the loading process. Both plans need 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. The proposed plan has identified stormwater collection areas. WDNR regulates and monitors storm water and process water through the WPDES Permits. The applicant will work with the DNR to determine the need for a WPDES Permit. 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. All loaded trucks will be tarped on the site. The drying, screening and load-out process will be equipped with a dust collection system. Pavement and recycled asphalt for high traffic areas with the use of a watering truck or settling product. Stock piles will be watered as needed. 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 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 trackmobile 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 has received several concerns from nearby residents about the original proposed facility. To date, they haven't received anything since there isn't a facility. 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: 1) Activities shall be conducted consistent with the submitted plan. 2) 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. 3) Applicant shall obtain all necessary permits for structures or signs not discussed in this plan from the Zoning Office. 4)

Applicant agrees that any erosion issues that arise shall be addressed to the satisfaction of the county. 5) WISC 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 from such studies. 6) Any polyacrylamide flocculants must be used consistent with WI DNR permits. 7) The Fugitive Dust Plan shall be modified to include dust suppression methods for any stockpiled materials, at sand transfer points, and during instances exceptional events such as high winds. 8) The operator shall provide notice to the County of any orders to cease and desist from MSHA. 9) This permit shall expire in two years and may be renewed administratively if no compliance issues arise. 10) The Town of Trenton's recommendations/comments shall be adhered to. If the Pierce County Corporation Counsel determines that the established use has ceased for a period of more than 12 months, the use shall be considered to have terminated and any future use must be authorized by issuance of a new conditional use permit. Pichotta stated that staff has had numerous discussions with Corporation Counsel's office regarding this particular proposal. It was recognized that while activity had occurred on the site, the Corporation Counsel didn't feel that he had enough information to make a definitive determination as to whether the use had ceased for any 12 months period of time. He suggested that the committee ask the applicant to either provide or describe the activities that had taken place to their satisfaction. The committee could do that one of two ways: 1) If Mr. Holst was able to describe his activities to satisfaction of the committee that he had in fact conducted activities every 12 months or 2) The committee should defer action on this item to a future meeting to give Mr. Holst an opportunity to provide the necessary information.

Recommendation: If the use is determined to have not ceased, 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 follow all recommendations and receive all necessary permits from WI DNR, Department of Safety and Professional Services, MSHA and other agencies if required. 3) Applicant shall obtain all necessary permits for structures or signs not discussed in this plan from the Zoning Office. 4) Applicant agrees that any erosion issues that arise shall be addressed to the satisfaction of the county. 5) 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 from such studies. 6) Any polyacrylamide flocculants must be used consistent with WI DNR permits. 7) 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. 8) The operator shall provide notice to the County of any orders to cease and desist from MSHA. 9) This permit shall expire in two years. A status report shall be made to the LMC in one year. 10) The Town of Trenton's recommendations/comments shall be adhered to. 11) Site plan approval and any potential height exemptions shall be obtained prior to any construction. 12) 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. 13) The applicant shall submit a Traffic Impact Analysis, or similar document, to the WisDOT and make any suggested road improvements. 14) Any unforeseen impacts shall be addressed to the satisfaction of the County.

Bill Holst had his Attorney, Adam Jarchow from Bakke Norman, address the LMC. This permit was originally issued to Wisconsin Industrial Sands, which chose as a down turn in the market, not to renew their lease earlier this year, so Mr. Holst has been working with Total Excavating, which is a local company. They have a long operational history in this area, as does Mr. Holst. Jarchow stated they think this permit should be renewed for a number of reasons. In the current CUP it provides that it may be renewed administratively if no compliance issues arise. He thinks it is important to point out that, to his knowledge, there have not been any compliance issues in the last four years, and the Zoning Administrator mentioned there hasn't been any complaints from anybody in the public, of course that would make some sense because they are not operating a facility there. But they are doing significant work and have been doing significant work on the property and bringing significant amount of material onto the property and have been for the past three or four years. Mr. Holst and Wisconsin Industrial Sand have spent hundreds of thousands of dollars or hundreds of man hours preparing the site and obtaining permit. That would be sort of diversion where Mr. Holst has done a lot of the site work. Jarchow

stated he heard the Zoning Administrator state Wisconsin Industrial Sand didn't do any work, but Mr. Holst has done a significant amount of work and you'll see photos that have been taken over time, via the amount of work that has been done. But in addition to that site work, Wisconsin Industrial Sand and Mr. Holst have spent a fair amount of time and money obtaining permits. Mr. Dustmen is a geologist who showed over the last three years, about 300,000 tons of fill had been brought in to that site. In 2013-300,000 tons, 2014-300,000 tons, 2015-about 300,000 tons and about the same this year, pro-rated, they are at 150,000. In 2014, as required by the CUP, a significant berm was built along County Road K, about 10 feet in height. The fall of 2015, trees were planted at the top of the berm at a cost of about \$23,000. That is the site work that has been done and Mr. Dustmen will walk through very specific detail. In addition to that, there has been significant amount of time and effort, not on site, of planning work. This is acquisition work of equipment, negotiating and discussion with other parties and working with the railroad. All of those investments come at a significant cost. There really have not been any citizen issues. All of the conditions that are laid out in the CUP have been complied with. Specifically the berms that were required to be built have been built and none of that is inexpensive. If you look at the Pierce County Zoning ordinance and Wisconsin law, they see no reason why this would not be renewed. The point of the Zoning Ordinance is to place various uses into various zones to reduce conflict, and they can't see any better place for an Industrial site than this site on the rail road. It is the exact location that both common sense and the Pierce County ordinance would have this sort of operation placed. In order to comply with the CUP, and in reliance with continuation of the CUP, a significant amount of work has been done, a significant amount of expense has been had and they hope the board will consider this and renew the CUP. Bill Holst added that the berm along 35 is not completely done. Some of it is done, but they have to fill it to grade before they can build the berm or there is nothing to build the berm on. Most of the berm has been done for years, but that will be finished as we bring it to grade. Mr. Dustmen went through the process on a computer program/projection. He pulled up a geographic information system that showed the exact parcel. He showed pictures of the berm he took the day before the meeting. It is a very long linear berm right on County Road K. He showed a photo that was taken before the fall of 2013. Pichotta asked where that berm is in relation to this site to the proposed facility. Dustman stated right to the south-west. Holst stated it was required from the township for WISC. Roy stated the berm was required, but the trees were required as part of Mr. Holst's mine expansion in 2014. Fetzer asked where the rail would be placed at. Dustman displayed mapping images/drawings showing the existing rail right-of-way, the proposed berm that is started and the proposed siding. He took some historic photos and geo-referenced them through time. In 2012 there was open water and not a lot of fill. 2013 to 2016: about 1 million ton of material, about 700,000 yards of material. Between April and September of 2015, there was a quite a bit of work that was done. He noted the elevation difference between the amount of material; he is working on getting the area up to grade to the rail can be put in. In 2013 there was about 20,000 yards of crushed dolomite prepared for the ballast and grade for the rail facility. Dustman presented a visual site tour showing the proposed buildings and locations; wash plant, drier, elevator, over flow, silos and rail. Fetzer asked how much longer we are waiting for oil prices to come back up before silica is going to-be again. Holst stated there is a meeting with the railroad next week and they are bringing up four representatives from around the country. The lead time with the rail road is a big hold up. It is about 18 months after you get them the final plan before you get approved. They are going to continue with the site work to get it up to grade and get the bed ready. Fetzer asked how much more fill is going to be brought in. Holst stated about one million ton. Fetzer stated he has been busy doing that over time. Holst stated they work on it every day of the year unless it is twenty below zero or something. They pre-screen it and take all the screened sand and put in; he never put any in there before because WISC was going to do the building and he wanted them to have to buy the sand from him. But when they did their other rail expansion at their other site, he knew that they were never going to build a rail on his site, so he started then filling it in. Fetzer stated it has just been a long process. Holst stated his hands were tied, they were just notified two months ago and he couldn't do anything until then. Holst found it peculiar that WISC was trying to sell those permits to another company; how could they sell something that they would say is not in compliance, that makes no sense to him. They don't want another competitor in the area. Barry Barringer, Town of Trenton, asked Holst what the fill consists of. Holst stated they screen the gravel and take the finer gravel and put that in for the fill. So it is clean granular fill. Barringer asked if it will support the rail

road and all of that. Holst stated and any building that they want to do. You can't put mud or trees or anything like that if you want to build on it. Barringer also inquired about the CUP being traded off or given to someone else by WISC. Holst stated they were trying to sell it to another sand company, but that guy took his investment to Texas instead of here, so that is not on the table. When that fell through, they cancelled their lease with him. He is not trying to explain the process, which is for the board to do when someone backs out; permits go back to the property owner. Mike Miller, Town of Trenton, commented that given the long period of time this has taken and it appears there will be some significant changes, does the Town of Trenton gets a chance to review this again? Pichotta stated that was addressed in condition 12 which requires the applicant to present plan to the Town for comment. Pichotta suggested to the Chair that if Mr. Holst has demonstrated to the LMC's satisfaction that in fact activities did not, within the last two years, cease for any 12 months period, they move forward with renewal with the suggested conditions. If they are not comfortable with that, he suggested they request additional information and they defer renewal to the next meeting. **Aubart stated that Mr. Holst has demonstrated that activity on the site has been continuous and that he continues to improve it and moved to renew the conditional use permit with conditions 1-14/Seconded by Snow. All in favor. Motion 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 Muskie Proppant LLC, owner on property located in the South half of Section 7, T25N, R15W, Town of Union, Pierce County, WI.

This agenda item was deferred until the next meeting.

Discuss take action on a proposed modification to the approved Site Plan for a Heavy Industrial Use (Nonmetallic Mining Wash Plant & Processing Facility) for Mathy Construction Company, owner on property located in the SW ¼ of the SE ¼ of Section 34, T25N, R18W, Town of Trenton, Pierce County, WI.

Staff Report-Ryan Bechel: On January 06, 2016 Monarch Paving Company received a conditional use permit and site plan approval to develop a non-metallic mining wash plant and processing facility in the Town of Trenton. The site, referred to as the "Plant 46 expansion," receives, washes, dries, screens and stockpiles aggregates primarily used in road construction. No mining takes place on the property. Upon receiving CUP and site plan approval, Monarch Paving Company commenced work on site preparation activities according to the approved site plan. This included establishing a 15' high berm constructed of soil and overburden materials along the east, south, and west boundaries of the processing area. Upon completion of the required berm, the applicants felt changes to the vegetative screening plan were warranted given natural vegetative screening on the property, communications with neighboring property owners, and consultations with their contracted nursery (Nesbitt's Nursery & Orchard). The mandated berms and vegetative screening are intended to mitigate visual and noise nuisances generated on the site by plant equipment and machinery. The proposed modifications to the vegetative screening plan are the sole changes being requested by the applicant for this site plan modification. All other previous presented facets of the approved site plan and conditional use permit must continue to be followed. The property is located in the Town of Trenton and is zoned Industrial. *PCC § 240-75* requires site plan approval for new construction or additions to existing structures and buildings for industrial uses. The purpose of site plan review is assure site designs which promote compatibility between land uses, create safe and attractive site layouts and structures, provide proper access to street and transportation, protect property values and contribute to efficient land use in Pierce County. LMC site plan approval mandated the following 2 conditions: 1) Berms and vegetative screening shall be established and maintained in accordance with the Town of Trenton's recommendations. 2) Two rows of trees, a minimum of six feet tall, planted 20 feet apart with the second row staggered ten feet away. The applicant is proposing to limit the area of required double row; six foot tall staggered trees atop the berm, to two locations identified by the applicant to pose the largest gaps in the visual barrier. A double row of 6' – 7' Spruce and Colorado trees staggered every 30 feet for approximately 270' is proposed atop the west side of the berm along 830th ST. Stands of existing mature trees to the north and south of this proposed vegetative buffer would complete the visual barrier along 830th ST. A double row of 6' – 7' Spruce and Colorado trees staggered every 30 feet for approximately 240' is proposed

atop the berm along State HWY 63 in the northeast corner of the property. The applicant is proposing to plant a single row of 3' – 4' Spruce and Colorado trees every 30 feet for approximately 1,990' atop the remainder of the berm following the southern edge of the processing area. Trees and shrubs are also proposed between the berm and the residential properties located in the southeastern corner of the property. A single row of 6' – 7' Spruce and Colorado trees planted every 30 feet for approximately 150' is proposed along a northwesterly bearing south of the berm. A single row of 3' – 4' Summer Wine Ninebark shrubs planted every 15' – 20' for approximately 100' is proposed along the south property line. The applicant is proposing a mixture of trees and shrubs in this location to prevent creating a vegetative barrier that would inhibit views of the bluffs to the north, which was a concern of residential properties owners in the area. Staff has not received any complaints regarding this operation since issuance of the CUP and site plan approval. The Town of Trenton recommended approval of the CUP request on December 8, 2015 with the following recommendations which are also relevant to Site Plan Review: 15 foot or higher berms. Trees put in for buffer beyond berm. Combination of trees on berm and south of berm. Staff contacted the Town of Trenton chair regarding the proposed site plan modifications. The chair stated he did not have any concerns with the proposed changes.

Recommendation: Staff recommends the Land Management Committee review the proposed site plan and determine if any changes or modifications to the proposed plan are necessary. The LMC should consider existing and proposed structures, architectural plans, neighboring uses, use of landscaping and open space, parking areas, driveway location, loading and unloading areas, highway access, traffic generation and circulation, lighting, drainage, water and sewer systems and proposed operations. The LMC may impose time schedules for completion of buildings, parking areas, open space uses, drainage and erosion control systems and landscaping and may require appropriate sureties to guarantee that requirements will be completed on schedule. Staff recommends the Land Management Committee consider the following condition as part of this site plan approval: 1) Berms and vegetative screening shall be established and maintained in accordance with the submitted plan.

Candy Anderson stated they are asking to modify the tree planting plan that was approved with the original permit. The reason behind it is they got the site built and the fifteen foot tall berm and after it was built, they looked and there really isn't a big screening issue to the south with the residents that have the biggest view. But there are two areas where there is a screening issue that they need to address. They have contracted with Nesbitt Nursery. Lee Nesbitt was present to address any specific question about the trees. They are asking for a little bit wider spacing to allow the trees to grow a little bit better and have room to spread out; a wider spacing helps the root ball spread out a little bit better once you get it in the berm. They went with the three to four foot tall trees on the south edge in a single row, again because the berm does provide good screening with the height they built it at. But they wanted to keep in with the town's recommendations to have the trees and also with the committee's. They met with the Truttmann's and their concern with putting six foot tall trees right in front of their property was that someday those trees could block their view of the bluff. She stated they would like to put something there so they talked to Lee who suggested maybe a five to six foot shrub, at maturity. It's a change, but the only change that they are proposing to anything, most of the site is built and completed and vegetated, it is just the trees that they want to change. If it is approved, they thought they could do a fall planting. Fetzer commended them for going and talking to the neighbors and trying to keep everyone happy because too many people don't do that kind of thing. Anderson stated the Truttmann's do have the most impacted view as far as they could see and they had stated they didn't care if they hadn't planted anything, but she wanted to keep in line with the recommendations. **Snow made a motion to approve the modified site plan for the Heavy Industrial Use with the condition that the berm and vegetative screening shall be established and maintained in accordance with the submitted plan/second by Aubart.** Fetzer asked if anyone had any concern with a time line. Holst stated that Mr. Nesbitt has always done a pretty good job of meeting what he said he was going to, unless there was a freak act of nature that he couldn't get them in. **All in favor. Motion passed.**

Discuss take action on Travel/Training Requests. Pichotta has two requests. First- Roy and Bechel to attend a floodplain management workshop in St. Croix County in Hudson on August 2, an afternoon meeting. Second-

Lund to attend the same training being held in Eau Claire on September 7, an afternoon meeting. **Holst made a motion to approve/ seconded by Snow. All in favor. Motion passed.**

Departmental Update and Future Agenda Items

Public Hearing to consider a request for a CUP for sludge disposal by Ralston/Nestle Purina on property owned by Bill Schroeder on property in the Town of Hartland.

Discuss take action on deferred conditional use permit renewal for Muskie Proppant LLC, Sand Processing Facility in Union.

Discuss take action on new design for Uniform Address Number signs.

Motion to adjourn at 7:44 pm by Holst/seconded by Snow. All in favor. Motion carried.

Respectfully submitted by T. Wold

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, July 6, 2016 – 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 20 th , August 3 rd & 17 th , all in 2016.	Chair
3	Approve minutes of the June 15, 2016 Land Management Committee meeting.	Chair
4	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
5	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 Muskie Proppant LLC, owner on property located in the South half of Section 7, T25N, R15W, Town of Union, Pierce County, WI.	Lund
6	Discuss take action on proposed modification to the approved Site Plan for a Heavy Industrial Use (Nonmetallic Mining Wash Plant & Processing Facility) for Mathy Construction Company, owner, on property located in the SW ¼ of the SE ¼ of Section 34, T25N, R18W, Town of Trenton, Pierce County, WI.	Bechel
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.

(6/24/16)

PIERCE COUNTY WISCONSIN
DEPARTMENT OF LAND MANAGEMENT & RECORDS
PLANNING, ZONING, SURVEYING & GIS
414 W. Main Street P.O. BOX 647
Ellsworth, Wisconsin 54011
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MINUTES - Pierce County Land Management Committee Meeting, June 15, 2016

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

Absent: Ken Snow

Others: Andy Pichotta, Emily Lund, Ryan Bechel and Shari Hartung

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

Next meeting dates: July 6th & 20th, August 3rd & 17th, all in 2016.

Approve Minutes: **Aubart moved to approve the June 1, 2016 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 Private Outdoor Recreation for a Dual Sport Event in the Agriculture Residential, Commercial, General Rural, General Rural Flexible and Primary Agriculture Districts, pursuant to Pierce County Code Chapter 240-39E, for Valley Springs Motorcycle Club Inc, Scott Freier, agent on properties located in Section 34 of El Paso Township, Sections 9, 10, 14, 15, 16, 21, 28, 29 & 33 of Hartland Township, Sections 4 & 5 of Isabelle Township, Sections 3, 4, 6, 9, 10, 16 & 21 of Salem Township, Sections 2 & 3 of Trenton Township and Sections 20, 21, 22, 27 & 28 of Trimbelle Township, Pierce County, WI. A map is available for viewing in the Land Management Department. Chairperson Fetzer invited Scott Freier forward: Mr. Freier stated he is here to answer anyone's questions. Holst stated it would be advantageous for everyone if you would explain what you are proposing. Mr. Freier explained the dual sport is basically what the staff report says except they use light weight bikes that are road legal, licensed motorcycles that are licensed to ride on the road. They are not a full-fledged motocross dirt bike or anything like that. This group likes to have a joy ride. They put together a dual sport event where they can ride trails they have set up. They lined up a bunch of landowners and are using the snowmobile trails. The goal is to start in one spot and have a loop for them to ride. They want anywhere from 80 to 140 miles and we want to take up the day. They have on and off road because the on-road gets them to and from the land. It's a one-way direction so when they leave in the morning they are staged out so they don't get a flood of bikes. Not saying they can't group up down the road. But their goal is to have a steady flow going through so they can manage it. They will start at the Gas Lite, go through some property, on-road, off-road and stop for lunch somewhere along the line. Right now it is proposed to be at the Roger Nelson pavilion. They have three different locations right now that are trying to do it. They would like to get the Veterans involved and have it down at the Maiden Rock American Legion. That is their goal because that was one of the people that they are fundraising for, the Veterans, Food Shelf, their club and the Lion's are going to put on their meal for them. That's their fundraiser. They go through the whole route and back to the Gas Lite and they serve them lunch somewhere and serve them a meal. They pay the organization \$75 to ride the route. A lot of the land owners that have OK'd this, we have a route through their property. We sign it. We have a person at the start of their property and at the end of their property. The goal is not to have them come out the same gate that they go in. They start at the one end of the property and they might go through two or three other properties to get out to another road. The route is all staged out and they have to be back by 6:00pm. They have trucks and trailers set up if someone breaks down or there is a catastrophe on the road from one of the bikes, chain falls off or something, they can pick them up and bring them back to the Gas Lite. When the race is over, their people at

each location, goes through the site and clears it for us. It's not a race, it's a ride. There is getting less and less places for people to ride and do stuff off-road. Most people don't like motocross/dirt bikes rodding around. He wanted to get into this group. It's getting to be a larger growing thing in the whole country. Some of their riders are going to come from all over to ride this. They have limited the number of riders to 200 bikes. They want to make sure everything is good. They are hoping to have a two-day event in the future so they would ride one area one day and another area the second day. That is how they are set up all across the country. He, himself, being a motorcycle guy, thought this would be a great way to bring people into the community. Use some of the resources that they already have in place and do that. They are set up with all the home owners. Some are set up and they might not get used because they are going to have a one-day event this year. It got a little larger. They got more land than they thought they would. If they have a torrential down pour some of the places won't be available because it will get too slippery and it's all in the woods. So they will reroute that day if that happens. The event is insured with American Motorcycle Association (AMA sanctioned). If you have done any of the hill climb events that they put on, they are all insured. They are sanctioned with the AMA. So they get a lot of support from the American Motorcycle Association and their people there.

Staff Report – Emily Lund: Valley Springs Motorcycle Club Inc is proposing to sponsor and hold a new event called a dual sport ride. They want a mixture of public roads, paved and unpaved roads, as well as off-road trails located on private property. The event is proposed to begin and end at the Gas-Lite. There are many connecting points to stop for gas, snacks and restrooms. This year the ride will take place on one day (July 16th) this year. Commercial or club use of trails on private property triggers the need for a CUP. All property owners with off-road trails proposed for use in this event have signed waivers authorizing Scott Freier and Valley Springs Motorcycle Club to act as their agent through this CUP process and to allow event participants to drive off-road through their property. Valley Springs Motorcycle Club Inc. currently hosts an annual hill climb event in the Town of Hartland. They are sanctioned and insured by the American Motorcyclist Association (AMA). The club's mission is to positively impact Pierce County by having participants utilize local hotels, campgrounds, gas stations, restaurants and more. If they reach full participation, registration will be donated to local non-profits. The private property utilized for this event is located in the Town of El Paso, Hartland, Isabelle, Salem, Trenton and Trimbelle. The properties are in the Agriculture Residential, Commercial, General Rural, General Rural Flexible and Primary Agriculture zoning districts. The number of participants will be limited and will not exceed 200. The event is proposed to begin and end at the Gas-Lite. The event hours are 8am to 6pm. The riders will be released in groups of ~10 with 15 minute intervals. The route will be 100-200 miles within Pierce County that will be provided a route map and GPS. Since a variety of road surfaces are desired, the trail route will be on- and off-road at the proposed locations. However, the off-road sections are optional for the rider. Applicants will not hire any employees. Everyone working at the event will be volunteers. Volunteers will be stationed at all off-road sections to assure safety and accountability. In case a dual-sport dirt bike breaks down, the club will have two truck and trailers available for pick-up and transportation back to the Gas Lite. Participants will be able to use Gas Lite restrooms. No additional portable restrooms are proposed to be provided. Participants will have the ability to stop for food at many locations along the trail. The club is also trying to set up a lunch meeting location that is tentatively scheduled at Roger Nelson's pavilion on County Rd A or a location to be determined in the Village of Bay City. Participants will be able to camp on the Gas Lite property. When camping is allowed by the owner, camping is limited to day prior and day after the event. The Gas Lite property has dual zoning. The commercial establishment is zoned Commercial. The surrounding property is zoned Primary Agriculture. Camping on the property zoned Primary Agriculture has occurred for various events as part of the commercial operation dating back many years. An admission fee will be charged \$75 per participant. If they reach full participation, the club members voted to donate proceeds to these local non-profits: Veteran's Club, Lion's Club and Food Shelf. Although the 2016 event is proposed to take place within 1 day (on July 16th), the applicants are requesting this outdoor recreational use be authorized to take place annually over a 2-day timeframe. Applicants should 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. Insurance coverage is through K

& K Insurance Group, Inc. and continues through 12/30/2016. Each individual participating in the event will be required to sign a "Release and waiver of liability, assumption of risk and indemnity agreement." The sheriff's department and the area ambulance services will be notified and requested to be on stand-by. The Towns of Hartland (March 8, 2016), Martell (April 4, 2016), Salem (April 19, 2016), Isabelle (April 19, 2016) and El Paso (May 9, 2016) recommended approval of this request without any specific comments or concerns. The Town of Trimbelle recommended approval on March 8, 2016 stating, "Event should have a positive impact on the Town of Trimbelle." The Town of Maiden Rock recommended approval on April 20, 2016 stating: "The club must provide signs on route. 20th Ave to 197th St will be signed 1-way. Riders must follow posted speed limit. Club must also provide personnel at beginning and end of route." The Town of Trenton recommended approval on May 10, 2016 citing the Town Plan Commission comment, which states "The Town of Trenton has a copy of Insurance, contact person name and number if there is a problem and final route map is received."

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

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. Department of Safety & Professional Services, 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.
9. The CUP shall expire in 2 years, with a status report given to the LMC prior to any additional events.
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.

Chairperson Fetzer opened the hearing to the public. Mark Sandstrom, Salem Township, personally, he opposes this having had a bad experience with a motocross type event next to his property. Last year he had a person next to his property with about 20 motocross bikes on it and scared his cattle so bad they were foaming at the mouth and running around the pasture. They broke fences and he wants to know who takes responsibility if something like this happens again. Last year, the person doing this did not take any responsibility. Luckily no cattle died. Some were cut up, fences were broke and he doesn't want to see this happen again and that was just 20 bikes. Chairperson Fetzer stated we will take all the public comments and then have Scott answer after that. Bill Schweiger, Trimbelle Township, he wondered why any of us would be in favor of this. It's an altruistic thing, why would we want to put up with this. We pay property tax and you are going to ride on trails. Who is going to make these trails? What's the route? But you are asking people for this? Mr. Freier stated that he can answer while we go along. The people that have signed up have already signed up for us to go on their property and they already have trails that they already use. Some of them they haven't used for a while and to be honest they were kind of happy that he was going to clean the trail back up so we could use it and then they could use it again. These people that are on this map have already agreed and signed up to be part of the CUP. Mr. Schweiger asked if you have done this elsewhere? Do you have some examples of this being done? Mr. Freier

stated he personally hasn't done it, this is his first event that he is putting on but AMA has about 40 events a year that they do around the country. It's really big in northern Wisconsin. They have a National's Event and have been having that for 15 years. Mr. Schweiger asked if they have positive feedback from this sort of activity. Mr. Freier stated he has had an overwhelming response. He thought he would be fighting for land to get to do this on and he has a list of people that he couldn't get to that have found out about it and called him and said if they want to zip through their property, go ahead. He is hoping to have this a two-day event, so they can have one route one day and another route another day. Mr. Schweiger stated that if there is any money left over, where does that go? So the money goes to some sort of charity or something? Mr. Freier stated they are a nonprofit organization, the motorcycle club. What they are doing to make a long story short, the Lion's have lost a few of their fundraisers for the Lion's Organization. They came to us and asked if they could be part of this group. So we have allowed them to provide our meal in lieu of profits from the event. Our goal, when we originally contacted them, was to know what they do in the community, if they give them funds: The Funster's and Lion's do Santa Claus and the Easter Bunny. They wanted to be part of us because they are losing some of their fundraising at the Cheese Curd Festival and the Polka Fest. The Club wanted to have it at the fairgrounds but they didn't book their date soon enough and the date was full. Their plan is to start from the fairgrounds in the future. Todd Cipala, Trimble Township, he is in favor of it and the bikes are going to go through his land. He wants to make sure everyone is aware that these bikes are street legal which means they do meet the decibel rating that is allowable for the street which most Harley's don't as we all know. This is not a race, it's a trail ride and these are bikes that are perfectly legal to be on the street. The people that ride, average age is probably closer to his age and older. It's just kind of to tour the country. He thinks it's a very good thing. It's positive and helps the community out. Holst stated since you changed your format, why don't you answer Mr. Sandstrom's question regarding to damage to property and cattle. Mr. Freier stated our club does. It's kind of like the snowmobile club. Anything that happens, someone from out of state could come and go off land and the snowmobile club is responsible to come and take care of that. Mr. Sandstrom stated they are not going to be on my land, they are going to be next to it making noise. Mr. Freier stated you could still have an issue. He stated he doesn't know what happened on that other event. He's sorry he doesn't know where your land is. This is an organized event and they have people at the front and the end of it for that reason. Their goal is to not get the people off their trail. They are all sent GPS coordinates. A lot of the bikes have it mounted right on there and we send it to them and they download it and follow that route. Even though they will have it marked in the woods, their goal is to not get them on someone else's property. Mr. Sandstrom asked if every single bike on this is going to be decibel rated for street. Mr. Freier stated for AMA sanctioning they have to have the guy right there with the decibel reader, yes. Which you probably didn't get if the neighbor has motocross bikes, they are a total different machine. He's not saying that something like that couldn't happen and if it does, he wants to know about it. It's important to him that this event keeps going and if they have to reroute a route from not using your neighbor's property or something we are wide open. That's why we are all here to know our oppositions. Rayne Farrell, lives in Esdaile, Hartland Township, first she wants to clarify the Lion's Club is losing some of their financing but not all of their fundraising from the Cheese Curd Fest. Mr. Freier stated it's a big chunk that they are. Ms Farrell stated yes it is. She would just like to know if individuals have to provide insurance for their vehicles. They sign a waiver for yours but do they have to be insured on their own? Mr. Freier stated the State of Wisconsin requires it, yes. Ms Farrell asked if they are checking to make sure they are insured? Mr. Freier stated that is not in their scope. He asked this at the County level and they said he can't legally do it. They can't unless an officer, an officer can check their stuff but he can't. Ms Farrell asked if something happens on someone's property and they have signed a waiver saying they are not going to sue the person, do they have some type of coverage that they can provide. Mr. Freier stated they are supposed to be licensed motorcycles and legally supposed to be insured from the State but we can't enforce an insurance policy on them. Ms Farrell stated she knows the snowmobile trails, has that been cleared with all the snowmobile trails? Mr. Freier stated only on the property owners lands that have signed up. Ms Farrell stated she knows the snowmobile clubs have a big phobia. Mr. Freier stated the only trails they would be using are snowmobile trails that are on the people's property that have allowed us to be there. We're not just randomly picking a chunk of snowmobile trail and riding it. Ms Farrell asked where Town of Trenton said something about providing a copy of insurance and the

contact person and a name; that probably would be good for all the Townships to have. Mr. Freier stated we provided it to the County conditional use permit and they can get it all from there. Ken Johanson representing his family that lives in Salem Township, he asked earlier for a detailed map, is there a detailed map available and will there be new trails created possibly, cutting trees or how does that work? Mr. Freier stated as of right now they are going on trails that are all existing or have been existing in the past but haven't been used in the past ten or fifteen years. To his knowledge, right now, they are not cutting any new trails. Mr. Johanson asked if there is a map that shows where the paths are. Mr. Freier stated the County has requested that they give them the property description. We don't really have to do the actual map. We will eventually because we want to download that to the riders. Mr. Johanson asked if there are going to be designated parking locations for spectators or people helping out. Mr. Freier stated this is not for spectators. It's just for riders. Mr. Johanson asked about the on-road portion, will there be riding off on Hwy 10? Will people be allowed to ride in the ditches both to avoid traffic and because it's more fun to ride in the ditches. Mr. Freier stated no, this will be on the Hwy or County Road. No there won't be any ditch riding. Mr. Johanson stated where it shows on Hwy 10, it has to stay on the highway? Mr. Freier stated yes, where we go off are in people's driveways, field roads or places like that. Not like a snowmobile that will go down the ditch for three miles or so that isn't our scope at all. Gary Fryer, Trenton Township but owns property in El Paso, he assumes they are going to be going up Lost Creek as part of that if you are going over to the Rod & Gun Club. Who is going to monitor the speeds of these bikes up the side roads up Lost Creek or 450th or around? Mr. Freier said he guess the same law that are out there for the rest of the year. They sign their agreement saying they will follow the posted limits. We actually have one of our County Patrolmen riding it with us. Mr. Fryer asked what is the average size of the machines; CC's. Mr. Freier stated probably 250 to 450. There are some adventure bikes that will come to this event and they will be 1200 to 1400 CC's. Those will be the ones that will bypass all of the off-road stuff. They want a route to ride through the country but they will bypass our off-road or "hero" areas. Mr. Fryer stated his concern on the curvy road was that they would be driving way over the speed limit. Mr. Freier stated we can't control any of that. Mr. Schweiger asked where these people come from, if we introduce them to the area and they will say "hey, I know this really cool place to ride." Mr. Freier stated they are from anywhere. Anyone that has a licensed motorcycle can come. They can be from Canada or any other state. Chairperson Fetzter stated these trails aren't going to be open continuously. You can come ride on the roads anytime. Mr. Freier stated the group of people that come to this event, they know that this is a one-day event that it's posted and sanctioned. It's an AMA sponsored event. It's kind of like the hill climb down there. Nobody gets to ride that hill or can be on that hill any other day than a race day. That is what separates that. He did have that concern with some of their other people, he said I don't want these guys coming back six months later saying I get to ride here because I know where it's at. We are posting on some property some signage where we are going in and out to state just exactly what you said. Todd Merkins, owns property both in Trenton and Salem, each one of these squares on the map, are they 40 acres plotted out. Mr. Freier stated, Emily can help me out with this, if we went on their property we mapped out anything, we might not be touching some of the property but if we are going on their property, we mapped out that persons whole property. Mr. Merkins stated all volunteers are working it, how many will there be at this event. Mr. Freier stated between 30 & 40. Mr. Merkins asked about the area in Salem that is close to his renter and he wants to keep him happy. He doesn't want to disrupt the quality & serenity of country life. What kind of assurances could you give him that would say that there may be somebody to keep people off his land, because his land looks like it would be great land to ride on. Mr. Freier stated if you can get ahold of my afterward, he would like to map that out so he knows where that is or where the concern might be. Mr. Merkins asked if some of the volunteers are going to be placed strategically throughout this route? Mr. Freier stated a lot of the volunteers are the land owners that want to be part of it. Some of them aren't but they will have other people that know that route. That is why he is asking you to do that. Then they know there is a hot zone that they need to keep tabs on. Pichotta stated he has a couple letters here, comments from folks who called in but couldn't be here tonight. The first is from Ronald and Kay Peterson, Town of Trenton; we received a notice about this since our residence is in Section 2 of Trenton Township, directly across the road from off-road property which would be used in this event. Most of our concerns have been addressed in the Staff Report; including: Number of participants will be limited to 200.

Event hours are 8am to 6pm on July 16, 2016.

There will be no overnight camping on the private properties used for the off-road portion.

Concerns not addressed include: We would want to know that no alcohol will be allowed on the private properties used in the off-road portion. This would apply to the event of 7-16-16 as well as any future events. We request that if the permit is issued for 7-16-16 with the conditions in the staff report, that it be a one-time permit for that event only. And that future permits being granted would be contingent on compliance, lack of disturbances, lack of safety concerns, being proven at this initial event. And that future events would also limit the number of participants, event hours of 8am to 6pm and no overnight camping or parking on the private properties. We are unable to attend the hearing of 6-15-16, but request your consideration of our concerns. Respectfully submitted, Ronald & Kay Peterson, W8026 390th Ave, Ellsworth, WI 54011. Mr. Freier stated there will not be overnight camping on any of the private properties. We don't serve any alcohol until after the meal at 6:00pm at the Gas Lite. We can't stop them from drinking and driving. Typically this group is not that, it's more seeing the country and seeing what this area has to provide. The next was a phone call received yesterday from Wayne Dodge, Trimble Township, he called saying he is in favor of the Dual Sport Event. He feels it is recreational and not paid for by tax dollars. He belongs to a snowmobile club that also isn't paid for by tax dollars. He is not able to attend the meeting tonight but wanted it known that he is in favor of it. The next one was an email that we received from Vernon Martin; The Valley Springs Motorcycle Club Inc has my support for their proposed activity. This is a good and constructive activity that many of our citizens can enjoy and being property owners it makes no unreasonable burden on residents or owners of Pierce County. Further it will bring some economic benefit to the area as the participants spend for ancillary services. We hope you give this a green light, Thank you, Vern and Wanda Martin. Lastly, we also heard from Paul Shingledecker, Chair of the Town of Salem, who stated that when the applicant appeared before their Town Board only a limited number of parcels in the Town were proposed for off-road use and now it appears that several more parcels are included. He stated that he has no issues moving forward with approval but requested that only this event be authorized and that the applicant be required to appear before their board prior to any further events. Mr. Freier stated yes, there were properties that were expanded on from when they did the event and all of them are assured that they will get this map that we have with all the properties and the routes. That was the big concern with most of the Townships. That they knew what was going on in case something happened. They knew where we were supposed to be. **Public hearing closed.** Sanden asked Mr. Freier if they present any written notice of acceptable behavior or what is expected of these participants such as no racing or no alcohol consumption; abide by the rules of the road. Is there anything you provide up front that is proper rules of behavior? Mr. Freier stated that is what the AMA sanctioned event does. They have all those rules. Everything that you have said is in those rules. That is why we go to an AMA. They have the sanctioning and when people sign up for a card and get a certificate that they are an AMA Member, they agree to all those terms when they come to an event. Sanden stated that with any more than one person, two people it could potentially become a race. So is it pretty clearly stated that this is not a race, not to be competitive in this. It's just meant to be a joy ride. Mr. Freier stated the whole event is that and there are no prizes for getting done early or getting through an area. Sanden stated for future reference it would be nice to have that document to see what they recommend and what you recommend. Mr. Freier asked the AMA sanctioning? He thought he had it or Emily does. He might not have the actual when they sign up to become an AMA member, that material. Sanden stated he assumed they would be reinforcing this before the event begins. Mr. Freier stated "Trust me, I don't want problems." Most of his people have spent many hours finding the hot spots so he can avoid them. Lund stated she has a section on this from the news on the dual sport riding. It talks about recommendations for new riders. They do say the dual sport ride. The dual ride sport is not a race, have fun, ride in a group, be with at least one experienced rider, knobby tires are mandatory. Do not skip the ride, comradery, one-time event. It doesn't talk about everything that you are mentioning. Mr. Freier stated some of that is covered when they sign up to become an AMA Member. They have to be an AMA Member of the organization to enter into one of these events, whether it be a hill climb or dual sport or actually there are a lot of road riders that are AMA Members. Sanden asked if staff has had any experience with the other 40 some odd events that have occurred around the country? Have you had a chance to look into some of those and see if they have had any issues in the past? Sanden asked Mr. Freier,

you may or may not have had a lot of experience with people making claims against this particular insurance, but the gentlemen mentioned the cattle breaking his fence because they were spooked by these bikes, it wasn't anything the bikes did directly. Would that be something that he could submit to that insurance company and get compensation for? Mr. Freier stated honestly he can't answer that. They have had things in previous events that have been taken care of. A club member took care of something but he doesn't think they have had anything go to a law suit or anything. Holst suggested to move the event as far from Mr. Sandstrom's cattle as you can possibly get them. Work that out prior to the event rather than having trouble with your neighbor. If you want to have this event again, you don't want to have any trouble when you come back. You want to be as clean as you can be. This event differs from the old trials where they used to have a stop watch and you had X amount of time and you got over it, you got penalized, if you got under it, you got penalized. Mr. Freier's stated trials are a whole different event. It's a race and it's timed and a lot tougher riders. It's for a lot better riders. Our riders are typically 50 and up. Holst stated some of us guys that are 50 can get around pretty good. Mr. Freier stated there are some good riders. There are some hill climbers that are 60 – 70 years old. Holst said if he wanted to sound really good, not to be offensive to a hill climber but I wouldn't compare myself to hill climbers because their reputation is a little different. That's probably why some of the people are here. This is probably more like an everyday, old codger's event to go out, ride around and have a good time and not cause trouble. Mr. Freier stated there are a lot of us that used to race and can't anymore and this is the next kind of thing to still get out and ride. Holst stated that during public comment, Bill mentioned why would anyone be in favor of this or want to do this? What he assumes this group of people will be like, it won't be as offensive, this isn't going to be the second coming of the flood run. It's a totally different group of people, a totally different mindset, totally different everything. They have to come back here again. The last thing they want is to come back with a couple marks against them. Sanden stated he has to preface by saying this is a legal activity. They are doing things, riding on the road which they have every right to do. With 200 bikes going by anyone that lives along this circuitous route, having 200 bikes go by from 8:00am to 6:00pm. I think that is a very logical question of what is the benefit that we would see. You mention that you don't make your money from the spectators you make it from the actual participants. This isn't necessarily a charity ride. A portion of it may go to these charities but that doesn't sound like that is the main purpose of it. You are doing a legal activity and you are doing it on the road. That is something that he is very appreciative of but for someone that is living along one of these routes what would you tell them. Mr. Freier stated he had a land owner down on Loss Creek, he said 200 bikes is no big deal. He gets 200 Harley's that go by in half an hour by his house. Most of his opposition has been only 200. My bikes aren't Harley's they are actually decibel so they are going to be within the noise restraints. Sanden stated to the audience, they are going to be coming back next year and the future CUP's will be dependent on how this goes. We can't be everywhere at all times but you are kind of our eyes and ears out there, so if you do have any issues that come up we want to know about it for next year. Mr. Freier wants his phone number to get out so if there is anybody that has a concern he would like to know about it before the event so that they can retrofit whatever it is to make that happen. Holst stated to Mr. Freier that you mentioned these will be 250 – 400 CC's, are those 2 or 4 stroke. Mr. Freier stated most are 4 stroke. Holst stated to relate to people that a 4 stroke is a less annoying sound. Mr. Freier stated the RPM's of a 4 stroke are lower. A 2 stroke might rev out to 10,000 RPM's, a 4 stroke gets their power at about 2,000 RPM's. The bikes aren't high revving motorcycles at all. They are more the low end torque motorcycles. Mr. Cipala stated that you had mentioned other areas that have had these events. He thinks it would be really easy to contact some other clubs like Wabeno in Northern Wisconsin and get their feelings on it. Mr. Freier stated Wabeno is the big one. Sanden stated unfortunately we have to make our vote in a few minutes. You would characterize it as being positive up there? Mr. Cipala stated they absolutely love it up there. **Sanden moved to approve the Private Outdoor Recreation for a Dual Sport Event in the Agriculture Residential, Commercial, General Rural, General Rural Flexible and Primary Agriculture Districts for Valley Springs Motorcycle Club Inc, Scott Freier, agent, on properties located in El Paso, Hartland, Isabelle, Salem, Trenton and Trimbelle Townships, due to the fact this is not contrary to public interest, nor detrimental or injurious to public health, public safety or the character of the surrounding area, with conditions #1 - #11/Aubart seconded.** It was asked if this is a life-time CUP. Sanden stated this is a one-time event, it's only for this one event. Pichotta stated the

way it is written up is that the CUP would expire in two years with a status report before the Land Management Committee prior to any additional events. The committee could certainly modify it to just this single event and then if they want to hold a future event they would have to jump through the same hoops again. Sanden stated technically, it is good for two years and we will have another crack at it next year. We could revoke it or modify it if need be. Pichotta stated if you want to specify that it is a one year or simply authorizes the event in July, you certainly have the ability to do that. Holst stated and the applicant can come back in August if everything went really well and apply for his next year's event. Mr. Freier stated that is what he would prefer. Chairperson Fetzer stated there is a motion on the table, Dr. Sanden would you like to rescind your motion. Sanden asked if someone could add another condition to it. Holst moved to amend the motion and add a condition that states that this is for this event only and the applicant can reapply after this event at no cost. Chairperson Fetzer asked about coming in after this for a status report. Holst stated status report at the August meeting. Mr. Freier stated he would be more than happy to do that and then asked when the August meeting is. Pichotta stated 1st & 3rd Wednesday's, August 3rd & 17th. Mr. Freier asked what is the September dates because he thinks he is gone both those dates in August. Hartung stated September 7th & 21st. Sue Gerdes stated when they did their first hill climb conditional use permit, they made the second year contingent upon favorable review of the first year. So they did get a two-year permit with a contingency on it. Holst stated we understood what a hill climb was, this thing we are kind of shooting in the dark. He appreciates your comments. You need to modify your schedule to meet ours, Scott. Mr. Freier asked how about September, can we just do it then. Aubart stated it's built in for a status report prior to any additional events so we can limit it at that point the way it is written now. Holst withdrew his amendment. Chairperson Fetzer stated we have a motion by Dr. Sanden and a second by Mr. Aubart, is there any further input or comment? **All in favor. Passed.**

Discuss take action on site plan review for proposed Interstate Truck Driving School, in the Commercial District, pursuant to Pierce County Code Chapter 240-75 for Daniel and Cheryl Ross, owners on property located in the SE ¼ of the SE ¼ of Section 12, T27N, R17W, Town of Martell, Pierce County, WI. Chairperson Fetzer invited Cheryl Ross and Darrell Peterson forward: Mr. Peterson from Interstate Truck Driving School introduced himself. The main office is located in South St Paul. They have been training commercial drivers for going on 20 years now. They work with all the major carriers; 38 major companies. They trained 750 drivers out of their South St Paul office last year. As they are training drivers to get to work, they work with all the workforce centers throughout the State of Minnesota and Wisconsin. They wanted to move into Wisconsin. He is working with the workforce centers in River Falls and the Baldwin area. They see a need for training drivers in this part of the country. They have a lot of drivers from Midwestern Wisconsin that want to become drivers and train. They work with Schneider Transportation out of Green Bay. They place a lot of driver's with them. The thing that they can do right now is they are looking for a place that we can remotely send to a flat screen TV, like they did in their St Cloud location before they closed that down, so we can have people come there and listen to a class. They are going to have one instructor there that can leave and go out and train drivers on the road. They generally go out in two hour increments to go drive. We will have one vehicle there to drive. The only thing that was missing from the staff report and he wants to bring it to everybody's attentions right now because they don't want to hide anything; is that they want to have one area to back behind the building. So they just have one backing truck that will be a single-axle tractor with a 30 foot trailer just to practice straight line back, the alley dock and the offset. So offset, straight line and alley dock. **Staff Report – Ryan Bechel:** The applicant is seeking site plan approval to utilize an existing building to provide operational space for the Interstate Truck Driving School (prospective tenant). The Interstate Truck Driving School provides professional Tractor Trailer driving courses based out of South St Paul, MN. The company has held a license to train in the State of Minnesota for more than 18 years. One training course is proposed to be held at the property, which includes both classroom instruction and on the road training for participants. The company has obtained a State of Wisconsin Educational Approval Board certificate, authorizing their business in Wisconsin. Additionally, Wisconsin Department of Transportation licensing approval was completed in May 2016. Pierce County Code §240-75 requires site plan review for the establishment of a Commercial Use, the purpose of which is to assure site designs that promote compatibility

between land uses, create safe and attractive site layouts and structures, provide proper access to streets and transportation, protect property values and contribute to efficient land use in Pierce County. The 19.8 acre property is located in the Town of Martell and is zoned Commercial. Pierce County Zoning Code §240-15 Purpose and Intent of Zoning Districts:

Commercial: This district is established to provide for retail shopping and personal service uses to be developed either as a unit or in individual parcels to serve the needs of nearby residential neighborhoods as well as the entire county. The purpose of the district is to provide sufficient space in appropriate locations for certain commercial and other nonresidential uses while affording protection to surrounding properties from excessive noise, traffic, drainage or other nuisance factors. General Retail and Services is defined in Pierce County Code §240-88 as “establishments that provide goods and/or services to the consumer.” The property is bordered primarily by agricultural land. A commercial establishment (The Red Barn Bar & Grill) is located directly east of the subject property. Adjacent zoning districts include Primary Agriculture to the north, south and west; Commercial and General Rural to the east. No new buildings are proposed. Courses will be taught within the existing facility. The existing structure meets all applicable setbacks. The applicant anticipates 2 semi tractors with 30’ trailers will be stationed on the site. The vehicles will be used for on-road training; an outdoor practice course was not previously proposed but that has since changed with Darrell stating the backing up. No additional exterior storage is proposed. Driveway access to the property is located off of State Hwy 63 on the eastern edge of the property. Traffic generated due to the proposed operation is anticipated to be minimal. The site is near the intersection of a state and county highway. No additional exterior lighting is proposed. The applicant is not proposing any additional signage. An existing sign is proposed to be refaced to advertise the proposed business. A restroom is present within the existing building. A 3000 gallon holding tank provides sanitary facilities for the site. No solid waste is anticipated to be generated by the operation. A screening plan is not proposed. Proposed hours of operation are 7:00am to 5:00pm weekdays, with some specially scheduled training possible on Saturdays between 9:00am and 3:00pm. Saturday trainings would be on a per case basis as necessary. One Interstate Truck Driving School instructor will be on site to provide the training for each course. The applicant anticipates 3 to 5 students per session held. Pierce County Code §240-54 establishes parking requirements and stipulates in cases where a uses parking requirements are not specifically listed, the minimum number of parking spots shall be determined by the Zoning Administrator based upon the requirements for similar uses. A minimum of 1 parking spot per anticipated number of class participants, plus one for each instructor present on site at a given time shall be provided. A minimum of one parking stall shall be ADA compliant. The site plans submitted demonstrate ample parking area to fulfill this requirement. Upon completion of the site plan review the applicant will be required to obtain a Land Use Permit as outlined in Pierce County Code §240-73(1)B.

Staff Recommendation: Staff recommends the Land Management Committee review the proposed site plan and determine if any changes or modifications are necessary. The LMC should consider proposed structures, architectural plans, neighboring uses, use of landscaping and open space, parking areas, driveway location, loading and unloading areas, highway access, traffic generation and circulation, lighting, drainage, water and sewer systems as well as proposed operations.

The LMC may impose time schedules for completion of buildings, parking areas, open space uses, drainage and erosion control systems and landscaping and may require appropriate sureties to guarantee that requirements will be completed on schedule.

Staff recommends the LMC place any condition(s) that it deems necessary, as well as the following:

1. The applicant shall obtain a Land Use Permit from the Land Management Department prior to establishing the use.

Holst asked about having a little bit of on-site for practice backing up, where would you propose doing that?

Mr. Peterson stated what they are thinking of doing is just on the north, right behind the building. Holst stated it would remain on Lot 1. Mr. Peterson stated yes, everything is on Lot 1.

Holst moved to approve the Site Plan Review for Interstate Truck Driving School in the Commercial District for Daniel & Cheryl Ross with condition #1/Aubart seconded. Holst stated he feels this is a good use of the property and something that would be advantageous to the County of Pierce to have within our

borders. Sanden stated he thinks it's a good location too. Mr. Peterson stated the thing that is really gratifying to them is since 2010, when the economy turned, it really changed a lot of people's lives. The difference they have made in training drivers to get them to work is incredible. He sees moving stories every single day. Where he has people coming in that lost a house, couldn't keep the bills paid, had been out of work for years. He can get a guy to a \$50,000/year job in about 6 – 7 weeks. The companies will reimburse their tuition, they have healthcare benefits. The companies are more user friendly than ever. The requirements for licensing have become so much better than what it was. The major carriers are really looking to develop relationships with new drivers and keep them in the fold and not use them and spit them out. There is more home time. He has 14 companies right now in the metro area that have a brand new rookie driver home every night. Companies offering \$5500 sign on bonuses just for a student out of their school to show up and go to work plus tuition reimbursement. It really does change lives. Sanden stated he understands Veterans often times get jobs. Mr. Peterson stated he is a Veteran, himself and Bill, the owner of the company is as well. We do all the Veteran job fairs; T it up for the Truckers, T it up for the Troops, Yellow Ribbon Programs, they have about 25 Vets they are training right now, post 911, two are starting on Monday. The big thing that is going on in Wisconsin is that they can do third party testing in Wisconsin. They are looking forward to training more people here too. They can do road tests in Hudson on Saturdays. A truck may be leaving the location to go to the Hudson site on a Saturday to road test. They have a third party tester that can do that. That can't happen in Minnesota. They are doing 4 – 5 road tests every single day in Minnesota and that's not enough. He is fighting with the State Capital to get more road tests sponsors. It's been a big problem. Sanden stated we are fortunate to have you here. **All in favor. Passed.**

7:19pm Holst moved to convene into closed session pursuant to WI §19.85(1)(c) considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility; to-wit; performance evaluation of Land Management Director/Aubart seconded. Roll call vote. Holst – yes, Aubart – yes, Fetzer – yes, Sanden – yes.

7:38pm Holst moved to reconvene into open session and take action on closed session item/Aubart seconded. Roll call vote, Holst – yes, Aubart – yes, Fetzer – yes, Sanden – yes.

Aubart moved to grant a favorable performance evaluation for Land Management Director, Andy Pichotta and give a step increase if eligible/Sanden seconded. All in favor. Passed.

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

Departmental Update and Future Agenda Items

Discuss take action on conditional use permit renewal for William Holst for a Sand Processing Facility in Trenton.

Discuss take action on conditional use permit renewal for Muskie Proppant LLC Sand Processing Facility in Union.

Potential for Mathy Construction Site Plan Modification.

Motion to adjourn at 7:42pm by Sanden/Aubart seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, June 15, 2016 – 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 6 th & 20 th , August 3 rd & 17 th , all in 2016.	Chair
3	Approve minutes of the June 1, 2016 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for a conditional use permit for Private Outdoor Recreation for a Dual Sport Event in the Agriculture Residential, Commercial, General Rural, General Rural Flexible and Primary Agriculture Districts, pursuant to Pierce County Code Chapter 240-39E, for Valley Springs Motorcycle Club Inc, Scott Freier, agent on properties located in Section 34 of El Paso Township, Sections 9, 10, 14, 15, 16, 21, 28, 29 & 33 of Hartland Township, Sections 4 & 5 of Isabelle Township, Sections 3, 4, 6, 9, 10, 16 & 21 of Salem Township, Sections 2 & 3 of Trenton Township and Sections 20, 21, 22, 27 & 28 of Trimbelle Township, Pierce County, WI. A map is available for viewing in the Land Management Department.	Lund
5	Discuss take action on site plan review for proposed Interstate Truck Driving School, in the Commercial District, pursuant to Pierce County Code Chapter 240-75 for Daniel and Cheryl Ross, owners on property located in the SE ¼ of the SE ¼ of Section 12, T27N, R17W, Town of Martell, Pierce County, WI.	Bechel
6	Committee to convene into closed session pursuant to WI §19.85(1)(c) considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility; to-wit; performance evaluation of Land Management Director.	Chair
7	Committee to reconvene into open session and take action on closed session item, if required.	Chair
8	Discuss take action on Travel/Training Requests.	Pichotta
9	Future agenda items.	Pichotta
10	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.

(6/3/16)

PIERCE COUNTY WISCONSIN
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MINUTES - Pierce County Land Management Committee Meeting, June 1, 2016

Present: Joe Fetzer, Jon Aubart, Jeff Holst, Eric Sanden and Ken Snow

Others: Andy Pichotta, Emily Lund, Ryan Bechel and Shari Hartung

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

Next meeting dates: June 15th, July 6th & 20th, all in 2016.

Approve Minutes: **Holst moved to approve the May 4, 2016 Land Management Committee minutes/Aubart seconded. All in favor. Passed with Eric Sanden and Ken Snow abstaining from voting because of absence at the last meeting.**

Public hearing to consider and take action on a request for a conditional use permit for an Expansion of a Nonconforming Structure in the General Rural District, pursuant to Pierce County Code Chapter 240-67A(2), for Anthony and Trudy Huppert, owners, by Eric Huppert, agent on property located in the NE ¼ of the NE ¼ of Section 6, T27N, R16W, Town of Gilman, Pierce County, WI. Chairperson Fetzer invited Tony Huppert forward: Mr. Huppert stated his wife has had two knee surgeries and two shoulder surgeries and he has had two heart attacks and she wants this garage.

Staff Report – Emily Lund: The applicant's property is a corner lot at the intersection of 890th Ave and 450th St. Lot access is from 890th Ave. The applicants are requesting to expand their existing garage. The existing garage is a nonconforming structure located 27.5ft from the center line of 890th Ave and is partially located within the Town Road right-of-way. The applicants propose to expand to the east of the existing garage by adding 24ft x 32ft. The applicants intend to maintain the 33 ft setback from the centerline of 890th Avenue so the expansion area is out of the road right-of-way. This 0.58 acres is located in Section 6, Town of Gilman. The property is zoned General Rural. Pierce County Code (PCC)§240-27C states, "Town highways. Except as provided in Subsection E, the required setback for all structures fronting on all town highways shall be 75 feet from the center line of the road or 42 feet from the edge of the right-of-way, whichever is greater." PCC §240-67A(2) stated, "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." Permit renewal is not required for this request. The existing topography is level throughout the property. The Town of Gilman recommended approval of this request on May 11, 2016 with the suggested condition that they remove the access to the existing garage. The Town did not reference its Comprehensive Plan, so it is assumed that the plan is silent on this request. The Town recommendation is attached.

Staff Recommendation: Staff recommends the Land Management Committee consider the above and determine whether the proposed expansion would be contrary to public interest, or detrimental or injurious to public health, safety or character of the area. If found to be not contrary to the above, staff recommends that the LMC grant this conditional use permit with the following conditions:

1. The applicant shall maintain the 33 ft setback from the centerline of 890th Avenue so the garage expansion is located out of the road right-of-way.

2. The existing garage driveway shall be removed, per the Town of Gilman's recommendation.
3. 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.
4. The proposed expansion shall be completed within 12 months of CUP approval.

Chairperson Fetzer opened the hearing to the public. No public comment. Public hearing closed. Holst moved to approve the Expansion of the Nonconforming Structure for Anthony & Trudy Huppert, due to the fact that it is not contrary to the public interest, not detrimental or injurious to public health, public safety or the character of the surrounding area, with conditions #1 - #4/Snow seconded. All in favor. Passed.

Public hearing to consider and take action on a request for a conditional use permit for Light Industrial Uses for a transfer station in the Commercial District, pursuant to Pierce County Code Chapter 240-37.1A, for Redeye Express LLC, Bruce Williams and Debi Johnson, owners by David Daleiden, agent on property located in Lot 2, Certified Survey Map (CSM), V14, P28, in the SW ¼ of the SE ¼ of Section 35, T25N, R18W, Town of Trenton, Pierce County, WI. Chairperson Fetzer invited Bruce Williams forward: Mr. Williams stated he just received a call from David Daleiden and he should be here soon.

Staff Report – Emily Lund: Redeye Express LLC, a freight shipping company, has submitted a proposal to construct a transfer station in the Town of Trenton. They would use flatbed trailers to pick up and deliver products (e.g. electrical poles) from Thomas & Betts. The proposed development includes a truck transfer station that has an office, storage area, enclosed truck wash, bathroom and outside parking lot. If the CUP is approved, the transfer station will require the Land Management Committee site plan review per PCC §240-75. An agenda item for the site plan review for this facility follows this item, in anticipation that the CUP is approved by the LMC. The property is located in Section 35, Town of Trenton. The 3.004 acres is zoned Commercial. PCC §240-88 defines Light Industry as “non-nuisance, low-impact industrial uses compatible with surrounding commercial, residential or public uses which have a minimal impact on traffic, conducted indoors and without significant noise, odor, dust and glare which do not contribute to the degradation of the land, water and air.” Pierce County Code Table of Uses allows Light Industrial Uses in the Commercial zoning district with the issuance of a CUP and provisions in §240-37.1A:

- (1) All operations take place within buildings.
- (2) Screening with natural vegetation or fencing shall be provided along property lines bordering agricultural, rural or residential districts.

Surrounding Zoning Districts include Industrial to the east and Commercial to the south, west and north. Surrounding land uses include agriculture to the north, east and south and commercial uses to the southwest and west. A 56ft x 89ft building that is 19ft 4in tall is proposed to be constructed on-site and would be used for storage and as a wash area. That building is proposed to have an attached entry that would be 30ft x 18ft and be 9ft 4in tall and would be used as an office, break room, kitchenette, restrooms and mechanical room. The building would have a concrete walkway to access the entrance area and concrete apron by the truck entrance and exits. A covered porch that is 10ft x 24ft x 9.75ft tall is proposed to be constructed over the outside utility door. The applicants do not intend for customers or for the general public to visit or utilize the facility. Days of operation are proposed to be Monday through Saturday, with hours as needed. Hours of operation are estimated to be approximately 32 hours/week. Applicants anticipate 9 employees with 8 semi-truck drivers and 1 office manager utilizing this facility. Access to the site is north of 170th Avenue through a shared driveway easement. Applicants received their Uniform Address Number (W7852 170th Ave) on 10-15-2015. The truck wash will be collected by a Holding Tank below the floor of the building. The bathrooms will have a separate conventional septic system that was permitted on 4-26-2016 with sanitary permit #471102016. The Town of Trenton recommended approval of this request on 5-10-2016 with the suggested conditions that the applicants return to the Town Plan Commission in 2 years for renewal and that the Town be provided with a certificate for proof of insurance for the wash water holding tank in case it would run over. The Town indicated that the use fits their Comprehensive Plan. The Town recommendation is attached for your information. Land Management staff, as a matter of routine, contacts the Town Chair when determining whether CUP renewal will be conducted

administratively or by the LMC. If concerns regarding a conditionally permitted use are identified by the Town the renewal is by the LMC. It would be unprecedented for an applicant to be required to appear before a Town Planning Commission and/or Town Board for renewal when no outstanding issues or concerns are present. The LMC should consider whether a condition requiring the applicant to again appear before the Town is appropriate.

Staff Recommendation: Staff recommends the Land Management Committee determine whether the proposed use at the proposed location would be contrary to the public interest, detrimental or injurious to the public health, public safety or character of the surrounding area. If found to not be contrary to the above, staff recommends the LMC approve the proposed light industrial use with the following conditions:

1. Applicant shall follow all conditions and receive all necessary permits from WI DNR, Dept of Safety and Professional Services and other agencies as required.
2. Activities shall be conducted as submitted in the application and as presented to the LMC, unless modified by another condition of this CUP.
3. The days of operation shall be Monday through Saturday.
4. The applicant shall provide proof of insurance (dec page).
5. Applicant understands that expansion or intensification of this use will require modification to this permit or potentially, issuance of a new conditional use permit.
6. This CUP is valid for two years and may be renewed administratively unless compliance issues exist. The owner/operator is responsible for requesting renewal.

Chairperson Fetzer opened the hearing to the public. No public comment. **Public hearing closed.**

Holst stated that this is a conditionally permitted use in a correct district, why would we want to send it back to the town. If they (the applicants) screw up, we pull the permit. Pichotta noted that when a Town makes a recommendation regarding a conditionally permitted use. We don't want to, as staff, simply discount their suggestions as far as their recommended conditions. That is why we present whatever is recommended to you. He noted that it would be unprecedented for the LMC to require a renewal be considered by a town board or planning commission. We have never had a CUP where we sent somebody back to the Town unless there were outstanding issues with that Town that required the Town's input. He suggests that the LMC not place that condition but given the fact that the Town recommended the addition of that condition, staff felt it appropriate to present it to you. Sanden asked if the area is adjacent to an Industrial zone to the south. Lund stated yes, it's a Light Industrial Use in a Commercial District next to an Industrial District. Holst stated he is quite familiar with the area, it's not a high impact use and across the street they have another trucking company. There are similar uses right there. **Sanden moved to approve the conditional use permit for Light Industrial Uses, a Transfer Station for Redeye Express LLC, due to the fact this is not contrary to the public interest, nor detrimental or injurious to public health, public safety or the character of the surrounding area, with conditions #1 - #6/Holst seconded. All in favor. Passed.**

Discuss take action on Site Plan Review for a proposed Light Industrial Use, a transfer station, in the Commercial District, pursuant to Pierce County Code Chapter 240-75 for Redeye Express LLC, Bruce Williams and Debi Johnson, owners, by David Daleiden, agent, on property located in Lot 2, Certified Survey Map (CSM) V14, P28, in the SW ¼ of the SE ¼ of Section 35, T25N, R18W, Town of Trenton, Pierce County, WI.

Staff Report – Emily Lund: The prior CUP was approved so Pierce County Code §240-75 states that the purpose of site plan review is to assure site designs which promote compatibility between land uses, create safe and attractive site layouts and structures, provide proper access to streets and transportation, protect property values and contribute to efficient land use in Pierce County. The property is located in Section 35 in the Town of Trenton and is zoned Commercial. Pierce County Zoning Code §240-15 Purpose and Intent of Zoning Districts: Commercial: This district is established to provide for retail shopping and personal service uses to be developed either as a unit or in individual parcels to serve the needs of nearby residential neighborhoods as well as the entire county. The purpose of the district is to provide sufficient space in appropriate locations for certain commercial and other nonresidential uses while affording protection to surrounding properties from excessive

noise, traffic, drainage or other nuisance factors. The surrounding zoning districts, uses and the building size were previously mentioned. The applicants received Dept of Safety & Professional Services (DSPS) building plan approval on 4-21-16 with Transaction ID#2686531. The applicants shall work with the Town or State Inspector to ensure compliance with the Uniform Commercial Code (UCC). Information on access to the site and the holding tank were previously stated. The remaining portion of the lot, besides the building area, will have recycled asphalt for parking and a grassed area. PCC does not identify a maximum percentage of impervious surface area for this zoning district. Pierce County Code §240-54 establishes parking requirements and stipulates that in cases where parking requirements for a use are not specifically listed, the minimum number of parking spots shall be determined by the Zoning Administrator based upon the requirements for similar uses. A minimum of 1 parking spot per employee present on site at a given time shall be provided. A minimum of one parking stall shall be ADA compliant. The plans submitted demonstrate ample parking area to fulfill this requirement. The applicants will have several parking areas. PCC §240-23 Minimum Requirements. Developments shall meet the minimum requirements for the applicable district shown in the Table of Dimensional Requirements. PCC 240 Attachment 2, Table of Dimensional Requirements states. Side yard (feet) and rear yard (feet) setback in commercial zones is 10ft; 40ft from residential districts. Proposed building plans conform to required setbacks. The applicants have security and office lighting planned for this building. It has already been stated that they do not intend for customers or the general public to visit the facility and the hours of operation. Applicants anticipate 9 employees with 8 semi-truck drivers and 1 office manager utilizing this facility. No advertising or wall signs are proposed at this time. Applicants shall obtain a Land Use Permit prior to construction if they choose to have advertising signs in the future. The applicant proposes to begin construction immediately after the plans are approved and permitted. They anticipate construction of the building shell to be completed in June 2016, with the interior electrical and plumbing to be completed in July 2016 and the business to be operational by August 2016.

Staff Recommendation: Staff recommends the Land Management Committee review the proposed site plan and determine, if any changes or modifications are necessary. The LMC should consider proposed structures, architectural plans, neighboring uses, use of landscaping and open space, parking areas, driveway location, loading and unloading areas, highway access, traffic generation and circulation, lighting, drainage, water and sewer systems, as well as proposed operations.

The LMC may impose time schedules for completion of buildings, parking areas, open space uses, drainage and erosion control systems and landscaping and may require appropriate sureties to guarantee that requirements will be completed on schedule. Staff recommends the LMC approve the proposed light industrial use in the commercial zoning district with the following conditions:

1. Applicants shall follow all conditions and receive all necessary permits from WI DNR, Department of Safety and Professional Services and other agencies as required.
2. Applicants shall have the site inspected by a commercial DSPS inspector to follow the uniform commercial code and state plan approval requirements.
3. Lighting shall conform to the Lighting Standards contained in the Departmental Policy regarding Minimum Landscaping Requirements.
4. Applicants shall obtain a Land Use Permit for any future advertising signs.

Aubart moved to approve the Site Plan Review for Light Industrial Use for a Transfer Station construction for Redeye Express LLC with conditions #1 - #4/Snow seconded. All in favor. Passed.

Discuss take action on site plan review for proposed Interstate Truck Driving School, in the Commercial District, pursuant to Pierce County Code Chapter 240-75 for Daniel and Cheryl Ross, owners on property located in the SE ¼ of the SE ¼ of Section 12, T27N, R17W, Town of Martell, Pierce County, WI. Chairperson Fetzer asked if applicant is present. Applicant is not present. Holst moved to defer action until applicant is present/Sanden seconded. All in favor. Passed.

Discuss take action on proposed Town of River Falls zoning code changes. Staff Report – Pichotta: The Town of River Falls has been authorized by the County Board to exercise zoning authority within its borders.

Any amendment to the Town's Zoning Ordinance requires approval by the County Board of Supervisors to be valid. The Town has amended their ordinance primarily to conform with changes to State Statutes relating to Farmland Preservation zoning and to cell phone transmission tower regulation. Numerous formatting changes and multiple name changes are also proposed (e.g. special exception to conditional use). Other changes that were previously approved by the County are presented in the proposed ordinance in a manner that makes them appear new. This includes language outlining the "right to farm" in the Town. The Town's Farmland Preservation Zoning Ordinance was certified by the Department of Agriculture, Trade and Consumer Protection (DATCP) on February 19, 2016. Certification by DATCP confirms that the zoning ordinance complies with minimum standards established by the State for participation in the Farmland Preservation Program and is effective for a 10 year period. The Town has historically limited the construction of new residential structures on Class I, II or III soils, as identified on the Natural Resource Conservation Service (NRCS) Soil Survey Maps for the Town. The Town has now adopted a process through which a landowner can submit additional information generated by a Certified Soil Scientist to establish the presence of Class IV soils and thus qualify for a building site. This new process has been established in the Farmland Preservation Zoning District (A-1) as well as the Agriculture Residential District (A-2). Additional amendments are proposed to bring the Town's Ordinance into compliance with recent legislation which greatly limited a municipality's ability to regulate cell phone towers. The language proposed is modeled after Pierce County's Ordinance and is the result of concerns raised by the Corporation Counsel's Office regarding language that was previously submitted. The section of the Code dealing with Erosion Control (17.12) has been deleted and moved to another chapter (Storm Water Management). Staff also noted that the portion of the Code dealing with Sign Regulations (17.13) appears to be content based which does not meet current legal standards. The Town is encouraged to review and amend this section to conform to current legal precedents. It is his thought that they would do that at a future time and that we not slow this down. Rather than attach the entire text of Chapter 17, which is 87 pages, staff has attached the pages which comprise the bulk of the substantive changes proposed. If a full copy of the ordinance text is desired, staff can provide the document in paper or digital format.

Staff Recommendation: Staff recommends the LMC review the proposed amendments and forward a recommendation to the Pierce County Board of Supervisors regarding proposed changes to the Town of River Falls Zoning Ordinance.

Jerome Rodewald stated the item on the signs came as a surprise because it's something that they use so seldom. It's not a big issue. As Mr. Pichotta suggested that we model after the County's Ordinance on Signs and we will automatically do that. His request would be that the Land Management Committee approve and pass on to the County Board with the requirements that the Town confer with Mr. Pichotta to make the necessary changes to 17.13 Signs.

Holst moved to approve the proposed amendments to the Town or River Falls Zoning Code and forward to the County Board of Supervisors for consideration/Sanden seconded. All in favor. Passed.

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

Departmental Update and Future Agenda Items

We will probably have Interstate Truck Driving School back.

Public hearing request for a conditional use permit for Private Outdoor Recreational Use, Dual Sports Event which is going to occur at a bunch of different locations across the County. Holst asked if this was the race.

Lund stated it's not a race but an on/off road trail ride.

Pichotta's Performance Evaluation.

Motion to adjourn at 6:35pm by Snow/Aubart seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, June 1, 2016 – 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: June 15 th , July 6 th & 20 th , all in 2016.	Chair
3	Approve minutes of the May 4, 2016 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for a conditional use permit for an Expansion of a Nonconforming Structure in the General Rural District, pursuant to Pierce County Code Chapter 240-67A(2), for Anthony and Trudy Huppert, owners, by Eric Huppert, agent on property located in the NE ¼ of the NE ¼ of Section 6, T27N, R16W, Town of Gilman, Pierce County, WI.	Lund
5	Public hearing to consider and take action on a request for a conditional use permit for Light Industrial Uses for a transfer station in the Commercial District, pursuant to Pierce County Code Chapter 240-37.1A, for Redeye Express LLC, Bruce Williams and Debi Johnson, owners, by David Daleiden, agent on property located in Lot 2, Certified Survey Map (CSM), V14, P28, in the SW ¼ of the SE ¼ of Section 35, T25N, R18W, Town of Trenton, Pierce County, WI.	Lund
6	Discuss take action on site plan review for a proposed Light Industrial Use, a transfer station, in the Commercial District, pursuant to Pierce County Code Chapter 240-75 for Redeye Express LLC, Bruce Williams and Debi Johnson, owners, by David Daleiden, agent on property located in Lot 2, Certified Survey Map (CSM), V14, P28, in the SW ¼ of the SE ¼ of Section 35, T25N, R18W, Town of Trenton, Pierce County, WI.	Lund
7	Discuss take action on site plan review for proposed Interstate Truck Driving School, in the Commercial District, pursuant to Pierce County Code Chapter 240-75 for Daniel and Cheryl Ross, owners on property located in the SE ¼ of the SE ¼ of Section 12, T27N, R17W, Town of Martell, Pierce County, WI.	Bechel
8	Discuss take action on proposed Town of River Falls zoning code changes.	Pichotta
9	Discuss take action on Travel/Training Requests.	Pichotta
10	Future agenda items.	Pichotta
11	Adjourn	Members
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A quorum of County Board supervisors may be present.

(5/26/16)

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MINUTES-Pierce County Land Management Meeting, Wednesday, May 4, 2016

Present: Jon Aubart, Joe Fetzer and Jeff Holst

Others: Ryan Bechel, Emily Lund, Andy Pichotta and Tracie Wold

Absent: Eric Sanden and Ken Snow

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

Set next meeting dates: May 18th, June 1st & 15th, July 6th & 20th all in 2016.

Approved Minutes: Aubart moved to approve the April 20, 2016 Land Management Committee minutes/Fetzer seconded. All in favor with Holst recusing himself because of absence at the last meeting. Passed.

Public hearing to consider and take action on a request for a conditional use permit for the Expansion of a Dog Kennel in the General Rural District, pursuant to Pierce County Code Chapter 240-36I, for Kevin and Valerie Anderson, owners on property located in the NW ¼ of the SW ¼ of Section 1, T27N, R16W, Town of Gilman, Pierce County, WI.

Staff Report-Emily Lund: Conditional use permit for the expansion of a dog kennel. On 5-3-2006, the applicants obtained a CUP for a Farm & Home Business for a Dog Training Facility from the LMC that was renewed on 5-1-2008. The business is called "Overdale Kennel, LLC." Training activities included agility, obedience, house manners, and dog socialization. Training classes are held indoors and agility classes are conducted in an outdoor fenced area. They built a 42' x 64' training facility. On 5-20-2009, the applicants received a CUP for a dog kennel and to expand the business to include dog, cat, and small animal boarding, grooming, and daycare. A small retail store was also approved for selling dog food, toys, and grooming product. Their approval included building a 32' x 48' boarding facility. Since there were no compliance issues, the permit was renewed administratively in January 2012, 2014, and 2016. The applicants now propose to expand their operation by building an addition for increased boarding, more outside dog runs, and hire additional staff. The property is located in Section 1, Town of Gilman. The applicants own 195.83-acres in the General Rural zoning district. Pierce County Code (PCC) § 240-88 defines 'Kennel' as, "any establishment wherein or whereon eight or more dogs over the age of five months are kept." PCC Table of Uses allows 'kennels' in the General Rural zoning district with the issuance of a CUP and provisions that are listed 1-4. PCC § 240-36 D addresses Farm & Home Based Businesses that are listed 1-4. The applicants propose to build a 30' x 80' addition for boarding plus an 8' x 24' lean-to. The proposed addition to the boarding facility is proposed to be located 265' from Co Rd B and over 200' from side and rear yards. Some kennels have an outside run that can be closed at night or at times when dogs are barking. They currently have 16 existing runs that hold up to 2 dogs per run. They propose to expand up to 40 total runs. There are other outdoor fenced areas where the dogs can be exercised while under supervision. Boarding, grooming, and daycare are open for customers from 7 a.m. to 10 p.m. In 2010, a mound septic system was installed to collect wastewater from washing dogs, facility clean-up, and a public bathroom that is available to all customers. Driveway access is off of County Road B. Pierce County Code § 240-54 does not specify parking requirements for this type of

operation. There are several off-street parking spaces available. They employ 3 people and plan to hire additional help. The Gilman Town Board recommended approval of this request on 4-13-2016 without identifying any specific conditions. The existing conditions for the Farm & Home Business & Kennel are listed 1-8.

Staff Recommendation: 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 to be not contrary to the above, staff recommends the Land Management Committee approve this conditional use permit for an expansion of a dog kennel with the following conditions:

1. Any buildings or advertising signs shall comply with the zoning code standards and obtain any necessary permits.
2. One off street parking space shall be provided per dog that is being trained each session.
3. This conditional use permit shall be renewed again in 2 years. Permit may be renewed administratively if no compliance issues exist.
4. Applicant understands that expansion or intensification of this use will require modification to this conditional use permit.
5. Classes shall be conducted during the hours of 5 PM – 9 PM Monday through Friday, 8 AM – 9 PM Saturdays, Noon – 9 PM Sundays. Boarding, grooming, daycare, and sales shall be open to customers from 6 AM – 9 PM, seven days a week.
6. There shall be no more than 8 employees who do not reside onsite.
7. There shall be no more than 2 dogs per enclosure unit. 8) All dogs shall be housed indoors during the hours 9 PM to 6 AM.

Chairperson Fetzer asked Ms Anderson for any comments. Valerie Anderson stated she just hopes the committee approves it. She feels it is pretty comprehensive. Things are going well. She noted that neighbor, Marie Cabulla, came over to the Andersons' and stated that she could not make the meeting but wanted the committee to know she has no problem with it and they have been good neighbors. They work really hard at keeping the dogs quiet. **Chairperson Fetzer opened the hearing to the public.** No public comment. **Public hearing closed.** Holst stated that is probably the most comprehensive drawing of any CUP application they have ever had that hasn't come from an engineer. Fetzer stated he has housed his dog with them a few times and he feels they keep a very nice place and clean. He has housed his dog other places and she comes home very happy from here. She is happy when she arrives there, not so much at the other places. So obviously you guys do a nice job. **Finding that this request is not detrimental or injurious to public health, public safety or the character of the surrounding area, Holst moves to approve the request with conditions 1-8/Aubart Second. All in favor. Passed.**

Discuss take action on proposed survey/questionnaire for use in comprehensive planning process.

Staff Report-Ryan Bechel: The public Participation Plan for the Comprehensive plan update was discussed at the April 1, 2015 Land Management Committee meeting. The LMC directed staff to develop an online survey instrument accessed by a link on the County web site, with the details of the survey to be brought before the committee for discussion and approval prior to launch. Staff has commenced development of the survey. The goal is to gather as much information as possible to develop an understanding of how community attitudes have changed since the initial plan's adoption. This survey is designed to capture a snapshot of community attitudes concerning planning, development, and citizen-government interactions. Additionally, staff hopes survey data will help to identify and prioritize implementation strategies to be used in the final element of the comprehensive plan update. For the plan update, staff is proposing an efficient, economical, user-targeted questionnaire delivered via an online format versus a mailed paper survey. Information Services (IS) has an online survey instrument that can be used on the website. Staff is proposing to implement a "targeted"

survey format that divides participants into 3 main cohorts (Residents, Non-resident Landowners, and Small Business Owners). This method allows survey questions to be tailored to each specific cohort, in addition to a general question set that would be provided to all participants. The attached "Survey Matrix" provides an illustration of the proposed survey format. Survey responses will be electronically catalogued according to each cohort. Completed surveys will be submitted to the online database anonymously. No personal data (name, address, etc.) will be requested within the questionnaire. Participants will be asked approximately 12-16 questions depending on their selected cohort, with an estimated 5 to 10 minutes required to complete the survey. Questions for elected officials will be developed to gain insight on process concerns and relationships between the County and Towns. Staff is anticipating a lower survey response rate in comparison with the extensive survey conducted in 2009. Public access to the survey will be available through a website address. The web address will also be provided as a link on the Pierce County Land Management's main web page. Notice of the survey will be provided in the Pierce County Herald and on the Pierce County Land Management web page. Notices will also be mailed to towns and municipalities with instructions for accessing and completing the survey. The survey is proposed to be active for a period of 6 weeks to allow ample time for public participation. Staff does not want the survey to be used as a forum on land use issues where respondents can inundate the survey with specific land use issues that concern them. Another option for dissemination is for a more targeted survey. Postcards could be sent to a certain number of residents in each town or census tract with information which would provide the individuals access to the online survey. This option would require additional time and costs but may provide a better result. Staff has had discussions with Information Services about this option. They are looking into it to determine its feasibility.

Pichotta stated that the committee has a draft of the survey questions in their folders. Some of them are a replication of questions that were asked in the original community attitude survey that was done in 2006-2007, but a few of them are not. The ones that are redundant, we probably don't need to go through a lot of discussion but, we will work our way through them and if you have any thoughts or comments, please just speak up. Bechel read through each question. Q: What is their most prominent roll; it either being resident, non-resident land owner or small business owner? Pichotta stated depending on how you answer that, it will kick you into different questions. Not everybody will get the same exact questions. If you identify as a resident and not an elected official, you won't get some of the questions that you would have gotten if you were an official whether it be County Board, Town Board, etc. Bechel stated the second question is asking you whether you are an elected official. Your answer there will prompt you into a set of questions for elected officials at the end as well. The common question set is what everybody, regardless of what role in the community they play, will see. The first one is looking at where your residence is located. The next two ask about how you would rate the current efforts by the Town or Pierce County as it relates to regulation and guidance for development. Q: What type of additional land use regulations would you support? They can choose from a list. Q: What is your opinion of expanding developing additional areas for commercial, industrial and retail use? That is also replication from the 2009 survey. Q: Do you feel there is need for more types of listed establishments? Q: Have you interacted with Pierce County Land Management Department in the last two years? Q: Which of the following would you feel would most improve your experience with Pierce County Land Management? They have a couple of different options; things they feel that may or may not improve their experience with the Department. Q: The Pierce County Comprehensive Plan is a long term (20 year) guidance document designed to capture the vision for the future held by the Pierce County community. Q: Which of the following statements do you feel share your vision for Pierce Counties future? There are a couple different options that are based off of the current county wide vision that has been gone over earlier for the Comprehensive Plan. Q: Looking at broadening the regulations in the Ag. district concerning agri-business, agri-tourism and nature based operations and whether they should be relaxed further. They are currently adequate or they should be reeled in a bit, so to speak. The next section would look at Residents and Residents/Public Officials. The question set is just asking what they think is most desirable about Pierce County and what is least desirable.

The next section is the question set for Non-resident Landowners & Non-Resident Public Officials asking what the principle use of their land is currently followed by what their long term intentions are for that land. The next question set is for Small Business owners asking them what their business is categorized as and looking at what their opinion is of the current business climate in Pierce County. Whether they think it is favorable or unfavorable or otherwise. Q: What do you think of the permitting fees, time lines, inspections proceeds in comparison with maybe state or federal or town/municipality procedures and whether you think they are more burdensome, less burdensome or about the same. Q: Pierce County has sought in both towns in conditionally permitted uses by requiring conditional use permit applicants to solicit a Town Recommendation concerning a proposed use. In your experience, how has this requirement shaped your view of the conditional use permitting process? We are hoping to get a feel from their responses there whether or not they find that process to be helpful, hindrance or maybe no effect. Q: What do you find most and least desirable about having a business in Pierce County. Elected Official General Question set: Q: Are you familiar with the County Comprehensive Plan and your Town's Comprehensive Plan, if they have one. Q: Through the Comprehensive Plan, Pierce County has established a process through which a town can further the goals and objectives of their adoptive comprehensive plan. When considering the establishment of conditionally permitted uses, how would you characterize your understanding of how this mechanism functions? There are a range of options detailing their understanding of the legal concept associated with that mechanism. Q: As a town elected official, how often do they consult their comprehensive plan when looking at conditional use permits and rezones. Q: Has your town adopted a subdivision ordinances, mining ordinances, animal control ordinances, etc.? The final question is just a write in response opportunity looking for ideas about future intergovernmental cooperation opportunities.

Fetzer asked if this was just kind of a re-do? Pichotta stated in a sense yes, some of the questions are redundant in that they were asked almost a decade ago. We will see if there has been a change in those and tell folks what they would like to see as far as business and other opportunities in the county. The other goal is to hopefully gain some insight into allow us to better identify implementation steps for the next five years of the comp. plan. We have tweaked the rules and regulations relating to entrepreneurial activates out in the agricultural districts. Do we need to do more? We hope to get a sense of that. Also, questions about comp. plans, we are trying to figure out if we need to do some focused educational opportunities with some of these towns, because the reality is no body has really used that mechanism as of yet, and he is not sure that many folks understand it. So if we find that most of the elected officials don't quite understand that, that will make it quite clear that we need to do something. Fetzer asked how much use has this gotten on there before/how many people will go in and actually fill out this whole thing. Pichotta stated that will remain to be seen. The last time they did a survey where basically every household in the unincorporated area of the County got a copy of it - had a response of 43%. Rudd and Associates, who we worked with on the comp plan, said the previous survey was the highest response rate he had seen for a survey that he had been involved in. We have no illusions, this isn't going to be a statistically valid sort of a thing, we are just hoping to get a sense of where folks are at now and what we can do better or what changes we should be pursuing in the next five years. Aubart asked how we are going to advertise/promote it. Pichotta stated we are going to do a press release and put it in the Herald and we will also send out post cards or something to the Towns to encourage them and their members to fill it out. It will also be on the website. There will be something prominent out there so if someone just happens upon it, they can fill it out. If the committee is comfortable with the approach, that is what we will do. We will use these questions; they may get tweaked a little bit more, but probably not much. If you are comfortable with what is proposed, we will move ahead with it. **Aubart made a motion to approve and move ahead with the Comprehensive Plan update process/survey/Holst second. All in favor. Passed. Discuss take action on Travel/Training requests.** Pichotta stated he has no travel/training requests for consideration tonight.

Departmental Update and Future Agenda Items:

Pichotta stated there are no CUP renewals and no pending applications. Given this we will not have a May 18, 2016 meeting.

Motion to adjourn at 6:27pm by Holst/Aubart second. All in favor. Motion carried.

Respectfully submitted by T. Wold

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, May 4, 2016 – 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: May 18 th , June 1 st & 15 th , July 6 th & 20 th , all in 2016.	Chair
3	Approve minutes of the April 20, 2016 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for a conditional use permit for the Expansion of a Dog Kennel in the General Rural District, pursuant to Pierce County Code Chapter 240-36I, for Kevin and Valerie Anderson, owners on property located in the NW ¼ of the SW ¼ of Section 1, T27N, R16W, Town of Gilman, Pierce County, WI.	Lund
5	Discuss take action on proposed survey/questionnaire for use in comprehensive planning process.	Pichotta
6	Discuss take action on Travel/Training Requests.	Pichotta
7	Future agenda items.	Pichotta
8	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.

(4/22/16)

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, April 20, 2016

Present: Joe Fetzer, Jon Aubart, Eric Sanden and Ken Snow

Absent: Jeff Holst

Others: Andy Pichotta, Brad Roy, Emily Lund, Ryan Bechel and Shari Hartung

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

Chairperson Fetzer stated the first order of business is to elect a Temporary Chair: Aubart nominated Joe Fetzer for Temporary Chair, Chairperson Fetzer asked for any other nominations. Snow moved to close nominations and cast a unanimous ballot/Chairperson Fetzer stated so moved.

Temporary Chairperson Fetzer opened the floor for nominations for election of Committee Chairperson. Aubart nominated Joe Fetzer. Temporary Chairperson Fetzer asked for any other nominations. Aubart moved to close nominations and cast a unanimous ballot/Snow seconded. All in favor. Passed.

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

Next meeting dates: May 4th & 18th, June 1st & 15th, all in 2016.

Approve Minutes: **Aubart moved to approve the April 6, 2016 Land Management Committee minutes/Sanden seconded. All in favor. Passed with Ken Snow abstaining from voting because of absence at the last meeting.**

Discuss take action on a status report for a conditional use permit for a Utility Facility >1000 Square Feet (Load-Out Facility) in the Industrial District, pursuant to Pierce County Code Chapter 240-41F for William F Holst III, owner on property located in most of the NE ¼ of Section 33 and part of the NW ¼ of Section 34 and part of the SE ¼ of Section 28, all in T25N, R18W, Town of Trenton, Pierce County, WI. Chairperson Fetzer invited William Holst forward: William Holst stated he didn't have anything to add at this time.

Staff Report – Brad Roy: In 2013, the applicant received a Conditional Use Permit for a Load-out Facility in the Town of Trenton. The proposed facility may potentially be used to load such materials as sand, gravel, corn and oil and may eventually require structural improvements. A rail spur is intended to be constructed and connect with the BNSF railroad. No finalized plans have been presented to staff. The CUP was issued for a conceptual plan and allows for nonstructural use of the rail spur and the adjacent 150'. Any future construction, structural uses, or use of additional land area will require the issuance of a new Conditional Use Permit. A status report for this permit was presented to the LMC in April 2014 and it was determined that the applicant had commenced action on the project within 12 months as required by code. The CUP was renewed in April, 2015. This site currently has a 130 acre sand and gravel mining operation as well as a small Ready-Mix plant. A CUP was also issued to Wisconsin Industrial Sand for a Sand Processing and Rail Load-out Facility. All the property is zoned Industrial. In 2014 the applicant purchased an adjoining 25 acres from the Pierce County Highway Dept that was necessary for the development of a load-out facility. The applicant submitted a new nonmetallic mining reclamation plan detailing that the future use of the site will be industrial uses. Within the last year site work has begun including the removal of topsoil, filling and grading for the rail line, tree removal

and construction of a new road. Anticipated work includes stockpile removal, continued filling and grading and continuing work with the BNSF railroad. Pursuant to 240-76I Demonstrable progress must continue to be made to establish the authorized use. If these actions cease for 12 months the permit shall terminate. The applicant is encouraged to document efforts and to provide details annually to the Zoning Office. The existing conditions are:

1. The applicant is authorized to utilize an area adjacent to the proposed rail spur (150' on each side) for nonstructural use as a load out facility. Any substantial change to the alignment of the rail spur shall require LMC review and approval. Any expansion of the use or the site shall be subject to issuance of a Conditional Use Permit.
2. This CUP shall expire in 2 years with a 1 year status report to the LMC.
3. Applicant shall secure all necessary permits and approval from other agencies such as the WDNR, WisDOT, etc.
4. Prior to any nonstructural use of the site as a load-out facility, applicant shall submit for LMC review and approval information relating to type quantity of materials to be shipped, frequency and type of traffic, a traffic impact analysis, a site plan and any other information deemed necessary by the Zoning Administrator.

Staff Recommendation: Staff recommends the Land Management Committee consider the information and determine if any modification will be necessary at a future meeting.

Mr. Holst explained they put a lot of fill back in the area that was low. They bought 28 acres from the County. Also, one of the conditions was to build that berm on the other highway. We spent about \$80,000 building that berm and then we spent another \$30,000 putting trees in down there. Pichotta stated it was actually a condition of a different CUP. Mr. Holst, it was all brought up at the same time but that has been done. There has been some overgrowth of small trees. They have taken them out and piled for burning after they dry. They are currently filling and packing areas there. They have had probably six meetings with BNSF but they move really slow. Pichotta noted that we have a couple of representatives from the Town of Trenton here. Perhaps they would like to comment. Brian Berg, Trenton Town Chairperson, stated he thought a conditional use permit renewal would have to come before the Township. Pichotta noted that this isn't a CUP renewal. The agenda item is a status report. With a status report the applicant comes in front of the committee describes the activities that have taken place to establish this use. This is basically for a conceptual use. CUP renewals don't come through your Planning Commission and your Town Board as they do when a CUP is actually considered for issuance where a Town recommendation is requested and required at the time of application. For renewal the Town Chair is contacted and asked if there are any issues or concerns that the Town has. That is how we solicit input. It doesn't require that it go through the process that was required to establish the CUP in the first place. Barry Barringer, asked on a conditional use permit what period of time is it issued for. Pichotta stated condition #2 states that this CUP shall expire in two years with a one year status report to the LMC. Mr. Barringer asked from this day forward? Roy stated expiration is in one year, this is the one year status report. Pichotta noted that the previous Town Chairperson was contacted regarding the CUP and the renewal took place in early April and that Mr. Berg had taken office in late April. Mr. Berg stated he understands and just wanted some clarification. Sanden asked if this requires a motion. Pichotta stated it's a status report so doesn't require formal approval.

Discuss take action on Site Plan Review for proposed addition to an existing building in the Industrial District, pursuant to Pierce County Code Chapter 240-75 for William F Holst III, (River City Metal), owner, by Tom Geistfeld, Sunnyside Erecting, agent, on property located in Lot 1, Certified Survey Map (CSM) V12, P118, being a part of the SW ¼ of the NE ¼ of Section 2, T25N, R19W, Town of Diamond Bluff, Pierce County, WI.

Staff Report – Ryan Bechel: The applicant is seeking site plan approval to construct an addition to an existing building to be utilized for industrial use. River City Metal is a salvage yard that has operated at its current location since 1965. Site operations include the purchase and sale of equipment, auto parts, vehicles and all types of used metal and recycled appliances as well as crushing, baling and smelting of recycled materials associated with the scrap and recycling business. The proposed building addition is requested to provide space

for the applicant to locate their on-site smelting equipment indoors to improve operational efficiency. On November 5th, 2008, a conditional use permit (CUP) was obtained to allow for the expansion of this preexisting non-conforming use. The CUP stipulated that future building expansions receive site plan approval by the Pierce County Land Management Committee. Pierce County Code 240-75 requires site plan review for industrial structures, the purpose of which is to assure site designs that promote compatibility between land uses, create safe and attractive site layouts and structures, provide proper access to streets and transportation, protect property values and contribute to efficient land use in Pierce County. The “proposed” addition discussed in this staff report has already been constructed without benefit of a Land Use Permit or Site Plan Review. The Land Management Department’s Fee Schedule establishes a penalty of 4 times the original permit fee for the issuance of after-the-fact permits. Staff will apply this penalty when issuing the Land Use Permit. The 14.5 acre property consists of two parcels located in the Town of Diamond Bluff. The entire property is in an Industrial Zoning District. Pierce County Code §240-15 Purpose and Intent of Zoning Districts: Industrial: This district is established for the purpose of allowing those industrial uses that are more intensive than those allowed in the Light Industrial District. The purpose of the district is to accommodate a heavy volume of traffic, the potential need for rail access to parcels and the presence of noise and other factors which could pose a nuisance in other districts. The intensity and use of land as permitted in this district is intended to facilitate the total range of industrial uses.

Salvage Yard is defined in Pierce County Code §240-88 as “any land where waste or scrap materials, including, but not limited to scrap iron and other metals, paper, rags, glass and inoperable vehicles or appliances, are either bought, sold, exchanged, baled, packed, disassembled or hauled for compensation.”

The property is bordered primarily by agricultural land. Two residences exist nearby to the east and south of the property. Adjacent zoning districts include Industrial to the north and west; Agriculture Residential to the east and south. The applicant has proposed to construct a 15’ x 60’ addition to the west end of an existing 60’ x 80’ building utilized for parts storage. The proposed addition measures 20’5” in height. The existing 60’ x 80’ structure received LMC site plan approval on April 21, 2010. The addition will have concrete floors, steel siding and finishings that mirror those of the existing structure. Overhead doors will be located on each of the 3 exterior sides of the addition to provide access. Department of Safety and Professional Services (DSPS) approval is required for this structure. The Land Management Department has not yet received approval documentation from DSPS for this addition. The proposed addition will adhere to all applicable setbacks including; setback to State Highway 35 (110 feet), existing buildings (10 feet), front/rear yard line (10 feet), septic tank (5 feet) and well (8 feet). Driveway access to the property is located off of State Hwy 35 on the eastern edge of the property. No additional exterior lighting is proposed for the addition as it is anticipated that existing exterior lighting will be sufficient. The applicant is not proposing any additional signage. No additional traffic is anticipated as a result of this building addition. No additional water or sewer provisions have been proposed. No additional solid waste is anticipated to be generated with this addition. A screening plan was approved for the site as a condition of the CUP approval in 2008. The proposed addition is in the rear of the lot behind existing buildings; therefore, visual impacts to the surrounding properties are anticipated to be minimal. River City Metal employs approximately 25 full-time employees year-round. Pierce County Code §240-54 requires a minimum of one parking space per employee plus one handicap space and two customer spaces for a minimum of 28 parking spaces required for the facility. The plans submitted demonstrate a parking area which fulfills this requirement. Upon completion of the site plan review the applicant will obtain a Land Use Permit as outlined in Pierce County Code §240-73(1)A. Given that the structure was constructed prior to a Land Use Permit being issued, the after-the-fact permit fee will be imposed.

Staff Recommendation: Staff recommends the Land Management Committee review the proposed site plan and determine if any changes or modifications are necessary. The LMC should consider proposed structures, architectural plans, neighboring uses, use of landscaping and open space, parking areas, driveway location, loading and unloading areas, highway access, traffic generation and circulation, lighting, drainage, water and sewer systems, as well as proposed operations.

The LMC may impose time schedules for completion of buildings, parking areas, open space uses, drainage and erosion control systems and landscaping and may require appropriate sureties to guarantee that requirements will be completed on schedule.

1. The applicant shall obtain DSPS approval for the addition and provide documentation to the Land Management Department for review and approval prior to the issuance of a land use permit.
2. The applicant shall obtain a land use permit from the Land Management Department. The after-the-fact fee shall apply.

Sanden asked about the recommendation, the first line of the second paragraph. Is that a standard consideration? Completion of buildings, parking areas, open space uses, drainage and so on, as far as he can tell that has all been done. Pichotta stated that is standard language for site plan review. Chairperson Fetzer asked Bill if he will have any more employees. Mr. Holst stated no. Tom Geistfeld, Sunnyside Erecting, stated he was the contractor involved with this project. When they first got it designed by their engineer and stamped, there was a communication gap there that anything over 25,000 cubic feet had to be sent down to Dept of Commerce for review. Because this was not over 25,000 cubic feet, we only had these engineered plans drawn up. He came to the County to pick up the land use permit for that building and also an agriculture building that is on another piece of property, at the same time. When he was there to pick up the permits he was told that the ruling is you take the initial cubic footage of the original building and factor that in to the extension of the 800 square foot building. Therefore it had to get sent down to the Department of Commerce. He called his engineers at that time and had it sent down there and it is set for review on May 8th. May 8th they will be receiving a letter back. He is taking full responsibility for this. His son's crew started working on the wrong building, they thought they had the permit for the River City Metal and not the ag building which he had pulled a permit for. By the time they realized it, the building isn't completely done. So he apologizes for this and he doesn't normally put buildings up without permits. They are looking to get the CUP tonight, contingent upon the letter from the State and they will hold off completely finishing the building until that time. Mr. Holst stated he thought they had a permit. The cement slab was already there. He had a 53 foot trailer sitting on it so they took the trailer out and was going to put a roof on over it to make it look better. Didn't realize it was such a big deal as it's turning out to be. Sanden asked what would be the timeline for completion once you get that. Mr. Geistfeld stated May 8th, he doesn't want to pursue finishing the building until they get the letter on May 8th. At that time Bill Holst will get a letter, he will get a letter and they will also send one to the zoning administration that it has been approved by the Department of Commerce. Sanden asked how much long it will take before the building is completed. Mr. Geistfeld stated three, four days, maybe a week. **Sanden moved to approve the site plan review for a proposed addition to an existing building in the Industrial District for William F. Holst III (River City Metal) with conditions #1 - #2/Aubart seconded.** Sanden asked if the after the fact fee was mandatory. Pichotta stated the committee could waive it if you were so inclined. Mr. Holst explained they weren't trying to pull anything over on anybody. Sanden stated he can't recall them ever not getting proper permitting in the past. Is this the first time you can recall this being an issue? Pichotta stated that this was the first time it has been an issue. **Sanden moved to waive the extra fee/Snow seconded.** Aubart asked if we are amending the original motion? Chairperson Fetzer asked if we should throw that in with the original motion. Aubart stated we have two motions on the floor otherwise. Pichotta suggested amending the original motion. **Sanden restated his original motion; Sanden moved to approve the Site Plan Review for William F Holst III (River City Metal) with conditions #1 - #2, waiving the after-the-fact fee/Snow seconded. All in favor. Passed.**

Discuss take action on proposed amendments to the Shoreland Zoning Code, NR115. Staff Report – Emily Lund: In 1968, Wisconsin lawmakers created minimum shoreland standards that required counties to regulate the use of property within 1,000 feet of a lake, pond or flowage and 300 feet of a stream or river. In 2010, the rule was amended allowing counties to be more restrictive than state standards regarding impervious surface standards, vegetation removal and nonconforming structure maintenance and improvements. In 2013, Act 170 was passed because the 2010 changes were said to be overly restrictive, different from County to County and created hardships for new development. In 2015, Wisconsin lawmakers passed Act 55 making shoreland rules uniform throughout the state and mandated all counties to have the minimum standards adopted

by 10-1-2016. Lawmakers continue to make more changes to the shoreland rules. The State recently adopted Act 167 on 2-29-16. Assembly Bill 582 has been enrolled for adoption (i.e. sent to the Governor but not signed yet). With the rule being in a constant state of change since 2010, the counties adoption deadline of 10-1-2016 did not change. Department staff is trying to stay ahead of the rule changes, so we do not make multiple trips before the County Board. But with the continued modifications, there may not be any other option. Shoreland standards still apply to the use of property within 1,000 feet of a lake, pond flowage and 300 feet of a stream or river. Shoreland zoning ordinances do not apply to lands adjacent to artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body. DNR may not issue an opinion on whether or not a variance should be granted or denied without the request of the Board of Adjustment (by letter or spoken in the minutes). The DNR also cannot appeal a BOA shoreland decision.

Mandates:

- The required shoreland regulation include the following categories:
 - General Provisions / Areas Regulated.
 - Shoreland-Wetland District.
 - Land Division Review & Sanitary Regulation.
 - Minimum Lot Size
 - Building Setbacks
 - Vegetation
- Filling, Grading, Lagooning, Dredging, Ditching & Excavating
- Impervious Surfaces
- Height
- Nonconforming Uses & Structures
- Mitigation
- Administrative Provisions
- Definitions

- The mandated changes include the following:
 - Counties are prevented from adopting more restrictive regulations than state standards.
 - Counties are prohibited from requiring previously developed land to establish a vegetative buffer or expansion of an existing vegetative buffer.
 - Counties are required to allow viewing access corridors 35' for every 100' and allowed to run contiguously rather than separated by a certain distance.
 - Counties are required to implement Impervious Surfaces standards. The standard for Pierce County is, "Construction, reconstruction, expansion, replacement, relocation of any impervious surface on parcels located entirely within 300 ft of OHWM; 0-15% allowed; 15-30% allowed with Mitigation; >30% not allowed."
 - Impervious surface standards shall take into consideration systems or discharges that allow infiltration into the soil.
 - Counties are required to develop mitigation standards for certain types of new development.
 - Provide a reduced setback requirement for principal structures by setback averaging.
 - Cannot prohibit or regulate outdoor lighting.
 - Cannot prohibit or regulate, or impose fees for maintenance, repair, or replacement of nonconforming structures that do not increase the size of the footprint.
 - Cannot prohibit lateral expansions up to 200 square feet of nonconforming principal structures that are at least 35' from the OHWM, over the lifetime of the structure.
 - Cannot prohibit or regulate, or impose fees for vertical expansion of a nonconforming structure, unless vertical expansion is above 35 feet above grade.

- Cannot prohibit the relocation of nonconforming principal structures if certain standards are met.
- Cannot require inspections or improvements at the time of selling a property.
 - Provide a rezoning process for lands inaccurately mapped as a wetland in the Shoreland-Wetland District.

Wisconsin DNR drafted a model ordinance that contains the minimum regulations that the County may adopt. Staff is reviewing that document and its consistency with NR 115. Staff's goal is to create a document that meets the minimum standards of NR 115 but is practical for shoreland property owners in Pierce County. Pierce County does not have lakes with highly developed shorelines. The shoreland area is limited to 300' from navigable streams and rivers. Typical lot sizes and densities of properties in the shoreland area within Pierce County do not create the potential for impacts on water resources that other counties generally may have. The WI DNR has provided some policy options not restricted by NR 115 that counties can choose to adopt and implement. For example the DNR provided additional regulation options for vegetation, filling & grading, impervious surfaces and mitigation. Staff believes that the requirements of NR 115, in most cases provide suitable regulations for Pierce County.

Options for the LMC consideration

- Vegetation. Vegetation removal is restricted within the first 35' from the OHWM. NR 115 does not limit vegetation removal beyond this initial 35'. The DNR has provided an option for Counties to require standards for vegetation removal beyond the initial 35'. Should staff pursue this option?
- Filling & Grading. Currently, Filling and Grading in the Shoreland Area may require a CUP based on slopes and the amount of disturbance.

Staff believes that it would be beneficial to maintain the permit requirements currently utilized but suggests that approval through issuance of a Land Use Permit versus a Conditional Use Permit may be more appropriate given that the feasibility of a proposed activity would typically be determined through a review of detailed plans. Staff would utilize the Land Conservation Department to aid in the review. Additional language will be included to guide staff and the property owner as to what is expected in the application and review process, and when it is required. Staff is also proposing to exempt Land Conservation Department projects that were approved by the WI DNR (e.g. rip-rap projects, swales, detention ponds, etc.) from permitting requirements. This approach is different from the options presented by the DNR, but staff believes it would comply with NR 115 and would like to further explore the option.

Pichotta suggested that the committee tackle a couple of these issues before we get to the end of the document. As far as vegetation, we are going to have regulations regarding that 35 feet from the edge of the water. The DNR has given us the option to regulate clearing beyond that 35 feet which is something that we don't currently do. It is staff's assessment that we probably want to limit our review to that 35 feet buffer strip along the shoreland. Does the committee agree with that perspective or do you think there would be some benefit to regulating vegetation and vegetation removal in that area beyond 35 feet from the edge of the water. Sanden said it seems like there is limited area 300 feet that would be affected by that. Can you give me the nature of what the terrain of that 300 feet; are we talking about very steep areas that go directly into the water or is it relatively flat? Pichotta stated it's going to vary. Some of our navigable water is creeks running through coulees where it's very steep and you can't get anywhere close to the water. We have some situations even along the Trimble or the Rush where there are some flat areas and some houses in proximity to those and in other cases we've got the backwaters of the Mississippi River where the development pattern is a little different there. We don't really have, when folks think of shoreland areas, you think of some of the lakes country where you've got very small lots with cabins but we don't really have that. Historically, the way this committee has thought about things, is probably limit our review and our regulation of that area, basically the strip that provides protection to the navigable water. Sanden asked what Andy's professional opinion if we were to grant ourselves extended jurisdiction beyond that 35 feet, discipline ourselves to only use it in times where we have extreme coulee situations. Would you be comfortable with that or do you think that would be too onerous or the land owner wouldn't know if you were going to apply it or not. Pichotta stated in cases where you disturb steep slopes, arguably we already have some regulations that kick in when you are in excess of 20% slopes. Sanden asked if he could describe the mechanisms. Pichotta deferred to Brad Roy. Roy stated this is looking at the vegetation

removal. If someone were to construct on steep slopes there are many mechanisms in place to work with that. If someone were trying to extend their yard down a steep slope, he didn't know what we would have but you would also have common sense. If it's really steep, no one is going to be clearing too much and trying to get grass to grow. Pichotta stated the vegetation removal requirement is largely when you think of folks trying to create view sheds for themselves so they can see to the water. In most cases, we see this kind of thing along the St Croix River where folks want to increase their ability to see the river because that's actually worth money. In a shoreland setting, folks have cabins and there is a strip of woods between them and the water. In some cases, someone will purchase a cabin and decide they want to have a much better view and they will seek to clear that out and that's what this vegetation removal requirement has mostly to do with. Sanden asked if the County or the DNR have any after-the-fact mechanism whereas if something does go wrong and excessive erosion is determined where we can go in after-the-fact and say now you have to put in some kind of control device because it's causing degradation of the water. Pichotta said we are kind of delving in on filling and grading now too because those are the situations that are going to be more likely to create erosion issues. When we're talking vegetation removal, typically you are talking tree cutting, often Buckthorn, that sort of thing. Snow asked about the situation of pasture land. A lot of streams are running right through pastures and you have all of that vegetation is removed. Let's say a farmer wants to create a pasture on his property where the Rush River runs through. Roy stated there would be the vegetation removal within the 35 if we want to do more, he isn't aware of any exemption that a farmer would have for that. Snow stated what little he knows about this, he believes the 35 feet is sufficient. It's primarily for erosion and wild fish habitat basically. Lund stated being a farmer, you probably own more than 100 feet of land. If it has to be right along the river, you can have it going contiguously. If you own 200 feet, you can have 70 feet together if you want that access to the water. Snow stated he knows currently there are a lot of farms in Pierce County where the river runs right through their pasture. Lund stated we are talking about vegetation removal, viewing corridor and access along the rivers and streams. Before we had 30 feet to 100 feet and now they have opened it up to 35 feet view corridor for every 100 feet. Sanden asked what that means, up to 35 feet for every 100 feet they can remove the vegetation. Lund stated yes, perpendicular to the shoreline. Pichotta stated it used to be that you had to do 35 feet then leave some, now you can do 35 feet, 35 feet and then leave it, creating a 70 foot viewing corridor. Sanden asked if we've had any experience with 35 foot buffers not being adequate? Pichotta said when you see that it's typically because there is no buffer at all. Usually a 35 foot buffer is plenty adequate. Lund stated the good thing in Pierce County is that we don't have a lot of lakes so we don't have to worry about that 1,000 foot but then our rivers are more protected with the Floodplain. If you picture the way our code is set up, the zoning code is the base, then the shoreland is an overlay and so is floodplain. Floodplain is more restrictive and there is less you can do in the floodplain so you are kind of being pushed back a bit. Right now we are just talking about if you have property within 300 feet of that stream, can you cut some trees down to see it or walk down to the river. That is what this one is about and then building on slopes that are access, that is kind of under the filling and grading like Andy mentioned. Sanden stated so there are other mechanisms. Pichotta noted that the committee will get a couple kicks at this. What we are seeking right now is some general guidance on how we should approach it. He thinks what he is hearing is 35 feet is probably adequate. Snow stated we don't have any developed lakes in our County and rivers are a whole new set of rules with the floodplain. Sanden stated the one lake, Nugget Lake, has a park around it. Snow stated but it is fully undeveloped. That would be the lake where you talk about coming straight down. Lund stated we are just asking for guidelines on the options because the DNR wrote the minimum and said here, if you want to add more options like increasing from 35 to 300 feet. Sanden stated he would want to if it were an extreme situation but not as a general rule. He doesn't know if we can put that kind of nuance in there and discipline ourselves in the future not to try to use the full 300 feet buffer. Pichotta stated a lot of this isn't going to be committee action in most cases so the standard will apply to all. Chairperson Fetzer said he is good on the 35 foot and if you are getting into the rivers and the floodplain everything pushing out, we should have that covered. Sanden agreed. Pichotta stated it seems as if the committee wants to move forward with the 35 feet and also keep in mind Dr. Sanden's concerns. Then as far as filling and grading, there were a couple of pieces to this. Currently when someone conducts filling and grading in the shoreland area, it requires a CUP by you folks. The reality is conditional use permits are issued for uses

that are unique enough where the impacts of them can't really be gauged because they are site specific and because of that it requires consideration by the committee as to what specific conditions are necessary to mitigate potential negative impacts to adjoining properties. The issuance of a CUP for filling and grading gives the committee the ability to require something additional or modify plans but typically when we present requests for filling and grading to the committee it's an engineered plan and it's done with best management practices and typically if someone is going to sign and stamp it, there's not really a lot of need to second guess. What we are proposing is to pursue allowing those sorts of activities through a land use permit given that the review is largely technical versus a judgment call by the part of the committee as to what sorts of conditions are necessary to address concerns from neighboring property owners. In most cases there aren't those sorts of concerns. So it seems more reasonable to permit those sorts of things than over-the-counter land use permit and solicit input from the Land Conservation Department to ensure that what is being proposed is appropriate. Snow stated that, belonging to all the sportsman's clubs that he does, they are always stream rehab projects going on where they are riprapping banks, they are putting in fish structures. Is that going to be something that we would have to come to the County and get a conditional use permit? Pichotta stated if it's below the OHWM it's already out of our jurisdiction. In cases where riprap extends above the OHWM, technically that is supposed to get a conditional use permit. That is the current regulations and what we are proposing is to not require a CUP, to make it an administrative function. Snow stated as long as there is DNR approval, engineered plans. Pichotta stated exactly and then for projects that are being done under the tutelage of Land Conservation folks, we proposing to not require a permit at all. Sanden stated definitely less work for us. Will it be more work for the Land Conservation Department? Pichotta explained it will be the same but what we will be doing is relying on their expertise, if they are comfortable with it, then we're comfortable with it. Snow said they are the experts. Lund stated usually the DNR checks their work too so it's another layer on it. Snow asked if the DNR has the enforcement power over that if there was a violation. If somebody goes and ripraps a public stream, isn't that a DNR issue. Pichotta stated typically, below the OHWM for sure. Snow stated he remembers years ago down at Everett's Resort there was someone who pushed sand out into the river, making some new land. He thinks he was taken away in handcuffs. Pichotta explained on the last piece that our proposals are a bit different than the options presented by the DNR, but we think it would comply with NR 115 and we would like to pursue that approach with filling and grading that is to allow it through a land use permit and to exempt certain things that Land Conservation is involved in. Sanden stated it makes sense to him.

□ Impervious Surfaces. Impervious surfaces where runoff is collected and appropriately discharged are exempted from the impervious surface standards. The DNR has provided an option to qualify for an exemption which would require the land owner to calculate runoff, document treatment and require maintenance of the treatment (discharge) system. This policy option also calls for the document to be recorded with the Register of Deeds. Staff sees value in the burden being placed on the homeowner to calculate runoff and document the treatment system to demonstrate their qualifying for the exemption. Should staff pursue any of these potential options? Pichotta asked Brad to explain this. Roy stated we have impervious surface thresholds. Say somebody has 12% of their property is impervious surface and they want to put an addition on their house and it will go over the 15% that is allowed. That would require some additional mitigation which we will get to on next bullet point. But say they had a little rain garden off to the side of the house and they say even though we had 12%, this rain garden is collecting this much water so even with our addition we should be under the 15% because that rain garden is doing more than typical. What we are proposing here is the property owner that is going to make that claim would be responsible for providing documentation. We will say you need to show us how much rain that garden is collecting and how much of that percentage should be removed. It takes the burden off of us as staff. What he can see is someone will say they have a rain garden that is collecting all this water and we look at it and say its pretty small, not collecting that much and then it's just going to turn into an argument. We want the land owner to put it on paper, figure it out and give us the numbers. If that is the case, absolutely we will exempt it. The other approach would be for staff to do all that. If someone isn't happy with our numbers, we would have to build in some sort of appeals process for that, and it would probably have to come to the committee. What we are looking for is how is this process going to play out? We do have to exempt those areas, now it's just a matter of who figures it out. Pichotta stated it's not that we would not give them assistance, we

would help walk them through the process but it would put the onus on them to demonstrate versus us to prove it. Sanden stated the spirit is great but could you put together a flyer or brochure that spells out how to calculate because the average home owner probably doesn't and you don't want to make them hire a consultant. Pichotta stated we would certainly create some guidance documents. Does the committee agree with this approach? Committee consensus to pursue this approach.

□ Mitigation is required for the impervious surface standards, when exempted structures are added to the site, and for nonconforming structure modifications. Mitigation is a flexible policy option. The mitigation plan shall be enforceable obligations of the property owner that are adequate to offset the impacts of the permitted expansion. The mitigation measures shall be proportional to the amount and impacts of the development.

After researching what other counties are pursuing for mitigation requirements, it appears that having a point system that is proportional to the impervious surface created is the most common method. With the point system, certain activities are given points based on likely impacts. Total project points are applied against mitigation options which also are assigned points based on effectiveness. A project which has impacts resulting in a 5 point score would require mitigation activities which total 5 points.

Other approaches are available, but this seems to be practical and transparent. Sanden asked if it has ever been tested in court as to whether that would hold up. Lund stated yes, there was this issue going from 2010 going from more restrictive to less restrictive and this seems to be an OK option. It hasn't been negatively challenged and the engineering of say you are going to put in a French drain of 500 sq ft in dispersal area and then you are going to put in 500 sq ft shed, they cancel each other out. You are going to put that runoff from the shed into the ground and there is no runoff so that is a mitigation strategy. So far there hasn't been any. Pichotta stated the reason they liked the point system is because certain activities will be assigned points based on square footage. Then if you are going to do activities that result in a certain number of points, then you have to go over to the mitigation options side and choose options that result in the same number of points. If we don't do the point type system, what we end up with is where staff essentially has to make judgment call as to what is proportional. So if we can create a system where someone can look at the ordinance or look at a brochure and say here's what I was thinking about doing to my property, then just be able to correlate that to some mitigation options versus having to have somebody come out. It would give them a much better ability to understand what sorts of mitigation they might be required to do for whatever they are thinking about doing. We are thinking this is the most straight forward and reasonable way for folks to have a realistic expectation of what is going to be required. Roy stated there should be no surprises with the point system. Sanden stated the fact that other counties are doing it, gives it some validity too. Roy stated it is new, so he's not sure it has been formally tested.

□ Staff is proposing to create a separate shoreland zoning chapter and remove all language regarding shoreland from Chapter 240 – Zoning.

The shoreland code will continue apply to all unincorporated area, including the Town of River Falls. Having a standalone ordinance will be clearer when working in a town that has its own zoning ordinance. Also regulations of certain structures (decks) are different in the new shoreland regulations than in Chapter 240. Lund stated staff wanted to get the committees input, if it was alright with you. Sanden stated it seems cleaner. Pichotta stated he thinks it will be a lot cleaner. Right now our shoreland provisions are scattered throughout Chapter 240 and it's almost difficult to understand that there is a coherent shoreland regulation when it is separated like that. Sanden stated especially since NR 115 may again change. Pichotta stated he was hoping that whatever they got in front of the committee and then in front of the County Board by October, we would be done with it but his hunch is we will probably be tweaking it within a few months. Aubart stated it will be a lot easier to do it within its own code. Pichotta agreed.

Staff Recommendation: Staff recommends that the Land Management Committee review the above information and provide staff with direction regarding the proposed amendments to the Shoreland Zoning Code. If the committee is comfortable with what we have discussed, we don't need a motion, we just needed some guidance and if the approach seems sound that is what we will do. Aubart asked if staff would be bringing this all back in its own ordinance. Pichotta stated yes. We are working off the DNR's model and we are going to insert these concepts that we have discussed tonight. The DNR may or may not agree with the CUP to land use

permit and exempting Land Conservation projects, those sorts of things. So we will get those things built into the ordinance and send it to the DNR for comment. Then when we get their comments back we will bring it back to the committee. We are pursuing a little bit of an accelerated schedule on this thing given the fact we've got until October 1st. Even if we had it completely done, it still takes two and a half months to get it approved by the County Board. Committee consensus on moving forward consistent with staff suggestions.

Discuss take action on bids received for half ton, extended cab, 4 wheel drive pick-up truck to be utilized by the Land Management Department. Staff Report – Andy Pichotta: As your recall, the 2016 budget included \$30,000 for the purchase of a new half ton pick-up truck to replace the 2002 Ford. We sent out bid specs to Cernohous Chevrolet, Ellsworth Ford, Quinn Motors, Hudson Chrysler and Ewald Motors. We only received one reply back, despite Mr. Bechel's repeated attempts, he stopped into places that were close enough and repeated phone calls to those that weren't. Snow asked if staff touched base with River Valley Ford. Bechel stated no, we did not. Snow stated to remember those guys in the future for vehicles. Pichotta asked where they are out of. Snow stated Baldwin. Pichotta stated we did get one dealer that submitted a bid for two different vehicles. Ellsworth Ford submitted a bid on the Supercab XL and a Supercab XLT. There is a little bit of a price differential but both are under the budgeted amount. Bidding documents specified the power seats, only the XLT meets that particular specification. Both vehicles have a 36,000 mile/36 month bumper to bumper warranty and a 60,000 mile/60 month powertrain warranty.

Staff Recommendation: Staff recommends the Land Management Committee select the lowest responsive and responsible bid and authorize the Land Management Department to purchase that vehicle from said bidder. We did ask for power seats in the bid specs. We got one option that has it, one option that doesn't. They are about two grand different. Sanden asked what was the need for the power seats. Was there a practical reason for it? Pichotta stated ease of use and the reality is that if we hang on to this one as long as we hung on to the last one, we will be replacing it in 2030, which sounds like a really long time. Bechel stated that option was also in the surveyor's truck when we bid that one out. That was in 2014 since they changed that. Ford has moved that out of their base package and into the upper level packages. Chairperson Fetzer asked what else comes with the package? Bechel stated power pedals, heated mirrors, several other luxury options that they lump all in now. Sanden stated I would have gone for the seat warmer rather than the power seats. Is that including tax and title? Pichotta stated he believed it did and that would be the total price. Both of them would come in under our budgeted amount. **Aubart moved to approve the purchase of the 2016 Ford F150 Supercab XLT for \$29,172/Sanden seconded. All in favor. Passed.**

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

Departmental Update and Future Agenda Items

Public hearing request for a conditional use permit for expansion of a Dog Kennel in the Town of Gilman for Kevin & Valerie Anderson

Proposed survey/instrument on the website for implementation strategies for the next five years for comp plan concepts.

It's possible there may be some CUP renewals.

Motion to adjourn at 7:07pm by Snow/Aubart seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING REVISED AGENDA
Wednesday, April 20, 2016 – 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	Elect Temporary Chairperson	Acting Chair
3	Elect Committee Chairperson	Acting Chair
4	Elect Committee Vice-Chairperson	Chair
5	Next meeting dates: May 4 th & 18 th , June 1 st & 15 th , all in 2016.	Chair
6	Approve minutes of the April 6, 2016 Land Management Committee meeting.	Chair
7	Discuss take action on a status report for a conditional use permit for a Utility Facility >1000 Square Feet (Load-Out Facility) in the Industrial District, pursuant to Pierce County Code Chapter 240-41F, for William F. Holst III, owner on property located in most of the NE ¼ of Section 33 and part of the NW ¼ of Section 34 and part of the SE ¼ of Section 28, All in T25N, R18W, Town of Trenton, Pierce County, WI.	Roy
8	Discuss take action on Site Plan Review for proposed addition to an existing building in the Industrial District, pursuant to Pierce County Code Chapter 240-75 for William F. Holst III, (River City Metal), owner, by Tom Geistfeld, Sunnyside Erecting, agent, on property located in Lot 1, Certified Survey Map (CSM) V12, P118, being a part of the SW ¼ of the NE ¼ of Section 2, T25N, R19W, Town of Diamond Bluff, Pierce County, WI.	Bechel
9	Discuss take action on proposed amendments to the Shoreland Zoning Code, NR115.	Lund
10	Discuss take action on bids received for a half ton, extended cab, 4 wheel drive pick-up truck to be utilized by the Land Management Department.	Pichotta
11	Discuss take action on Travel/Training Requests.	Pichotta
12	Future agenda items.	Pichotta
13	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.

(4/08/16)

- **Revised April 12, 2016 @ 11:26am.**

PIERCE COUNTY WISCONSIN
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MINUTES - Pierce County Land Management Committee Meeting, April 6, 2016

Present: Joe Fetzer, Jon Aubart, Jim Ross and Eric Sanden

Absent: Jeff Holst

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

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

Next meeting dates: April 20th, May 4th & 18th, all in 2016.

Approve Minutes: **Ross moved to approve the March 16, 2016 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 a Retreat Center in the General Rural District, pursuant to Pierce County Code Chapter 240-36M, for John T. Huffaker and Charlene M. Torchia, owners on property located in the SW ¼ of the NW ¼ and the NW ¼ of the NW ¼ of Section 34, T27N, R16W, Town of Salem, Pierce County, WI. Chairperson Fetzer invited Mr. Huffaker and Ms Torchia forward: John Huffaker explained that they are requesting to run a Retreat. They were a Bed & Breakfast and are changing it over to a Retreat. Sanden asked how much of an increase in occupancy will there be between the Bed & Breakfast and a Retreat. Mr. Huffaker stated there won't be a change. They have been running it as a B & B but they also have a cottage rental on the property which was a separate rental. Nothing will change as far as the accommodation part of the business. Ms Torchia stated one of the changes is that one of the guest rooms that they have they want to convert into a gift shop. Sanden stated if anything it could go down. Ms Torchia stated the occupancy could. Very rarely were they completely full, every single room, all the time.

Staff Report – Emily Lund: John & Charlene obtained a CUP for a Bed & Breakfast from the LMC on 5-7-2003. The Bed & Breakfast, named the “Journey Inn”, began full operation in 2006 and has been active ever since. Staff has completed administrative renewals given there has not been any complaints. The applicants are now seeking a new CUP to convert the use to a Retreat Center. The applicants propose an eco-retreat called “EarthSky BodyMind Center” for participants to find new perspectives, renewal and healing. They propose to offer massage therapy, energy therapy, life direction coaching, and other themed retreats as listed. The property is located in Section 34, Town of Salem. The applicants own 66 acres in the General Rural zoning district. PCC 240-88 defines Retreat Center as a facility or facilities used for professional, educational, organizational or religious meetings, conferences or seminars and which may provide meals, housing and recreation for participants and may include multiple related uses managed as one operation. PCC Table of Uses allows Retreat Centers in the General Rural zoning district with the issuance of a CUP and provisions in 240-36M:

- (1) Facilities may not be utilized by the nonparticipating public for meals or overnight accommodations.
- (2) Housing may be in lodges, cabins or dormitories and other residential structures.
- (3) Each housing structure may have one cooking facility.
- (4) Minimum lot size for the parcel shall be 2-acres.
- (5) There shall be one off-street parking space provided for each sleeping room provided.
- (6) Retail activities outside the commercial district shall be limited to those specifically identified in the CUP.

(7) Adequate, code-compliant, on-site wastewater facilities shall be provided.

The applicants propose to utilize 3 bedrooms and 1 gift shop located in the “Journey Inn” building and a 2 bedroom “Cottage” for the Retreat Center. The gift shop would be primarily available to guests and is proposed to sell body care products, books, sheets, candles, local art and yoga supplies. The rooms at Journey Inn are typically available on the weekends and the Cottage is available seven days per week. However, the applicants are flexible to accommodate guest needs. The applicants do have a facility on-site to provide meals for participants when needed in the “Journey Inn” building. There are 7 marked off-street parking spaces available for guests and applicants. The Inn and Cottage have a shared conventional septic system sized for 5 bedrooms that was replaced and inspected in 2004. Licenses have been obtained and verified with the Pierce County Dept of Health. The Salem Town Board of Supervisors recommended approval of this request on 2-9-2016. The Town Board justified their approval on the attached Town Recommendation Form.

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 retreat center with the following conditions:

1. The applicant shall work with the Town of Salem Building Inspector, Todd Dolan, to determine whether a permit from the Town or State is needed and to ensure compliance with the Uniform Commercial Code (UCC) requirements.
2. The use shall be established within 12 months.
3. Sale of retail items shall be limited to body care products, books, sheets, candles, local art and yoga supplies.
4. The permit shall expire in 2 years. Renewals shall be completed administratively if no compliance issues arise.

Chairperson Fetzer opened the hearing to the public. No public comment Chairperson Fetzer closed the public hearing.

Sanden moved to approve the conditional use permit for a Retreat Center for John Huffaker and Charlene Torchia with conditions #1 - #4, due to the fact this is not found to be contrary to public interest, nor detrimental or injurious to public health, public safety or the character of the surrounding area/Ross 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 General Rural Flexible 8, Agriculture Residential and Industrial Districts, pursuant to Pierce County Code Chapter 240-37A for Wisconsin Industrial Sand Company, agent for William McCusker, MOAP LLC, Troll King LLC, WTW Properties, Helen Holst Revocable Living Trust, William F Holst III and William F Holst IV, 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 and 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. Chairperson Fetzer invited Jeff Himes and Scott Passe forward: Jeff Himes asked if they could go right to the staff report.

Staff Report – Brad Roy: In 2012 WISC obtained a CUP for a new underground mining operation in the Town of Diamond Bluff. On May 21, 2014, a conditional use permit was obtained to expand the mine into the Town of Oak Grove. The mining process will be consistent to those at Maiden Rock and Bay City. The mined materials will be screened, trucked and conveyed in the tunnels. The sand will either be washed at a new proposed plant at the mine entrance in Diamond Bluff or in the proposed plant expansion at the existing Hager City processing plant. The washed sand will be dried and further processed in Hager City. The mining permit encompasses 59 parcels totaling 1,867 acres in Diamond Bluff and 27 parcels totaling approximately 985 acres in Oak Grove. Activities on the site will include blasting and screening underground as well as stockpiling and loading on the surface. The LMC, at the required 1 year status report on August 7, 2013 by WISC found that “action” had commenced at the Diamond Bluff site within 12 months and that the “use” had been established.

Access to the mine entrance site is off of 1005th ST, WisDOT recommends that the intersection be upgraded to the B1 class. 1005th St will need significant upgrades. A road agreement was reached with the Town of Diamond Bluff. The Wind River runs through the mine entrance site and the eastern edge of the site is in the General Floodplain District. A CUP for Filling and Grading in the Shoreland area was received on May 21, 2014. This permit has expired and a new permit will need to be obtained. The entire mining process takes place underground using room and pillar mining. The sandstone will be mined in parallel tunnels approximately 30-foot wide separated by 70-foot wide sandstone pillars. The mining is accomplished by drilling and blasting. The applicant is proposing to operate the facility 24 hours a day, seven days a week with up to 22 employees. WDNR regulates and monitors discharge water through the WPDES Permits. The WPDES permit ensures that water samples are collected and analyzed to demonstrate that water is not discharged that could negatively impact surface water. The mining operation is required to develop and implement a Storm Water Pollution Prevention Plan and a Spill Pollution Control and Countermeasures Plan. Waste materials will be placed back in the mining tunnels. The WDNR Bureau of Air Management permits and monitors emissions of nonmetallic mining and processing operations. Their jurisdiction ranges from extraction to shipment. Wisconsin Department of Safety and Professional Services (DSPS) establish uniform limits on permissible levels of blasting to reasonable annoyance to persons or property outside any controlled blasting site area. A Fugitive Dust Plan has been developed for the operation. The plan details the measures to be taken to reduce roadway dust from stockpiles and roadways during periods of dry or windy conditions. There has been limited activity on the site since the expansion permit was received. The applicants submitted their activities and they are listed in the staff report. The Mine Development and Operation Plan has been completed. High Capacity Well Application and permit was filed. Exploratory pits were dug on the slope of the mine, they did some logging on-site. There was the Road Agreement with the Town, there is engineering and design that is on-going and a Damage Response Plan has been completed. The existing conditions are listed in the staff report #1 - #30. Condition #11 is missing the word "production", it should state: A formal road agreement for 1005th St with the Town of Diamond Bluff shall be established and provided to the Zoning Office prior to any site disturbance. Road agreements shall be established with the appropriate municipality prior to any "production" use of the Town or County roads. A one year status report was not presented last year, which was required by condition #24. Staff has noted that it has become increasingly common for the timeframe associated with the actual establishment and operation of conditionally permitted uses to extend beyond the typical initial CUP approval timeframe (2 years). While it is recognized that complex uses requiring a variety of approvals from a number of different agencies will often necessitate longer timeframes, staff is of the position that reasonable benchmarks and timeframes should be considered as part of the established conditions. These benchmarks and timeframes would not be intended to create hurdles to the establishment of a given use but to ensure that CUPs that the permit activities that are no longer viable or were part of a prior business/development plan that is no longer being implemented, do not remain active indefinitely. Staff suggests that one or more of the bench marks identified in the WISC's development plan be mutually agreed upon and a timeframe for their completion established in the conditions. This benchmark would be intended to demonstrate WISC's commitment to the project and their intention to move forward in a reasonable time frame. Staff suggested benchmarks and timeframes are included in the Recommendation.

Staff Recommendation: Staff recommends the Land Management Committee consider whether any other additions or modifications to the established conditions are necessary to help mitigate impacts on public health, safety, the public interest and character of the area and renew the permit with the following conditions:

1. Applicant shall submit verification of lease agreements before mining is conducted.
2. Comprehensive water testing will be conducted annually for residential wells located within the boundaries of the mined area. 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, two times each year. Test results and the base line data tests shall be provided to the Department of Land Management.

3. A 100-foot buffer shall be maintained from the active mining to the boundaries of non-leased properties. Mining under a leased property shall be a minimum of 100' from any well. A 200-foot buffer shall be maintained around structures.
4. Any intensification of use or change in approved plans will require the issuance of an amended conditional use permit.
5. A map of mining activity and areas of future expansion shall be provided to the Zoning Office annually.
6. Applicant agrees that any erosion issues that arise shall be addressed to the satisfaction of the county.
7. Verification of an agreement with the Wisconsin DOT shall be submitted before mining extends under Hwy 35.
8. WISC shall develop a plan to respond to damage claims to wells or structures by surrounding land owners. WISC shall offer pre-blasting surveys to residents or owners of dwellings or other structures within 1500 feet (or as established by the applicable Town) and shall respond to claims of impacts/damage.
9. A ground water response plan, including accurate determinations of the ground water level and which details resources to be used to protect the quality of groundwater beneath and adjacent to the extraction operation, and a proposed response to encountering groundwater, shall be provided. Groundwater elevation shall be monitored annually and the results submitted to the Zoning Office.
10. Engineering analysis shall be conducted to demonstrate slope stability for the reclamation of the mine entrance area. Reclamation shall be according to submitted plans and shall be completed within one year of ceasing mining operations.
11. A formal road agreement for 1005th St with the Town of Diamond Bluff shall be established and provided to the Zoning Office prior to any site disturbance. Road agreements shall be established with the appropriate municipality prior to any production use of Town or County roads.
12. Applicant shall obtain all necessary permits for the proposed development within the Floodplain and Shoreland area.
13. Applicant shall pay the Nonmetallic Mining fee to the Zoning Office prior to site disturbance.
14. The financial assurance for reclamation shall be reviewed and approved by Corporation Counsel before mining commences.
15. WISC will 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 from such emissions.
16. The operator shall provide notice to the County of any orders to cease and desist from MSHA.
17. All loaded trucks shall be tarped in a manner acceptable with the Town of Diamond Bluff.
18. 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. If they are not required, applicants shall submit verification from those agencies stating that the plans are not required.
19. Applicant shall implement Fugitive Dust Plan as presented. Modifications to the Fugitive Dust Plan may be required by the LMC if warranted.
20. Applicant shall identify blasting frequency and all blasting shall be done by a certified state licensed blaster. Notification to all surrounding landowners within 1500 feet shall be given notice of the blasting schedule. Blasting shall be restricted to six days a week.
21. Applicant shall follow all recommendations and receive all necessary permits from WI DNR, Department of Safety and Professional Services, WisDOT, MSHA and other agencies if required.
22. Applicant shall obtain all necessary permits for structures or signs not discussed in this plan from the Zoning Office.
23. An annual audit, detailing mining activities to date and demonstrating adherence to approved conditions shall be submitted to Pierce County Land Management Department by January 31st.
- 24. This permit shall expire in one year.**
25. Reclamation shall be according to submitted plans and shall be completed within one year of ceasing mining operations.

26. Any polyacrylamide flocculants must be used consistent with WI DNR permit requirements.
27. Prior to beginning any mining activity within the Town of Oak Grove the applicant shall request to be placed on the agenda of the Oak Grove Town Board to review uses occurring in proximity to parcels authorized for mining. Concerns raised by the Town shall be presented to LMC for review and potential CUP modification.
28. No ventilation shafts shall be developed until after such time as the proposed location is reviewed by the applicable Town and approved by the LMC.
29. Any secondary access portal shall require issuance of a conditional use permit for an expansion of this use.
30. Mining shall not occur on/under property zoned Light Industrial.
31. **STH 35/1005th Street Improvements shall be completed.**
32. **Clearing and benching of portal sites shall be completed.**

Mr. Himes introduced Scott Passe as the Bay City Mine Manager. He apologized for not completing the status report, they missed that. In terms of the renewal and the request for a one year renewal and the benchmarks for construction, he would like to cover a little bit of the history and discuss why they are at the stage that they are at with this project. In 2012 they applied for a conditional use permit for the mine in Diamond Bluff and Oak Grove. The original CUP for Diamond Bluff was issued in 2012. But Oak Grove put a moratorium on mining and began a two year debate on nonmetallic mining ordinance. That delayed the issuance of the combined project until 2014. Oak Grove Township sued the County and that was not settled until 2015. All these things created uncertainty for their project. They didn't have a clean total project CUP until just about a year ago. Even though they have been at this for a while, things have been delayed until 2015. The market for frac sand has dropped dramatically since 2014. We are in a severe downturn in our market at this time. Fairmont did begin working on the project in 2012. They did permitting, engineering, geologic study and environmental surveys and permitting work. This project is connected to their expansion at Hager City and the wash plant. We view that as entirely one project. They are all tied together. That work has cost over \$943,000.00, which is a significant investment. But this is the basis you have to establish for a mining project. You have to go through the permitting process, you have to go through the reviews, you have to go through the analysis before you can begin. They have two high cap well permits that are pending. They have been applied for over a year ago and the DNR has not approved those permits. They have an air permit for the Hager facility which has been out for over a year. This is the timeframe they are looking at for permit approvals and no construction can start at Hager City until that air permit is approved. They can't put a foundation in or dig a hole in the ground until that is done. These activities were what they used to establish the use in 2013. They have continued these activities and this use since then with no 12 month period of inactivity. They started all that process in 2012 despite the uncertainty. They believe for this project, which is a complex project, this is an appropriate level of activity and it is the basis and foundation for starting up a mining operation. Based on that, they request that the permit be renewed for two years. Addressing the suggestion that they should begin construction on 1005th and the earthwork for the portals and the wash plant, given the economic situation that they are in, in the downturn, their company is in a mode of conserving cash and they are not going to be able to spend money on a capital project that doesn't deliver revenue in return in short order. They believe the use is established and once the market responds and returns this project is likely to move forward. Construction would begin within that timeline. They would like a renewal in two years and Mr. Himes doesn't feel the construction benchmarks are appropriate for them at this time. Sanden asked staff about the 12 month abandonment and what that means; would that be an automatic revocation of the CUP? Would that be at the committee's discretion, if the twelve month inactivity was due to external issues not of their own making such as legal and economic issues? Pichotta stated basically what the code says is that the use permitted as a conditionally permitted use is abandoned for a year that that use shall extinguish and any new activity shall require a new conditional use permit. We did have substantial discussion with our legal counsel regarding the information that was submitted and whether it constituted a use of the property. It was suggested by our legal counsel that while there wasn't much activity it did suffice as far as activity to keep the conditional use permit in place. So he doesn't think we have an issue with abandonment. Our suggestion as far as benchmarks was to ensure that this CUP is in place indefinitely

with minimal activity taking place which could create uncertainty for adjoining neighbors. We would like WISC to demonstrate their commitment to the project so that we understand if this project is moving forward or it's not. What additional hardship would there be on WISC if they were to have to start with a new CUP versus a renewal? Is that something that is going to be more time consuming, more costly? Pichotta stated it would basically be they would have to start back at the beginning and go back to the Town's and start that process again. Sanden stated that could delay the operations until all those pieces were back in place. That is the real significance if we didn't renew and they had to start over. Ross asked if staff could walk through one more time the reason for recommending that the permit to expire in one year. Pichotta stated again we are looking for some sort of signal from WISC that this is a project that is going to move forward and what we don't want to be is in a position where in several years, we are at the same place and that is minimal activity on the site and are asked to renew it based on their continuing to pursue permits. Our recommendation as far as a one-year timeframe is simply staff's suggestion. Certainly the committee could go two years, or could split the difference, a year and a half. As far as the benchmarks, that is something we would like to see. Neighboring property owners would perhaps also to know if this is going to move forward or if it's not. This is not unique to this particular project. We have some similar language in the next CUP also. You can anticipate seeing similar language in relation to other uses as they come down the pipe too. Occasionally we will see CUP's where there is not much activity and there is uncertainty as to whether that use is going to be established. Sanden asked by not having dates associated with the benchmarks, it is implied that it would be at the end of the year. So if we were to extend it to two years and leave the language the way it was that would then imply that they would have to have the benchmarks done in two years. Pichotta stated yes, it would and it is required by our code that all nonmetallic mining operations be renewed every two years in front of the committee. Aubart asked how we decided on the benchmarks. What were the criteria to decide that? Pichotta stated that was staff's suggestion as far as benchmarks. Aubart asked what we used to make that decision, was it just an arbitrary decision or was there something specific indicating that we want to see the street improvements completed. Pichotta stated if you note right before the recommendation staff suggested benchmarks be mutually agreed upon and so the expectation was not that we would just unilaterally declare. The reason for the road, it seems the road is one of the first things that needs to be done in order for them to begin to work the site so it is suitable. As far as prepping site for the portals or the adits would also be something that seems to make sense and not too onerous. It's not build a wash plant in a year, that sort of thing. We brought them up as the beginnings of a discussion. It wasn't anticipated that the committee would just blindly accept those, we thought there would be some dialogue with WISC as to what an appropriate bench mark would be if they felt that those weren't appropriate. Aubart asked Mr. Himes about the benchmarks. Mr. Himes explained it is appropriate for them to continue to work on the project and continue the permitting and the prep work. It would be appropriate for them to report that to the LMC. This level of construction would be several million dollars as an investment. That is a problem for them because of the timeline. Spending that kind of money without the market turning and without knowing when they are going to see that. Their view of this, as the projects ongoing use is established it would be similar to any other business in a downturn where activity slowed but activity didn't go away. May he suggest that they look at the continued process of getting permits in place, getting assessments done; that is real work, \$900,000.00 it is substantial. Get a level of permitting in place so once the market does turn they are ready to go. Once the market turns and this project turns on, the earthwork, construction and establishing the portals will happen relatively quickly. Development of the mine overall, to get it to a productive level is a two year project but activity could start very quickly once the market turns. We have no control or forecast on when the market is going to turn. Chairperson Fetzer asked if they have any idea of timeframe for air quality and high capacity well permits. Mr. Himes stated the DNR, specifically to the Diamond Bluff well, the DNR came back and said they had to make a modification to their plan and had to put more casing. They believe that permit should be approved shortly. They didn't anticipate that it would be over a year for the initial review and approval to commence. Chairperson Fetzer stated you applied back in 2014 and it took that long. Mr. Himes stated a high cap well permit right now is over a year. Sanden stated he assumes they have put in the additional casing. Mr. Himes stated yes, they committed to the additional casing. Sanden asked any other types of physical types of activities preferably construction oriented that would also be doable in these uncertain times over the next year

or two that would establish benchmarks. Getting permits and assessments as you stated is a very expensive proposition so you are doing things but just in light of the two that were suggested it seems they are a bit more physical on the ground construction related activities. Is there anything along those lines that you would naturally do over the course of the next year or two. Mr. Himes stated they discussed that and it wouldn't take a major investment to take a bulldozer on top of the hill and flatten out an area on top of the hill but that would create an erosion opportunity and an environmental liability. We felt it's better to leave that ground stable until they are ready to go and they can build the settling ponds and start that whole process. They are right on the edge of the Wind River. Really before they disturb anything there they need to have that catchment there that will prevent any kind of erosion from getting into the river. It's almost in for a penny in for a pound once you start moving dirt. Pichotta asked what their timeframe is for seeking a new Filling and Grading permit. Mr. Himes stated they would do that immediately preceding the activity. Then they would have the final plan. Right now the plan they have is for the wash plant located on that site. There is a question on that. It will come up in the next review. The decision on whether the wash plant goes to Diamond Bluff or to Hager City will be evaluated based on capital expenditure, operating costs and how the market is coming back up. We will look at which location makes the most sense. Right now it's leaning toward it being at Diamond Bluff. Once they know that, then they know what the Filling and Grading Plan needs to be to support that. Then they would submit the Filling and Grading application based on that plan. Pichotta noted that process itself will take at least a month or two. Mr. Himes stated they do have that plan completed for that scenario. That is actually what the original Filling and Grading Plan was based on. At this stage, there was no point in bringing it forward until we are absolutely certain that is the Filling and Grading Plan that we are going with. We could have done something relatively cosmetic which would have created a reduction in the anxiety but it would have created the erosion and the liability problems. The major expense on this Filling and Grading Plan is the ponds to catch anything between the site and the river. Sanden asked in addition to the monies already spent in permitting, over the next year or two, what additional monies do you anticipate outlaying for permits and assessments. He asks that only as a measure of your commitment to carry through with this. Mr. Himes stated in 2015 they spent \$125,000. The air permit alone was \$40,000. The permits that are coming at them, he would suspect would be in the order of tens of thousands of dollars, not that level of spending but there would be some spending. The big chunk of the spending was the work that they have done already; \$125,000 of it in the last 14 months. Pichotta asked what they anticipate doing in the next year or two. Mr. Himes stated they have to do the SPCC Plan, they have to get the construction site Stormwater Runoff permit, Erosion Control permit, WPDES Stormwater permit, Water Resources application, the Archeological Survey, the Wetland Survey, Wetland/Shoreland permit, Wetland Mitigation permit, and the Chapter 30 permit construction on your floodplain. Then we get to the building permits. It is just permitting but it's a lot of work and expense. That would be before construction, before operation there is another list. Sanden asked what the comfort level from staff if permitting and assessment would be, in your eyes, activity. Pichotta stated from a technical perspective, it is activity. That would suffice but it's not doing much on site. It has less to do with our comfort level than your comfort level. Sanden stated that is what he was asking originally about the 12 month abandonment and the parameters around that. If they were held up because of legal issues and couldn't get out there and move some earth around, was that considered abandonment? There are some gray areas there. Ross stated a lot of the CUP's and items that the committee looks at, the permitting process outside the scope of what we do here and in this office is much grander with the mine and more expensive. I am comfortable with the two year versus one year. If it was something more simple and we talk about market changes and different things. The one advantage he has always relied on in this committee is that just because we issue a two year permit doesn't mean we don't get to talk to them before two years. If there are issues or things that come up, they can come back in here and take a seat. We have proven that with County and others. All he can think of on his side is if he was in that position and someone was asking him to make, from a business perspective, major road changes or certain things like that and going to large expense - when you are in a downturn on the economic cycle and there is an enormous amount of uncertainty in the industry, as a whole, he is uncomfortable asking companies to lay out additional cash when the market uncertainty is there. If there was a safety issue right now on that roadway, if they were coming and going, it would be a no-brainer regarding fixing it. Once activity begins they would have to get

these things done. What would be that criteria, if the minute you know you are putting up that wash plant, if that is it, that's when that road gets fixed. Investing capital in a down market, it's a hard thing to do. Pichotta stated he has an analogy; we were presented with a similar situation relating to market conditions awhile back. If you recall, we reacted to a concept and preliminary plat for a land division called Whispering Pines down in the Town of Trenton. It was a joint project between a number of different folks, they sought and received concept approval as well as preliminary plat approval but given the market, the housing market had fallen out, they didn't want to construct the roads and actually finish the project. They appeared before the committee a number of times and we gave them extensions. We gave them multiple years on more than one occasion. Part of our discussion at that point was, how long is it appropriate to keep kicking that can down the road especially since we first approved concept and prelim, the Town of Trenton had not only adopted Comprehensive Plan, they had adopted a Subdivision Ordinance, none of which had been applied to that particular situation. He thinks it makes sense to be sympathetic to market conditions but it can't be the determining factor because there are other forces at play. It's not really apples to apples but it's kind of a similar situation where you try to accommodate but it can't just be based on market conditions. If it was, we would still be kicking that can down the road and at the last time that we reacted to that we said two more years and that is it. Mr. Himes stated we are not saying it's just market conditions. Because of all the activity related to Oak Grove's moratorium and the ordinance, we didn't get a clean permit until last year. It's been a year that we have had a clean permit and we have invested close to \$950,000 in this project. Doing the things that they are, they are material to the project going forward. That is a significant amount of money. If the permit were to terminate, that would be a loss of some cost for them. It would be spending that they incurred that the benefit they would no longer have access to. The activity they have done, establish the use and they continue the activity and continue the use, they would all like to see this project further along. They would all have liked to have a mine operating there already. Due to conditions beyond their control, that weren't market related, they were delayed. Now they find themselves having the established project, the project is underway now and they are seeing a dip just as you see with any other business that was established. Ross stated to clarify, his concern is as a business when you do have to lay out cash in a downturn it is a difficult situation and being mindful of that is prudent as well. Chairperson Fetzer stated coming from a business that deals with markets all the time, right now the farming industry is in a very tight time, it's a tighten your belt kind of situation. He understands all that. There is business that always goes on, and WISC is working with permits and working through things so you are ready when everything comes back on-line too. It's not like everything has been hung on the rack and set aside here. If things turn around, himself, the way he looks at it, the number one thing that would need to be done is that street. If you are going to be in and out of there, it's a safety deal. He doesn't have any problem with a two year extension on this and hopefully everything turns around and we can go from there. Sanden asked if staff is wanting to keep condition #31 & #32 but push back the due date to two years instead of one year or would you be more comfortable with putting those as before operations began and then putting in something like applicable permits and assessments will continue to be pursued during this time period. Aubart stated he personally doesn't care for the benchmarks. He thinks the road is covered under condition #11 because we talk about the formal agreement with Diamond Bluff established prior to any production use of the Town Road. That is going to happen. Pichotta stated that has actually already happened. They have reached an agreement with the Town and we have been provided a copy of that agreement. Aubart stated at the time of production or before it can go in that road needs to be upgraded to that standard or whatever that agreement is. Pichotta suggested if the committee is comfortable with a two-year renewal timeframe and removal of the benchmarks that is fine from staff's perspective. If you are going with 24, you can say the permit will expire in two years and he would also like to see a one year status report so they can come in and tell us what they have been up too. Aubart asked about the status report; why wasn't that caught. Mr. Himes stated they missed it. Aubart asked if we typically watch those things from the staff standpoint. Pichotta stated we do, but typically the onus is on the applicant. Aubart stated it's their responsibility because it's their CUP but he didn't know what the standard procedure was. Pichotta stated had we realized it was coming up, we would probably have called and reminded them. Roy stated our system for tracking is based on expiration. We know when the permits are going to expire. Sanden stated we have had extensive dealings with WISC and he personally has been satisfied with the majority of the

associations and they have been sitting here understanding our anxiousness about it so you are aware that we aren't going to make this a "Whispering Pines" issue and kick it down the road many times. But we are sensitive to the issues, economic and otherwise at this time but there is a limited patience. Sarah Palodichuk, Town of Oak Grove, she is only speaking for herself, not for her board. They didn't know this was coming up before their last board meeting so they have not spoken about it as a board. She thanked Andy and Brad for looking at this thoroughly. She knows they don't always agree on how this is handled. She does appreciate them looking at the important aspects because it wasn't a light decision for the Town to challenge the last ruling, administratively. She appreciates that they showed an effort about what some of their concerns were. Not particularly Oak Grove but just generally how it is handled. The challenge that Oak Grove brought was based on action wasn't going to commence within a year in the Town of Oak Grove, but in reality, it's a general concern about having a reasonable expectation about what is going to be happening. Even though the 2014 decision and the following court decision in 2015, did affect Oak Grove, it did not affect their activities in Diamond Bluff whatsoever. Two-thirds of the land is in the Town of Diamond Bluff and their rate of mining over this number is from two years ago, that they have been showing about 20 acres per year, which means that they had 80 years, 90 years worth of potential mining in the Town of Diamond Bluff. So as far as action not commencing, because of the law suit, she thinks it's worthwhile to look at they have had a CUP in the Town of Diamond Bluff since 2012 that action hasn't been taken on. It's a little bit disturbing to see action in quotes and use in quotes in the first section because she thinks it's really important that the Land Management Committee for the sake of protecting the Town's that you are acting in place of the Town's here in the zoning decisions. That you consider their legal standing as well because saying they have had activity, they have certainly had activity, they are applying for permits and whatnot. But to say that the use has been established, is a serious legal concept that they aren't using it. They aren't doing production right now. They can't even drill a hole. There are certain things that can't be taken yet because it's not permitted. By that, she would argue that the use hasn't necessarily been established. Although she doesn't have a lawyer saying that, she would have to talk to their Town lawyer about that. Hearing Jeff say that this project, after these things happen, this project is likely to move forward, hearing that a little bit disconcerting. Andy mentioned neighbors and people want to know what is going on. Just like the market is bad for WISC right now and it's reasonable that things have slowed down right now, the neighbors, who have homes, their market is slowed down until WISC decides what they are doing too. She appreciated the recommendation of having the permit expire in one year. They had asked for that last time. Really, the one year requirement is built into their comprehensive plan and it shows up a lot of places because you should be able to have some sort of planning. They have put a ton of money into it and have shown activity. There is no dispute about that whatsoever. As far as the actual use goes, from her perspective it looks like they have very carefully and brilliantly set up the legal structure to be able to secure that land without doing anything. That is a hard place to sit on a Town Board. Back in 2013 to say that use has been established from that time, well that is going to show up in every lawsuit we ever have with them but in reality they're saying we couldn't do anything in 2013. We couldn't do anything until this got resolved in 2015. She would like it if the committee would consider that part of it moving forward. She feels the conditional use permit should expire because they are not working on it right now. But if you choose to renew it, renewing it for one year is a much more reasonable. It creates a better idea for the Town to be able to come in every year. She would like it in the future too, if they would know about it more than a week ahead of time. For the Town it would be nice so all the board members would be able to have some input. Ross asked Sarah if she thought the working relationship between this company and Oak Grove would improve dramatically with a one year versus two year CUP. Do you think the debate and the dialog would improve based on that? Ms Palodichuk stated from what she has heard from home owners in the area, even today someone called her and stated it would be nice to know what's going on, that's where the one year situation would be beneficial for us. That people do care about having a heads up. As far as the relationship with them, she thinks she has gotten along quite cordially. She doesn't think she has talked to Jeff in the past year. She thinks they have gotten along and they know where they differ and that's not a huge issue. She also thinks that the Town Board in Oak Grove has become much better at handling more serious and complex issues in a more efficient manner. She thinks they might not all agree but they have learned how to get on the same page and utilize their lawyer better. Sanden

asked Sarah if a one year status report would keep them informed on what's going on? Ms Palodichuk stated in the Town of Oak Grove, everyone assumes that since there wasn't a status report they aren't doing anything. The CUP is just going to disappear. She knows better than things just disappearing. But that was the gut feeling amongst people that had concerns about it was that because they weren't following through with their status report and weren't showing activity that activity had ceased. Sanden stated to his point if the main issue is uncertainty and not knowing what they are up to on the piece of property, would a one year status report be sufficient to answer that part of it? Ms Palodichuk stated she does not think it would be because if the one year status report is, hey the market still sucks, then she thinks the appropriate response is that the permit would expire due to inactivity. Chairperson Fetzer stated he has gone through a high cap well permitting and it is substantial and long. Just going through some of these processes doesn't mean nothing is happening. It doesn't mean that you aren't going through processes to get where you want to be. Ms Palodichuk stated she can completely agree with that and that can be seen as activity. You can make that part of your benchmark. Chairperson Fetzer stated the issue is they want to see something going out there. Ms Palodichuk said if you are giving them a permit under the premise that use has been established, then she thinks there needs to be a legal opinion that use has indeed been established. Not simply that there has been activity, because if they established use back in 2013 that means they could drill a hole. That means they could have their stuff. Chairperson Fetzer stated you have to have permits before you can do any of this stuff. Ms Palodichuk doesn't disagree, she is just saying at the 2013 status report, the committee said they established use. Now you are saying they can't use it. Ross stated we established use. We see it as use. Mr. Himes stated absolutely the activity of Oak Grove created uncertainty for Fairmont. He doesn't know where her calculations are coming from. The action created uncertainty to the point where Fairmont looked elsewhere for investment and they bought the operation in Minnesota. They bought the operation in Texas and Missouri. They made the investment in places where it was more sure. It did prompt a change and a move in capital. This did create uncertainty to the point where we aren't going to start the project until we had the full project under permit and that didn't get established until 2015. County Counsel and Eric McLeod have both said that the activity we have done is recognized as use in 2013 and continues to be recognized as use. We are glad to do a one year update. That is entirely appropriate. He thinks the way they covered the information prior is fairly accurate. Ms Palodichuk stated if she can clarify where the 90 year number came from, it came from a discussion that she and Mr. Himes had with Eric and Joe about the mines in Maiden Rock and Bay City and over the time since you had acquired those two mines that your production there was about 20 acres per year. So she took that number and figured out the 90 year from that. That's why she was saying if you have an increase in production from that amount then certainly it would be less. If you were doing 60 acres a year there, like Rich said, then that would be 30 years. She can understand that. Based on what you had been doing in Bay City and Maiden Rock, that's what it came down to. Mr. Budinger stated that its 40 acres per year and not all the acres in a permit are minable. There is the bluff and the percentage that isn't minable. Ms Palodichuk says that makes perfect sense. Mr. Budinger continued, It's a 30 year mine plan is what it amounted to; two thirds in Diamond Bluff and one third in Oak Grove. Tom Breen congratulated Debbie on her re-election to the board in Oak Grove. He also wanted to say Thank You to Mr. Ross to the service he has provided. He has a kinship with small business entrepreneur and grocery business. You may know that we have registered our hesitancy about this onslaught of mining in the area. His only request of one of the committee would be a token nay vote on one of these or both of these permit renewals so they can at least have the group of the population that is opposed to this registered in the official record even though we assume a renewal by unanimous vote is forthcoming. Just having that on the record would be appreciated. **Sanden moved to approve the renewal for a conditional use permit for a Nonmetallic Mining Operation for Wisconsin Industrial Sand Company with conditions as presented but amending condition #11 to read Road agreements shall be established with the appropriate municipality prior to any production use of Town or County roads. Amend condition #24, This permit shall expire in two years with a one year status report. Amend condition #31 to read, Street improvements shall be completed before operations begin. Amend condition #32, Clearing and benching of portal sites shall be completed before operations begin. And adding condition #33, Applicable permits and assessments must continue to be pursued/Ross seconded. All in favor. Passed.**

Discuss take action on a request for renewal of a conditional use permit for Heavy Industrial Use for a proposed wash plant in the Industrial District pursuant to Pierce County Code Chapter 240-37E for Wisconsin Industrial Sand Company, owner on property located in the West 10 acres of the SE ¼ of the NW ¼ of Section 12, T25N, R19W, Town of Diamond Bluff, Pierce County, WI.

Staff Report – Brad Roy: In 2012, WISC obtained a conditional use permit for a new underground mining operation in the Town of Diamond Bluff. The mining application stated that no washing would be done on site. In 2014, the applicant modified the plan and obtained a CUP to construct a wash plant to wash the sand from the mine. The washed sand will be trucked to the WISC dry plant in Hager City. The proposal included the construction of a wash plant building, conveyors and a new load out tank building. The application also stated that a temporary wash plant may be constructed for use during the construction of the permanent wash plant or the material may be trucked offsite and brought back for processing after the plant is operational. The mining application detailed the conversion of the existing residence into an office and construction of a maintenance building. The proposed hours of operation of the plant are 24 hours per day, seven days per week. Front end loaders, trucks, mining equipment and conveyors will be routinely operated outside of the mine. The site plan for the plant was approved by the LMC on June 18, 2014. The Wind River runs through the mine entrance site and the eastern edge of the site is in the General Floodplain District. A CUP for Filling and Grading in the Shoreland area was received on May 21, 2014. This permit has expired and a new permit will need to be obtained. On January 7, 2015, the LMC approved an expansion of the existing WISC processing facility in Hager City, which, it was stated at that time, would remove the need for the proposed wash plant in Diamond Bluff. The LMC may want to request further explanation regarding WISC's future plans as there are currently multiple permits issued to fulfill what would appear to be the same processing need. Ideally, conditional use permits that will not be utilized within a reasonable timeframe would be rescinded and reconsidered should the need again arise. The property is in the Industrial District. The Intent of the Industrial District is stated in the staff report. The mined sand will be conveyed to a scalp screen to remove coarse sand and water will be added creating slurry. The material will then be pumped to the wash plant through a slurry pipe. The wash plant will remove clays and fine material from the sand. Flocculants will be used to remove the clays and fines and will remain in the material which will be placed in the tunnels. The wash sand is conveyed to storage bins. Trucks will be loaded inside a new load out tank building. The process, when fully implemented, has been designed so that the sand will not be exposed to the open-air. There will be two high capacity wells. A Fugitive Dust Plan has been developed for the operation. Same with the permits and the plans that are required from the previous staff report. The existing conditions #1 - #13 are listed in the staff report. Staff has the same concerns about the permits that may not be in current plans for the company. Staff suggests that one or more of the benchmarks identified in the WISC's development plan be mutually agreed upon and a timeframe for their completion established in the conditions. This benchmark would be intended to demonstrate WISC's commitment to the project and their intention to move forward in a reasonable timeframe. Staff suggested benchmarks and timeframes are included in the Recommendation.

Staff Recommendation: Staff recommends the Land Management Committee determine whether or not the 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 that Land Management Committee to renew this CUP with the following conditions:

1. Activities shall be conducted consistent with the submitted plan, unless modified by another condition of this CUP.
2. Applicant shall follow all recommendations and receive all necessary permits from WI DNR, Department of Safety and Professional Services, MSHA and other agencies as required.
3. Any unforeseen dust, erosion and/or stormwater issues that arise shall be addressed to the satisfaction of the county.
4. Applicant shall obtain all necessary permits for construction and signage for the site.
5. WISC 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 from such studies.

6. The operator shall provide notice to the County of any orders to cease and desist from MSHA.
7. The Fugitive Dust Plan shall be adhered to.
8. All polyacrylamide flocculants must be used consistent with WI DNR permit requirements.
9. The applicant shall complete the WisDOT recommended upgrades to STH 35 and receive all necessary permits and approvals.
10. Applicant understands that any expansion or intensification of this use will require CUP modification or potentially issuance of a new Conditional Use Permit.
11. **This permit shall expire in one year.**
12. **Appropriate permits to enable work within the Shoreland area shall be secured.**
13. **Wash plant site preparation and grading shall be completed.**
14. **STH 35/1005th Street Improvements shall be completed.**

Pichotta stated he has a suggestion based on the committee's prior decision, he would suggest that condition #11 be amended to read: This permit shall expire in two years with a one year status report. And conditions #12, #13 & #14 be struck. **Sanden moved to approve the renewal of the conditional use permit for Heavy Industrial Use for a wash plant for Wisconsin Industrial Sand Company with conditions #1 - #11, modifying condition #11 to read, This permit shall expire in two years with a one year status report. Eliminating conditions #12, #13 & #14/Ross seconded. All in favor. Passed.**

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

Departmental Update and Future Agenda Items

Election of Officers

Status report on a Utility Facility, the loadout facility that Bill Holst has proposed in the Town of Trenton in the Industrial Area.

Site Plan for an Industrial structure for River City Metals.

Discuss take action on required changes to our Shoreland Code.

Chairperson Fetzer thanked Jim Ross for being on the committee. He believes we have had one of the strongest committees of the LMC since Joe has been on it. It's a great committee and he appreciates Jim being on it. He likes Jim's input for talking to the public, very good rapport and put it in good perspective for people. Ross stated out of his eight years on the board, he doesn't remember how many years on LMC, at least four, he sat on just about every committee on the county, barring some exceptions of course, but he has learned the most from this one. One of the things he has always appreciated about LMC is that it requires the most out of us as committee members than all the committees that he has sat on. Mostly because of the legal aspect, the amount of thought and concern and public hearings where you have a lot of in depth discussion and we are more prone to lawsuits on this committee than any of the others that he has sat on. But above all, the staff here is phenomenal. This committee is amazingly intellectual. We really had a nice bond. A lot of times, you come in, get it done and off you go. This required us to really dive deep and he certainly appreciates all the committee members very much.

Motion to adjourn at 7:19pm by Ross/Aubart seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, April 6, 2016 – 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: April 20 th , May 4 th & 18 th , all in 2016.	Chair
3	Approve minutes of the March 16, 2016 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for a conditional use permit for a Retreat Center in the General Rural District, pursuant to Pierce County Code Chapter 240-36M, for John T. Huffaker & Charlene M. Torchia, owners on property located in the SW ¼ of the NW ¼ and the NW ¼ of the NW ¼ of Section 34, T25N, R16W, Town of Salem, Pierce County, WI.	Lund
5	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 Wisconsin Industrial Sand Company, agent for William McCusker, MOAP LLC, Troll King LLC, WTW Properties, Helen Holst Revocable Living Trust, William F. Holst III and William Holst IV, 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
6	Discuss take action on a request for renewal of a conditional use permit for Heavy Industrial Use for a proposed wash plant in the Industrial District pursuant to Pierce County Code Chapter 240-37E, for Wisconsin Industrial Sand Company, owner on property located on the West 10 acres of the SE ¼ of the NW ¼ of Section 12, T25N, R19W, Town of Diamond Bluff, 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.

(3/25/16)

PIERCE COUNTY, WISCONSIN
DEPARTMENT OF LAND MANAGEMENT & RECORDS
Pierce County Courthouse
P.O. Box 647, 414 W. Main St, Ellsworth, WI 54011
Planning Office 715-273-6746
Zoning Office 715-273-6747
Fax 715-273-6864



MINUTES-Pierce County Land Management Meeting, Wednesday, March 16, 2016

Present: Jon Aubart, Joe Fetzer, Jeff Holst, Jim Ross and Eric Sanden

Others: Ryan Bechel, Andy Pichotta, Brad Roy, and Tracie Wold

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

Set next meeting dates: April 6th & 20th, May 4th & 18th, all in 2016.

Approved Minutes: Ross moved to approved the March 2, 2016 Land Management Committee minutes/Sanden seconded. All in favor with Aubart abstaining because of absence at the last meeting. 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 NE ¼ and the NW ¼ of the SE ¼ of Section 16, all in T27N, R15W, Town of Spring Lake, Pierce County, WI.

Jim Small from County Materials gave a quick summary of events of the last two years. A year and a half ago they had an issue at the end of the season where there was some dust; it was frozen so they weren't running the water. They got a call from a neighbor who also called Land Management. Jim was in the bottom of the pit when the neighbor called him so he shut the operation down and they were done for the season. That situation was taken care of and handled right away. They did then haul out most of that last winter. In the late winter/early spring they moved the dry end of the plant down in the floor of the quarry like they promised they would. The wash plant is still up top, but the ag lime, the finer materials, are all down at the bottom of the pit. Jim thinks that has helped tremendously for noise and dust. This past summer they hired Ted Peterson. He is the Western Region Aggregate Supervisor. He will be right on site most of the time during production season. Jim is starting to transition out and hand things over to Ted. Last May Jim stopped and saw the Town of Spring Lake and he knows Ted has met with them also, and they want to keep that up at least twice a year (to stop in and see them).

Staff Report – Brad Roy: County Materials received 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. The operation has remained mostly on the surface which has contributed to issues of noise, dust and appearance. The applicants still intend to move the operation to the quarry floor below the surface elevation. Timing of the move is dependent on product demand. A status report conducted in November, 2013 modified the CUP to allow nonproduction hours from 6pm to 8pm Monday through Friday for maintenance and preparation. At that time Condition #4 was also modified to require County Materials to work with the Land Conservation Department to ensure that the site is internally drained. When crushing equipment is placed onsite it is located within the quarry, below grade. The wash plant and other operational structures are located above the quarry. This makes the operation more noticeable visually and audibly. County Materials intentions are to place the structures within the quarry, as space allows, limiting the impacts to the surrounding areas. The dry screening plant has been moved to the quarry floor. 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'. The average floor elevation of the quarry is 1100'. County Materials has begun to lower the floor to 1070'. There are 40 unreclaimed acres on the site. A Fugitive Dust Plan was developed and approved by the Town of Spring and the LMC in June of 2012. Condition #4 states, Stormwater measures shall be reviewed and internal drainage verified by the Pierce County Land Conservation Department as soon as practical. If determined to not be internally drained, engineered plans shall be submitted for Land Conservation review within 90 days. Failure will result in this issue being placed on the next available LMC agenda for potential suspension of the CUP. The Land Conservation Department inspected the site soon after the previous renewal. It was determined that the mining area is internally drained. A small portion of the processing area (~ 2,500 square feet west of the scale) drains to the north and not into the quarry. The water runs to small sediment basin. Land Conservation believed that the measures in place are adequate with proper maintenance of the basin and limiting the contributing area. Staff recently inspected the area. The west edge of the basin needs to be reinforced from erosion along the overburden stockpile. County Materials is aware of the issue and has plans for the area which they will discuss at the meeting. This operation has received numerous complaints when it began operation about noise, dust and appearance. Staff has not received any complaints since the last renewal. Staff spoke with the Town of Spring Lake Chairperson, Richard Johnson, regarding the renewal of this conditional use permit. He stated that he was not aware of any issues and that he would be present at the meeting and could provide further comments if needed. The existing conditions are listed 1-28. 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 listed 1-28. The only change is to #4 which now states, "Stormwater measures shall be implemented and maintained consistent with Land Conservation Department recommendations."

Mike Jacobson stated he does not have any concerns. Jim has been there from the get-go. Pete Krautkramer did a great job mitigating that transition and Ted has come in and done the same. At this point, they have been a good neighbor. Fetzer stated that's what they like to hear. He knows they had issues early on and when Pete came in, he really straightened things out. It's great for the Committee, land owners and the community and the Committee appreciates that. Holst commends Richard Johnson & Tim Anderson for their interest in governing their township. **Holst moved to amend condition #4 to read, "Stormwater measures shall be implemented and maintained consistent with Land Conservation Department recommendations." Along with conditions 1-28/Aubart seconded.** Ross asked about the complaint with the dust, was it a neighbor from very nearby? Jim stated it was a year and a half ago; it was a gusty day when a front was moving through so he didn't ask where the neighbor lived and didn't want to know. He just happened to be right on the site telling the guys that they need to shut down for the year. Holst stated the process that they went through with this conditional use permit shows why conditional use permits work when both sides are willing to negotiate and work on it and why townships can live within the conditional use permit process because they can achieve the goals that are needed. Sanden added that it's no small part to Jim's attention, report with the neighbors, etc. This was one of the more complicated ones that he has certainly seen. He stated Jim is passing the baton onto Ted and he has big shoes to fill because Jim did a really good job in settling a lot of these issues and again the personal connection he has with the neighbors made all the different. Jim stated he is still around. Ted is going to be on site pretty much every day as he is a manager. Now he can shut everyone down if they need to. It's not like they run until they hear a complaint or something like that. So it's going to be a big improvement having Ted there. Mike Jacobson thanked Brad Roy for being on top of it and it's good to have him here in Ellsworth. Richard Johnson added that was a big change made in the community. Jeff knows that Richard used to work for a contractor and they would haul hundreds of thousands of tons of lime out of the Elmwood quarry, and never was a truck ever covered. They blasted right

in part of the city limits, but they are so used to it since it has been there for 75 years. The proposal for the Town of Spring Lake was to start a new quarry on this nice farm land. There were a lot of complaints that he felt were very trivial. If you're going to have a quarry, you're going to have noise; if you're going to raise pigs, you're going to have a stink. There was a lot of stuff that went on that should not have, but everyone has a right to their opinion and they handled it with help from the County and Jim Small. It's been going good and he hasn't had a call at all. **All in favor. Passed.**

Discuss take action on a "revised" North West Pierce County Agriculture Enterprise Area (AEA) to be located in portions of the Towns of Clifton, River Falls and Martell.

Staff Report – Andy Pichotta: The Working Lands Initiative, which was signed into law in 2009, established Agricultural Enterprise Areas (AEAs). An AEA is an area of contiguous land primarily in agricultural use that has been designated by the Department of Agriculture, Trade and Consumer Protection (DATCP) in response to a locally developed petition. An AEA must be located on lands identified in a DATCP approved Farmland Preservation Plan as being "suitable for preservation". Each town within Pierce County created such a map in conjunction with the development of the County's Farmland Preservation Plan. These maps were incorporated into the County's Plan as "Farmland Preservation Maps." An amended map of land within the Town of River Falls that is "suitable for preservation" was adopted in 2015. The Towns of Clifton, River Falls, and Martell have each passed a resolution supporting the establishment of an AEA within their borders. These resolutions are attached for your information. A similar resolution is now necessary at the County level. The Land Conservation Committee (LCC) took action to support the establishment of the AEA at their January 28, 2016 meeting. Pierce County's adopted Farmland Preservation Plan states: Goal #1: Identify and preserve areas suitable for agriculture. Objective #1: Assist town in preserving productive farmland within their borders consistent with town policies and plans. Policy # 1: Support the creation of Agricultural Enterprise Areas when supported by the impacted towns. There are three resolutions that were passed by the towns as well as a couple of maps. Pichotta noted that the attached map states that there are 11,142 acres owned by petition signers, but stated that he has been told that some of the acreage located in the Town of Clifton was likely double counted, apparently because they used attribute tables provided by assessors but it looks like it's more along the lines of 10,500 acres. Staff recommends the Land Management Committee support the creation of the North West Pierce County AEA and direct staff to work with the Corporation Counsel's Office to draft a resolution for Finance and Personnel Committee and County Board consideration.

Sanden moved to support the creation of the North West Pierce County AEA and direct staff to work with the Corporation Counsel office to draft a resolution for Finance and Personnel Committee and County Board consideration/Holst seconded. All in favor. Passed.

Discuss take action on review and update of the Goals, Objectives and Policies of the County Wide Policies, Goals Overview and the Context section of the Pierce County Comprehensive Plan.

Staff Report – Ryan Bechel: Some of the policies governing both the planning and management of "growth and change" within the county are not specific to individual management areas listed in the "Management Goals, Objectives, and Policies" element. To refrain from repeating the broad county-wide policies that intersect each subsection of the "Management Goals, Objectives, and Policies," those overarching policies have been grouped together here. Planning Policies: Encourage that residential development be accommodated within the urbanized communities, contiguous growth areas, rural communities, and high accessibility corridors so that pressures for the conversion of agricultural land to residential uses is limited. Support the construction of dwelling units that meet the needs of every economic segment of the market in appropriate locations throughout the county. Especially within urbanized communities and contiguous growth areas of the county by providing for a range of densities and building types. Protect flood plains and natural

drainage ways from development or development practices that reduce the capacity to store water or increase the potential flooding of other property. Support the location of public facilities that maximize the practicality of non-automotive modes of transportation, including walking and the use of bicycles and buses. Encourage commercial development within existing central business districts. Discourage unplanned large scale commercial activity outside existing municipalities. Encourage the growth of the tourism industry by reinforcing the viability of the county's historic, open space, and recreation resources. Encourage the preservation and enhancement of places of county-wide cultural or historic significance in historic or cultural preservation districts or sites, whether within municipal boundaries or in unincorporated lands. Encourage energy efficiency and the use of alternative/renewable energy systems.

Management Policies: The county planning staff will work with municipalities and towns, when appropriate, to adopt joint or compatible comprehensive plans. The county will, when appropriate, assist in the mediation of problems and disputes between municipalities and towns regarding boundaries and land use development. The county will encourage land use regulations that allow for the widest possible mixture of housing types, with particular attention paid to providing housing opportunities that meet the needs of the elderly, the low and moderate income households, and the handicapped. The county will seek to minimize direct residential access to county roads and require the use of shared access where practical. The county will direct, and encourage municipalities and towns to also direct, special attention to the siting and development of new uses in proximity to historic or cultural sites, to increase the attractiveness of those areas for recreation and tourism purposes. The county will provide, when appropriate, support to municipalities and towns in their application to, or communications with, other agencies or governments when said applications or communications further overall county goals. Ross suggested we change the word "handicapped" to "physically challenged".

Goals Overview: *IN THE YEAR 2035*, Pierce County will continue to offer an exceptional quality of life through thoughtfully planned and designed development, a transportation system emphasizing roadway system maintenance, vigorous business and job growth, and preservation of treasured natural resources. Existing communities will be preserved and new investment and redevelopment will continue to ensure that these communities remain both functional and desirable. Most new homes in the cities and villages will be within walking or biking distance of parks, shops, and schools. Neighborhoods will contain a mix of housing types to reflect the needs of a diverse population. Scattered rural non-farm development will be moderated as efforts to preserve agricultural lands and the county's rural character are successful. Nevertheless, new rural housing will remain available to ensure that a full range of housing choices is available in the county. Future investments in the transportation system will emphasize the maintenance and improvement of existing roadway facilities over expansion of the roadway system. Even though auto travel will become more costly, it will remain the preferred mode of travel for many residents. Thus, roadway improvements that correspond with careful, planned growth will continue to be necessary. Economic development will occur mainly in business centers along major transportation corridors. Additional businesses will be promoted in cities and villages to facilitate a "jobs-housing balance" in those communities. River Falls will continue to maintain its vitality as the county's dominant civic, cultural, educational, and employment center. Pierce County's high quality of life will continue to be a principal factor in the retention and attraction of new business development. The quality of Pierce County's many streams, rivers, natural areas, and environmental corridors will be preserved and improved. The county's farmlands will continue to produce food for both nearby and faraway markets. Preservation of these resources will remain an overriding consideration as the county continues to grow. Pichotta stated the vision statement is fair game also; do you feel that is still a reasonable vision for the county, are there any portions of that should be tweaked? Holst asked if River Falls is the Counties dominant cultural, educational and employment center? Holst stated it gives us enough grey area that things can be switched without being tied down. For the Goals Overview, there are three main planning goals that are driving the comprehensive plan. 1) Encourage growth in areas near villages and cities supported by adequate infrastructure. 2) Retain rural character and ensure the continuation of traditional rural activities.

3) Promote stewardship of land and water resources. The goals and objectives for management are aimed at implementing the following management concept: Encourage a development pattern that is compact and efficient while maintaining the rural and agricultural character of the county. This development pattern should have a close, functional relationship to infrastructure and transportation, individual town comprehensive plans, and a concern for environmental quality and natural processes. Additionally, it is recognized that certain development does not require municipal utility infrastructure and is not incompatible with the rural character of Pierce County.

Andy Pichotta: Effective January 1, 2010 many land use decisions made by a Town, Village, City, or County must be consistent with its Comprehensive Plan. The following information is intended to help define Pierce County's approach to land use and to provide guidance as to how this plan frames interaction with the units of government located within it. Goal, Objective, and Policy Language: Throughout the comprehensive plan the terms "encourage" and "discourage" are utilized frequently. The meaning will vary depending upon context. The County will consider goal, objective and policy statements that "discourage" a given condition or use – as not prohibiting the specific action - but as a statement that the condition or use is not the preferred outcome, except when relating to rezones (map amendments). In cases of rezones (map amendments), language discouraging the establishment of a use (or type of use) at a given location shall be interpreted as not supporting the establishment of that district at that location – if the town in which the rezone is proposed does not have a comprehensive plan. In cases where a town does have a comprehensive plan, the appropriateness of a proposed rezone shall be determined based on its consistency with that town's plan. The county will, when appropriate, seek to create processes and a fee structure that provides incentives to produce the activities or outcomes that the County wants to "encourage" and disincentives for activities or outcomes that the County wants to "discourage." If you recall some time ago we had a discussion about potentially utilizing some of the concepts in a retooling of the fee structure. It was determined that, at that point in time, there probably wasn't a lot of support for doing anything too creative with our fee structure given that simply doing that might discourage development activity; the things we want to encourage. To elaborate, in cases where the county plan "discourages" an activity - that activity should not be viewed as prohibited, but recognized as something that Pierce County wants to discourage county wide and for which a strategy to discourage that activity may be pursued. For example, the objective; "Discourage residential subdivision development on productive agriculture land" doesn't mean that residential subdivision development is prohibited on productive agriculture land – but that Pierce County will, when appropriate, consider strategies intended to discourage the subdivision of productive agriculture land throughout the county through the establishment of a process and/or fee intended to make initiating that activity less attractive (i.e. fee could reflect full cost of service). Conversely, an activity that is to be "encouraged" might be subject to a simplified process with lesser fees. It is Pichotta stated that it was his sense that they may not do anything with this section in the foreseeable future, however, if they were to see some sort of activity like they saw in 2004-2006, this would give us the basis for investigating those sorts of strategies and for the support for implementing those at that point and wouldn't require an amendment to the comp. plan, it could be something that was just brought forth. Sanden asked if there was any opening for litigation. Pichotta stated that the concept had been reviewed by legal counsel. Goals, Objectives, and Policies Relating to Cities and Villages: Pierce County generally has no jurisdiction over land use decisions within Villages and Cities. In theory, if a Village or City does not adopt a comprehensive plan the document guiding land use decisions would be, by default, the County Plan. It is for this reason that "urban" goals, objectives, and policies are identified. The county acknowledges that the primary responsibility for achieving plan objectives within urbanized communities remains with the municipalities. The county further acknowledges that it shares responsibility with the municipalities for achieving the plan objectives within the one and one-half to three mile area of shared jurisdiction (ETZ or platting and subdivision review boundaries.) Role of Town Plans in Pierce County Zoning Decisions: Pichotta stated this section is largely tempered by our experience with the

Town of Oak Grove. We're not necessarily changing the relationship between the County and the Towns under county zoning; but he is proposing to amend it to give a clearer picture of how it actually works and has to work. Most of the towns in Pierce County (16 out of 17) have adopted comprehensive plans. The following text describes how town plans will provide guidance to land use decisions occurring within that town's borders. Ensure that towns subject to county zoning understand the role of town plans and ordinances in county land use processes, including implications of statutory authority and land use case law (i.e. responsibility for decisions regarding conditional use permits, lack of town plan authority over permitted uses, etc.) (*Intergovernmental Cooperation*). Zoning decisions involving Towns that HAVE NOT adopted a comprehensive plan: This is only one town, Town of Union. In cases where a town has not adopted a comprehensive plan, the county will continue to solicit a town recommendation regarding the proposed use. 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 town recommendation regarding the proposed rezone. They still do want to know what the town thinks and in fact they may choose to cite in their recommendation a portion of the county's comprehensive plan that perhaps they may not have considered so it still gives them the ability to steer-their-own-ship but they have to do it using our plan. The County will consider goal, objective and policy statements that "discourage" a given condition or use – as not prohibiting the specific action - but as a statement that the condition or use is not the preferred outcome, except when relating to rezones (map amendments). (*Management Policies for the Entire County*). The relationship between towns without a comprehensive plan and Pierce County will remain much the same as it has been in the past. The main difference being that these towns will, after January 1, 2010, no longer have veto authority over rezones within their borders and a determination of the appropriateness of a proposed rezone will be based on consistency with the Pierce County Plan. The submission of a Town Recommendation regarding a proposed rezone or conditional use permit will continue to be required at the time of application. The Town Recommendations will be advisory. Zoning decisions involving Towns that HAVE adopted a comprehensive plan: The County acknowledges that the responsibility for accomplishing planning objectives set forth in plans developed by towns subject to county zoning lies jointly with the Town and Pierce County. The county further acknowledges that it will seek to further each Town's planning goals and objectives when considering the establishment of conditionally permitted uses. The county will approve re-zonings or map amendments only when the proposed change is consistent with an adopted or amended town comprehensive plan. Pierce County will consider adherence to the goals and objectives, of an adopted or amended comprehensive plan to be consistent with the "public interest" for decisions relating to that governmental unit or municipality. Conditional Use Permits: A Town Recommendation regarding a proposed conditional use permit will continue to be required at the time of application. If a proposed conditionally permitted use is determined to be not consistent with a given Town's comprehensive plan, the code/plan provision with which it is incompatible must be specifically referenced. Pierce County will not approve conditionally permitted uses that are demonstrably inconsistent with an adopted town plan. It should be noted that consistency with a town plan does not guarantee Pierce County approval of a proposed conditional use if the Land Management Committee determines that the proposed use at the proposed location will be detrimental or injurious to the public health or to public safety. In cases where a Town's comprehensive plan does not provide guidance regarding a proposed use, the recommendation shall continue to be advisory. When a town cites goals, objectives, and/or policies in their recommendation regarding a proposed conditionally permitted use, the Land Management Committee will seek to ensure that any decision made, or condition placed, will not be contrary to the long term or intermediate end that the goal and/or objective cited is intended to accomplish. A policy, if one is cited, will be viewed as the town's recommendation as to how that particular goal or objective could or should be accomplished. It may be that a variety of strategies or required conditions could be employed to accomplish the cited goal or objective and it is the Land Management Committee's responsibility to ensure that any condition placed is reasonable and meets a legitimate regulatory purpose. It must be noted

that the Land Management Committee is ultimately responsible for decisions regarding the issuance of a conditional use permit and said decisions are appealable by any aggrieved party. Pierce County, in creating a mechanism through which a town is able to further the goals and objectives of their comprehensive plan, did not relinquish its authority or responsibility in making discretionary decisions regarding the issuance of conditional use permits. Pichotta stated when they had the proposed expansion of the WISC mine into the Town of Oak Grove; he did a memo to the Committee that talked about the public interest. This is some of the pieces of the memo that he thought were pertinent that kind of flesh out the concept of "public interest."

Rezoning: Applications for rezoning will not be approved by Pierce County unless the request is consistent with that town's comprehensive plan. The submission of a Town Recommendation regarding a proposed rezoning will continue to be required at the time of application. Reference to the pertinent section of the Town's plan supporting the proposed rezoning or text amendment must be provided to demonstrate consistency with the Town's plan. It should be noted that permitted uses, uses which are allowable by right in a given district by the Pierce County Zoning Code (Chapter 240), are not impacted or restricted by a Town's Comprehensive Plan. Pichotta stated a town can't outlaw uses in their comp. plan, they can just provide direction. Sanden asked who the ultimate determiner of consistency is if the town says, "Well this is consistent with our comp. plan" and the committee says, "Well no it isn't". Pichotta stated the committee would have the final word. The Land Management committee would make that decision and then it would be if the town wanted to challenge that they would request a certiorari review by circuit court and then the court would decide. That's essentially what they did with Oak Grove. Pichotta thinks this describes much better the relationship than it had previously. We simply can't be tied to town plans because the County is responsible for those decisions and if we tie ourselves to something that is arguably arbitrary and capricious we are going to expose ourselves to liability and we certainly don't want to do that. In some cases, town boards are just made up of a couple of folks and it just takes one strong personality to push a particular perspective through. Pichotta stated those are the proposed changes and if the committee is comfortable with what staff has proposed tonight, they will move forward with that. In the next steps the committee will get a break from this for a while and the office is going to put together a survey instrument that will be placed on the website and folks will be encouraged to fill it out. It will be a link on the website. We are looking for input on the plan itself as well as some specific input from the towns that are under county zoning, if there are things they would like to see us focus on. He would like to glean some guidance from them and, though it may be difficult, we will try. So once we come up with a survey instrument we will bring it for the committee's consideration and then we'll take another break, we'll come back, and using the input that we gleaned from the survey, we will propose an implementation plan which will basically be a series of tasks for staff to complete over the course of the next 5 years, until we do this again. Holst asked if the survey will be weighted. Pichotta stated no, it would be difficult to do it in a statistically valid sort of way. So this will just be an opportunity for folks and elected officials to provide input into how the Land Management Department conducts business. To do a county wide survey like they have before, its cost was about \$35,000 and Pichotta doesn't think there is a need to do that. Holst stated that if we have a hand full of people that are quite zealous over land use issues and they keep pumping the survey all the time, they would still be able to look at it and say, "In the committee's mind this is valid or this isn't" and move on from there. Pichotta sees his point and stated you could have some folks who are of an interest group of some sort and make sure all their likeminded friends submit surveys often and repeatedly and in a sense, skew it. Pichotta thinks we will be able to gauge that and any time you do a survey like this, unless you do it kind of like last time, you're not going to have confidence within three or four percentage points that that is how your populous feels. This is going to be comments from a hand full of folks. Sanden added this seems to be a generally valuable thing about this whole planning process, it does give us a chance to connect with the people. We tend to get in our own bubble and think that we know what is best for them, and hopefully we do, but it is always good to kind of check ourselves, "is that what they really feel" rather than what I feel they feel. Pichotta stated that in a month or so we will have a survey instrument for the committee's consideration.

Sanden feels this piece was very well done. It was kept at the general level but you also got specific enough by using these examples to really clarify all the steps, so it was very well done. **Committee consensus to approve proposed text as presented and to move forward.**

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

Departmental Update and Future Agenda Items:

There are three items on the April 6th agenda. Public hearing to consider and take action on a request for a retreat center in the Town of Salem. There will be a request for renewal of CUP for mining by Wisconsin Industrial Sand Company in the Towns of Oak Grove and Diamond Bluff. The last item is a request for renewal of CUP for the wash plant that is permitted in the Town of Diamond Bluff.

Motion to adjourn at 6:50pm by Holst/Sanden second. All in favor. Motion carried.

Respectfully submitted by T. Wold

**LAND MANAGEMENT COMMITTEE
MEETING REVISED AGENDA
Wednesday, March 16, 2016 – 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: April 6 th & 20 th , May 4 th & 18 th , all in 2016.	Chair
3	Approve minutes of the March 2, 2016 Land Management Committee meeting.	Chair
4	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.	Roy
5	Discuss take action on review and update of the Goals, Objectives and Policies of the County Wide Policies, Goals Overview and the Context section of the Pierce County Comprehensive Plan.	Bechel
6	Discuss take action on the “revised” North West Pierce County Agricultural Enterprise Area (AEA) to be located in portions of the Towns of Clifton, River Falls and Martell.	Pichotta
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.

(3/4/16)

- **Revised March 8, 2016 at 2:08pm.**

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, March 2, 2016

Present: Joe Fetzer, Jeff Holst, Jim Ross and Eric Sanden

Absent: Jon Aubart

Others: Andy Pichotta, Brad Roy, Ryan Bechel and Shari Hartung

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

Next meeting dates: March 16th, April 6th & 20th, all in 2016.

Approve Minutes: **Ross moved to approve the February 17, 2016 Land Management Committee minutes/Holst seconded. All in favor. Passed.**

Public hearing to consider and take action on a request for a conditional use permit for Expansion/Intensification of 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. Chairperson Fetzer invited Shannon Zimmerman forward: Shannon

Zimmerman explained that they have a fairly simple request. The original request was based on a business plan that they thought aligned with market demand. That being the market demand for a winery and type of business they have would align probably more for the warmer months. As they would later learn, and this is a great problem to have, that demand was greater than that. There is demand for the months of January, February and the winter months. Demand is lower. He would not expect it to be the same but these are, for example, corporate events or belated holiday party and they want to come out and they want to do a wine tasting and have some brick-oven pizza or something along those lines. There is also an economic element that motivated them to come before the committee and request this modification. The second thing they didn't take into consideration when they opened the business and he didn't take it into consideration until he was on one of his township visits on his way here tonight that they have seven UWRP students working at the winery. One of the young ladies talked about the fact that for every 90 days she works there, she can pay a semester of college off. He thought that was fantastic. If they can be open in the winter months, they are anticipating that it is going to be special events or just Friday and Saturday. For them, no change to the conditions previously approved. No change to how they operate, days they operate, times during the day that they operate, just a request for a calendar expansion. So rather than mid-May to the 31st, it would be at their leisure, year round. Sanden asked in the time of operation, have there been any complaints to the Township or the County. Mr. Zimmerman stated he wasn't made aware of it to the township, however, LeRoy Peterson said no "valid" complaints. He has never been notified from the township that there were any complaints at all. Sanden asked if the Sheriff's Department has ever been called. Mr. Zimmerman stated they have never been called.

Staff Report – Brad Roy: The applicants received a Condition Use Permit (CUP) to establish the "Belle Vinez" winery with incidental food service in August 2013. Off-sale wine along with various craft and wine related products are also sold on site. The winery is currently permitted to be open mid-May to December 31st. The applicants are requesting to expand/intensify the use by enabling year-round operation. The Land Management Committee approved the Site Plan for the operation on January 15, 2014 and a Food and Wine Plan detailing how the food operations will be incidental and subordinate to winery operations was approved on

March 5, 2014. The conditional use permit was renewed on July 15, 2015 and the Food and Wine Plan was amended on October 21, 2015 to allow desserts to be served at special events. Condition #11 states, "Winery may be open from mid-May to December 31st. Hours of operation shall be 11am to 9pm. Condition #12 states, "Full menu food service (pizza and appetizers) may be provided from mid-May to December 31st, 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." The term "lights out" has been frequently used in permits for similar operations. The term was discussed in detail at the renewal on July 15, 2015. Condition #12 has been interpreted to mean that commercial service must cease by 9pm and that customers are to have vacated the facility by 10pm. This condition has not been interpreted to mean that lighting cannot be utilized past 10pm. The applicants have, on several occasions, notified staff prior to their own personal use of the facility outside of the terms established in the conditional use permit. The applicants' private use of the facility has resulted in concerns about compliance with established conditions being raised by neighboring landowners. Staff is of the position that the issuance of a CUP authorizing commercial use of a property or facility does not impact the owner's ability to utilize or access that property outside of established commercial hours. However, all commercial activity authorized by the CUP must comply with established conditions and hours. There have been no compliance issues with the operations since it opened. The Town of Clifton recommended approval of this request on February 2, 2016 stating, "Recommendation for Belle Vinez Winery to operate with the same conditions presently approved, except expand the days of annual operation to year-round." The existing conditions are listed #1 - #26 in the staff report.

Staff Recommendation: Staff recommends the Land Management Committee determine whether the proposed use at the proposed location would be contrary to the public interest or would be detrimental or injurious to public health, public safety or the character of the surrounding area. If found to not be contrary to the above, staff recommends the LMC approve this conditional use permit with the following conditions (staff suggested changes from the current conditions are ~~bolded with strike through~~ which indicate deletion).

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 applicant shall obtain necessary licenses from the Town of Clifton.
6. Applicant shall obtain all other necessary permits from state and municipal agencies.
7. The parking lot shall have at least 71 parking spaces. There shall be no on-street parking.
8. Seating capacity for the pavilion and plaza shall not exceed 120.
9. Applicant shall install signs detailing the need for reservations and no parking on the street.
10. Finalized plans of the structures shall be presented to the LMC for review and approval.
11. ~~Winery may be open from mid-May to December 31st~~; Hours of operation shall be 11am to 9pm.
12. Full menu food service (pizza and appetizers) may be provided ~~from mid-May to December 31st~~; 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.
13. No beer or liquor shall be served in the tasting room.
14. Lighting shall comply with the Land Management Department policy.
15. Sound system shall only be within the structures.
16. No audio bird repellent shall be used onsite.
17. Weddings and special events may not exceed established business hours and must be conducted consistent with the other conditions of this permit.
18. This Conditional Use Permit shall expire in 2 years and a status report shall be presented to the LMC in one year.

19. Applicant understands that any intensification or expansion of this use will require the issuance of a new Conditional Use Permit.
20. Berm shall be established on the east perimeter of the property with adequate vegetative cover.
21. Adequate vegetative cover shall be established to visually screen the parking lot from the road.
22. Applicant shall adhere to the approved Food and Wine Plan and shall ensure that food operations remain incidental/subordinate to winery operations.
23. Sound shall be limited to no more than 80 decibels at the property line.
24. Food service shall remain incidental/subordinate to the primary use as a winery.
25. Promoted access route shall be along County Road M.
26. Arrangements shall be made to establish a visual screen along the southern property boundary.

Roy stated that the only changes being to condition #11 now stating: Hours of operation shall be 11am to 9pm. Other changes to condition #12 to state: 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.

Chairperson Fetzer opened the hearing to the public. Pichotta stated you should have two items of correspondence, you were sent a letter from Gary and Marcia Borgstadt which outlined a number of concerns that they have regarding this operation. Rather than read the letter, he will characterize it to get it in the record. One concern was they believe this facility is not in compliance with the Town of Clifton's Comprehensive Plan. They believe that the Zimmerman's are operating outside the requirements of their Class B Liquor License. They feel that the LMC has been allowing the Zimmerman's to operate outside of the CUP. They believe the LMC has been allowing them to hold private parties also outside of the parameters of the CUP. They raise issues relating to property values. They ask that you deny the request and they advise the Zimmerman's to stop violating the State Liquor laws. You also received some additional correspondence, that is in your folders, from Carol Schoenthaler, another neighbor; to characterize that one; she wants to see the winery within the neighborhood and not taking over the neighborhood. She feels that it is a commercial establishment that is changing the neighborhood. We also did get a third item of correspondence from Greg and Kristin Johnson who are also neighbors, they are in support of the winery and it's expansion. Pichotta stated that he would like to touch on a couple items. He could do it in the public comment part or we could close the public hearing if that is appropriate. Chairperson Fetzer stated we will get through the public comment, close that and then go from there. Any further public comment? **Chairperson Fetzer closed the public hearing.** Pichotta, it has been suggested that the applicants are operating outside of their Class B Liquor license for a winery. The Borgstadt's reference in their letter a discussion that they had with Tyler Quam and/or Mario Altuzar with the Department of Revenue. Pichotta indicated that he had talked to Tyler Quam and it is fairly clear that some of the rules and regulations relating to Class B Liquor Licenses specifically for wineries aren't exactly clear. Mr. Quam had noted that he is seeking a legal opinion regarding some of these issues from the State AG Office. Mr. Quam is a special agent in charge for the Department of Revenue. He alluded to the fact that there are five or six wineries where issues have been raised and they are seeking clarification. It would seem appropriate that decisions relating to compliance with a Class B Liquor license need to be made by the Department of Revenue versus an interpretation by the LMC. Pichotta suggested that this is almost akin to if we issue a CUP for someone to sell used cars. The State has to give them a permit or a license if they are going to sell more than five cars in a year. The license that is given by the State is of course, different than the CUP. In order for them to operate under that CUP they have to have the license. He would see this as similar to that and, depending on what type of liquor license that the Zimmerman's had, if they had a Class B beer license they could actually be open until 2:00am and concerns about when the doors are actually closed wouldn't be an issue. If there are issues with the Class B Liquor License, he would suggest that it's not within our purview to pursue them because what we are mainly concerned with is compliance with our own conditions. Sanden asked Andy if our conditions were in conflict with the liquor license, of course the liquor license would supersede our CUP. Pichotta stated it may be that the parameters associated with the CUP are broader than they can actually use, depending on the type of liquor license that they have. That would fall upon the applicant to ensure that he doesn't lose his liquor license. Sanden asked with respect to one of the arguments brought up by Mr. Borgstadt, this did come up in another

winery issue. If they are having a private party, how does this committee know or how does Brad know whether or not they are charging and therefore it's not a private party. How do we know what's commercial and what's private unless we are actually there to see if any money is changing hands. Pichotta stated that when we have been notified on the handful of times that it has occurred, his understanding is that one of them was, rather than watch the Super Bowl in his living room the applicant opted to watch it at the winery. To a certain degree we have to take him at his word at that. He doesn't think that we want to be out there policing it in that sense. Holst stated he believes every applicant is different and he believes this applicant calls in advance and warns us when he is going to do things. He thinks every one of these has to be judged on its own merit. Pichotta stated he also had a discussion regarding the personal use of a facility like this with Mr. Quam and the long and short of it is, in each of these instances it would have to be judged on its own merits. Pichotta noted that Mr. Quam had said such a situation would be alright if it were employees or, for example, the applicants wife and child. Pichotta noted that he had asked what if those in attendance were more children and potentially some in-laws, is that ok? Quam stated probably but that each situation would need to be judged on its own merits. Holst stated what we need to take into consideration is there have been no compliance issues with the operations. He believes these people that have issues need to follow the correct procedure and that isn't to write us a letter as individuals but to notify the department when they believe there are compliance issues. Sanden stated so they can be documented. Ross stated at that time. Holst stated that is right. Pichotta stated a lot of their concerns stem from a different interpretation than this committee has about condition #12 about what lights out means. Sanden asked according to the letter, the Clifton Town Plan Commission denied it but the Clifton Town Board approved it. Pichotta stated the Planning Commission makes a recommendation to the full board that the full board utilizes to help make their determinations. Holst stated that the planning commission makes a non-binding recommendation to the Town Board. Pichotta stated that is correct. **Holst moved to approve the conditional use permit for expansion/intensification for Belle Vinez Winery with conditions #1 - #26 as stated, due to the fact this is not found to be contrary to public interest, nor detrimental or injurious to public health, public safety or the character of the surrounding area/Sanden seconded. All in favor. Passed.**

Discuss take action on review and update of the Goals, Objectives and Policies of the Management Chapter, relating to Planning and Regulatory Techniques of the Pierce County Comprehensive Plan.

Staff Report – Ryan Bechel: This is part two of what we started at the last meeting. This section is lengthy so I would encourage you to interrupt whenever you have comments or concerns. So starting off with Planning:

Goal:

- Establish comprehensive, county-wide policy planning that supports municipal, town and other agency planning efforts and supports effective decision-making.

Objectives:

- Encourage local municipalities and towns to adopt comprehensive plans and development policies that reflect local characteristics and standards and mesh with the adopted county comprehensive plan.
- County planning should anticipate change and provide decision-makers with insight into alternatives and consequences.
- The county should make its comprehensive plan well known, up-to-date and useful so it becomes part of the fabric of decision-making.
- Consistency with the county comprehensive plan should be made a prerequisite of development within the county's jurisdiction.
- Encourage energy efficiency in site planning and building design.

Policies:

- The county acknowledges that the responsibility for accomplishing planning goals and objectives set forth in plans developed by towns subject to county zoning lies jointly with the Town and Pierce County. The county further acknowledges that it will seek to further each Town's planning goals and objectives when considering the establishment of conditionally permitted uses. In cases where a town

has not adopted a comprehensive plan, the county will continue to solicit a non-binding town recommendation regarding the proposed use.

Pichotta stated this is one of those ones that if you recall, in previous chapters, where we struck the words “non-binding”. Once again we will be striking them in this paragraph as well as the next.

- The county will approve rezoning 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 completed a comprehensive plan, rezoning will be approved only when consistent with the Pierce County Plan. In cases where a town has not adopted a comprehensive plan, the county will solicit a non-binding town recommendation regarding the proposed rezone.
- The county will consider goal, objective and policy statements that “discourage” a given condition or use – as not prohibiting the specific action – but as a statement that the condition or use is not the preferred outcome, except when relating to rezones (map amendments). In cases of rezones, language discouraging the establishment of a use (or type of use) at a given location shall be interpreted as not supporting the establishment of that district at that location – if the town in which the rezone is proposed does not have a comprehensive plan. In cases where a town does have a comprehensive plan, the appropriateness of a proposed rezone shall be determined based on its consistency with that town’s plan.
- The county acknowledges that the primary responsibility for achieving plan objectives within urbanized communities remains with the municipalities. The county further acknowledges that it shares responsibility with the municipalities for achieving the plan objectives within the one and one-half to three mile area of shared jurisdiction.
- The county will encourage municipalities to adopt land use regulation that allow for the widest possible mixture of housing types, with particular attention paid to providing housing opportunities that meet the needs of the elderly, the low and moderate income households and the handicapped.
- The county will encourage each municipality to adopt land use controls that support the central business district of each community, if present.
- The county will encourage municipalities to consider land use regulations that include standards for landscaping, impervious surface areas and maximum lot coverage with the intent of protecting human and wildlife habitat from any detrimental effects of development.
- The county will encourage the use of clustered development of dwellings in an arrangement that encourages the permanent protection of open space and/or agricultural lands.
- The county will work with towns and property owners to establish, when appropriate, land use controls that preserve and enhance the agricultural industry.
- The county will encourage the establishment of town land use regulations and land use transitions designed to reduce potential conflicts arising from the proximity of agriculture to urban areas and other incompatible land uses.
- The county will work with the Wisconsin Department of Transportation to carefully examine proposals for primary highways and major arterials with respect to the impacts on conversion of agriculture land to non-agriculture use.
- The county will work with municipalities and towns, when appropriate, to prepare and adopt specific area plans and land use controls for the high-accessibility corridor areas that enhance the opportunity for economic development.
- The county will encourage municipalities and towns to prepare and adopt specific area plans and land use controls for sites conducive to economic development located along major water corridors, including the Mississippi River, for the purpose of resolving conflicts between the competitive interests of industrial uses and recreation and historic/cultural uses.
- The county will encourage municipalities and towns to adopt land use controls and promote the development of structures economic development parks that protect employment areas from incompatibility and land use conflicts, both internally to the park and externally to surrounding land uses.

- The county will encourage the Pierce County Economic Development Corporation to focus potential employers to areas in proximity to concentration of population within the county and within reasonable distance to transportation routes, so that Pierce County residents have the opportunity to minimize long, energy-absorbing commuting.

Pichotta asked if there are any thoughts or comments on this particular lengthy section. Sanden stated many of these are repeated. Pichotta stated there is some redundancy. Probably you have seen half of them before.

Regulatory Techniques

Goal:

- Encourage the development of regulations and enforcement techniques necessary to protect public health, safety, public and private property, the natural environment, water resources and the aesthetics and character of the county, through the establishment of regulations such as zoning, subdivision, floodplain, building and other ordinances or development standards.

Objectives:

- The potential for improving Pierce County's living, working and natural environments should be the standard used to determine the need and effectiveness of regulations.
- All regulations should be consistent with the plan and work to implement county goals and objectives.
- Only those regulations that are enforceable under realistic expectations should be considered.
- Environmental design criteria should be considered in development controls to protect natural, scenic, historic and environmental areas and minimize adverse impacts.
- All new developments should be encouraged to preserve significant natural features such as vegetation, waterways, floodplains, wetlands woodlands and scenic vistas.
- The county will strive to make its land use regulations, development and performance standards, approval process and expectations regarding plan compliance as clear and streamlined as possible.
- Efforts will be made to attain community goals while respecting private property rights.

Policies:

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

Pichotta stated this is one where we strike "non-binding".

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

Pichotta stated this is another one that we are proposing to amend a little bit. We propose to change it to: Pierce County will consider adherence to the goals and objectives; strike out "and policies", of an adopted or amended comprehensive plan to be consistent with the public interest. The reason for that being that a policy is, in a lot of cases, only one of many ways that one might accomplish a goal or objective that they cite. If the policy that the Town is proposing is over the top and onerous, it may be that we don't want to tie ourselves to that because there is a better way to accomplish it that doesn't get sideways with case law or other considerations. Ross asked we will go to goals and objectives and drop policies. Pichotta stated yes.

- The county will approve rezoning 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 completed a comprehensive plan, rezoning will be approved only when consistent with the Pierce County Plan. In cases where a town has not adopted a comprehensive plan, the county will solicit a non-binding town recommendation regarding the proposed rezone.

Pichotta stated again striking "non-binding". The reason we tie a rezone to a Towns comprehensive plan, there is a need to be consistent with the Town's plan is because Town's that have a comprehensive plan have veto

authority over rezones so it makes no sense for us to move through the process and approve something that's not consistent with a towns plan. It just makes sense to make sure it's consistent with that on the front end. Chairperson Fetzer asked if all towns have a comp plan. Pichotta stated everybody but the Town of Union.

- The county will consider goal, objective and policy statements that “discourage” a given condition or use – as not prohibiting the specific action – but as a statement that the condition or use is not the preferred outcome, except when relating to rezones (map amendments). In cases of rezones, language discouraging the establishment of a use (or type of use) at a given location shall be interpreted as not supporting the establishment of that district at that location – if the town in which the rezone is proposed does not have a comprehensive plan. In cases where a town does have a comprehensive plan, the appropriateness of a proposed rezone shall be determined based on its consistency with that town's plan.
- The county will, when appropriate, strive to create processes and a fee structure that provides incentives to produce the activities or outcomes that the county wants to “encourage” and disincentive for activities or outcomes that the county wants to “discourage”.

Pichotta asked if the committee recalled a couple years ago they had a discussion about the fee structure and how to approach it and whether to use kind of market strategies to encourage those sorts of behaviors that we want to see and to discourage those that we don't? Rather than scrap that whole concept, what he is proposing to do is walk it back a little bit. Instead of how it was stated originally, the County will strive to create processes in a fee structure that provides incentives to produce... The County will, when appropriate, seek to create processes. When appropriate may mean that if we encounter the types of pressures that we saw in '04, '05 and '06, maybe at that point in time there will be a need to put some of these things in place, maybe not. Although it may be that we won't see that sort of pressure again in the next few decades. The reason for changing strive to seek is the word strive suggests a little bit more of a concerted action to make it happen, and seek generally means that we will explore the option.

- The county will continue to utilize land use controls, including site plan review procedures that regulate site development in a way that encourages compatibility between uses and an efficient development process.
- The county will continue to permit the use of density transfers, which allow for the development of dwelling at the same overall gross density, to encourage the retention of the greatest area of open space.
- The county will consider the adoption of transferable development rights (TDR's) procedures, which allow developers to purchase development rights from willing property owners. The use of TDR's must be limited only to those developments that implement state public policies. In order to encourage the preservation of the best agricultural lands, TDR's may limit the transfer of density to only those properties with lower productivity at the sending site.
- The county will encourage town land use regulation and land use transitions designed to reduce potential conflicts arising from the proximity of agriculture to urban areas and other incompatible land uses.
- The county will require adherence to standards that prevent erosion, sedimentation and adverse visual impact resulting from the modification of shorelines of rivers, lakes and streams.
- The county will utilize land use regulations such as zoning, subdivision, flood plain, storm water and wetland ordinances, to carefully regulate development in all areas, with particular reference to safeguarding environmentally sensitive areas and limiting development in these areas.
- The county will pay particular attention to the protection of environmentally sensitive areas and groundwater resources in its review of development proposals.
- The county will participate in groundwater protection planning efforts of local communities, as appropriate.

Sanden asked about the TDR one; In order to encourage the preservation of the best agricultural lands, should that be a comma, TDR's may limit the transfer of density to only those properties with lower productivity at the sending site. Staff agreed that it should. Pichotta asked if the committee has any thoughts or comments. Sanden asked if it would be prudent to mention any case where some issue is not addressed in a Town's Comprehensive Plan that we at the county would use our best judgment? Is that a necessary or prudent thing to put in this

document? Pichotta stated he almost thinks that's a given. Sanden explained that we have been talking about encourage and discourage and you reference the Town's Comp Plan a lot and talk about how they would have then solicit the opinions of them. He was thinking the one thing missing is what if that issue is not addressed in the Town's Comp Plan. Pichotta stated what has been interesting is often times issues are addressed in their comp plans and they don't actually reference it. We see that regularly. Either way that's fine. The elected officials use the comprehensive plan as a tool. Basically it helps validate their decisions and if they chose not to refer to certain sections for whatever reason, that is their prerogative. Holst stated some township plans are becoming more like zoning ordinances opposed to comp plans. We've got to have the latitude to interpret which it is. If they are trying to zone the comp plan doesn't carry water with him but if it truly is a plan and gives direction, then it carries a lot of weight. Sanden said "well stated". Pichotta asked if there is consensus to go forward with changes as proposed. Chairperson Fetzer asked if we need a motion. Pichotta stated consensus would be fine. Committee agreed to changes as proposed.

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

Departmental Update and Future Agenda Items

Hopefully, you received in the mail a copy of the Health Impact Assessment. Sue Galoff, Public Health Director, sent an email stating; The Board of Health discussed the Health Impact Assessment of Industrial Sand Mining at their February meeting and are interested in having Audrey Boerner, HIA Specialist and author of the report to come do a presentation and thought perhaps we could have her speak at a joint meeting with the Land Management Committee if there is interest. She believes the grant runs through the end of March so we would need to get something scheduled before that. If there is interest please let her know so she can see when Audrey is available. Pichotta stated that he did hear from Sue and Audrey is available on the evening of our next Land Management Committee meeting. He did have a discussion with Mr. Aubart who is not present and he questioned the timing and wasn't sure this would have a ton of value given that we have a copy of assessment and also if we did hold it, he thought it would make more sense to hold it after the County Board changes have taken place. So it would be April or later but he thinks this is an opportunity that ends in March. He is looking for some direction, if the committee wants to have a joint meeting with the Board of Health to discuss the assessment we would do so at our next meeting. We've got one other agenda item that is renewal of County Materials – Spring Lake and we would do the next piece of the comp plan if we don't do this joint meeting. If we do the joint meeting, we probably will push off the comp plan until another date. Ross asked if it's OK with everyone. Sanden stated on the one hand it's important because we do have a lot of sand mining going on and on the other hand he saw no surprises in that report, kind of what we always thought. He can go either way. Holst stated he always relates back to the outdoor wood burner. They wanted to regulate outdoor wood burners and they had a whole list of stuff they wanted to invoke and they wanted somebody else to enforce it. He fears here is that they will want to start having input in land use decisions and a broader scope than just sand mines so what happens next. Do we look at where 90% of the airborne stuff comes from; farmer's fields, etc. This is a slippery slope, if we allow their foot in the door, how far in are they going to get. He is opposed. He thinks the committee can read this, come to the conclusion that it's not as big a problem as some people had it perceived to be and still seek their input when we feel it's needed. Sanden stated he is not adverse to that. Holst stated he thinks the committee has done a relatively good job of protecting the public's health. Sanden stated if there was something unexpected in that report then he would want to hear them. But it seems to him it's what they have been operating under the assumption of. Chairperson Fetzer stated it's what we've already known, nothing earth shattering. Sanden stated the only benefit would be to show due diligence and confidence that we delved into it as deeply as we could. He certainly appreciates Mr. Holst's comments as well. Holst stated he could go either way. Chairperson Fetzer agrees with Mr. Aubart to bring them in before the committee changes. Holst stated once the grant money runs out they have a little money left and they want to burn the grant. Pichotta asked what is the LMC's wishes? Ross stated no joint meeting. Committee consensus. Pichotta stated at the next meeting we have renewal for County Materials – Spring Lake and the next chapter of the comp plan.

Motion to adjourn at 6:45pm by Ross/Sanden seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, March 2, 2016 – 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 16 th , April 6 th & 20 th , all in 2016.	Chair
3	Approve minutes of the February 17, 2016 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for a conditional use permit for Expansion/Intensification of 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 review and update of the Goals, Objectives and Policies of the Management Chapter, relating to Planning and Regulatory Techniques of the Pierce County Comprehensive Plan.	Bechel
6	Discuss take action on Travel/Training Requests.	Pichotta
7	Future agenda items.	Pichotta
8	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.

(2/19/16)

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MINUTES - Pierce County Land Management Committee Meeting, February 17, 2016

Present: Jon Aubart, Joe Fetzer, Jeff Holst, Jim Ross and Eric Sanden

Others: Andy Pichotta, Kevin Etherton, Ryan Bechel and Shari Hartung

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

Set next meeting dates: March 2nd & 16th, April 6th & 20th, all in 2016.

Approve Minutes: **Ross moved to approve the January 20, 2016 Land Management Committee**

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

Passed.

Chairperson Fetzer stated that item #4 has been stricken from the agenda for tonight at the request of the applicant.

Discuss take action to approve updated Land Records Modernization Plan and authorize/accept Strategic Initiative Grant.

Staff Report – Andy Pichotta: Each County participating in Wisconsin’s Land Information Program is able to retain a portion of the fees associated with the recording of documents in the Register of Deeds Office. These fees are placed into a Land Records Modernization Fund and are utilized to implement the priorities identified in a County’s Land Records Modernization Plan. A Land Records Modernization Plan establishes each County’s goals and priorities in making land records and information more accessible to the public and establishes eligible expenditures from the Land Records Modernization Fund and for State administered grant funds. Act 20, the biennial state budget for state fiscal years 2014-2015 resulted in numerous changes to the Wisconsin Land Information Program (WLIP). Changes are as follows:

- Initiative to create a statewide digital parcel map
- Increase in Land Information Funds at State level
- Increase County Base Budgets to \$100,000 per year and Training & Education Grant to a minimum of \$1,000
- Establish a Strategic Initiative Grant
- Increase frequency of update to Land Records Modernization Plan to every 3 years
- Establish mandatory benchmarks, deadlines and penalties

The establishment of mandatory benchmarks and timeframes resulted in the need to update the plan to reflect the new parameters. The draft plan was submitted to Peter Herreid, Wisconsin Land Information Program (WLIP) Grant Administrator, for a preliminary review. Several changes were made in response to Mr. Herreid’s review. A final plan must be submitted to the WLIP in March. Pierce County’s Land Information Council met in late October to review and approve the Land Record Modernization Plan and also meet with Mr. Herreid. Mr. Herreid discussed changes to the program and encouraged staff to submit an application for a \$50,000 Strategic Initiative Grant to assist the County in meeting the newly established benchmarks.

Pichotta stated that Keven Etherton, our GIS Specialist, was in attendance and asked him to briefly go through our current and future projects. Etherton stated the current projects: Aerial Photography or Ortho Photography as they call it. Ross asked where that name derives from. Sanden stated its Orthographic projection. Etherton stated we flew LiDAR in April and the same with Ortho Photography. Both of those projects are almost 100% complete. We are still waiting for some contours from one of the companies that are creating the contours for us. Pichotta asked what the timeframe for that is. Etherton stated hopefully in the next week or two. Pichotta stated what we will have on our website will be two-foot contours for the whole County. Etherton stated we maintain and update Land Management and Zoning information. Maintain the web mapping site and map services. We maintain the Sheriff's Department, Dispatch Center and mobile data. Remonumentation is Louie's part of the gig. COGO parcels is what ProWest is helping with right now. We provide GIS Data to the public, State, local and private organizations and agencies. We do permits in Permit Tracking. Nugget Lake flood warning system, the migration to the newer ArcGIS from previous mapping software. The future projects we have in mind are ArcGIS on-line, we have started some of that and it is currently on our website, GIS Mobile Data and ArcGIS Mobile Data for Emergency Management as well, Sheriff's Department looking at doing crime analysis mapping, GIS Data and map Maintenance/Creation and looking at free GIS Data available on our website for downloads and would like to do scanning of large format survey documents which we hope to do in the next year or so to put on our website as well. Pichotta stated one of the things Kevin mentioned is the potential for free GIS Data available on the website and that is basically the direction that other counties and municipalities have gone. We still have a fee schedule that is about a decade old now where we were charging for data by the megabyte, which is now not very much data. So we will in all likelihood, in the not too distant future be bringing through the Land Information Council a recommendation regarding fees that we should charge for data, or lack of fees perhaps. To do so will result in the need for us to take a look at the resolution which establishes fees for the department. We probably won't bite off all of the fees but perhaps just do a resolution to amend the portion relating to data. Etherton stated that a lot of counties, right on their mapping website, you can just pick a layer and download it. Since we are already giving the parcels away to the State, anybody can get that data for free right now, granted it could be up to a year old if you go through the State. If you came through us, it would be up to date as of a week or so. Pichotta stated he doesn't know if it's publically available yet, but there is a statewide map where in the State of Wisconsin you can zero in on any particular part and look at parcel data, parcel maps and see who owns the land. Any questions about the plan? We could have Kevin go through page by page but he doesn't feel it's necessary unless there are questions. Sanden asked if you were to charge fees, how would that work on the website. They would be billed by how much they download? Pichotta stated his hunch is that they will follow the lead of other counties and municipalities, the recommendation will probably ultimately be not charge. Sanden stated he doesn't know of any instances where they do charge and you would think that is taking a financial hit but it is also freeing up a lot of work hours where the County Clerk doesn't have to dig up all the information by hand. It will actually result in a savings even though accessing the data doesn't pay directly. Etherton agreed and stated he is exactly right and when people call him, they want it a specific way and we charge them for it but it saves time for him not to do that. Sanden said what he was looking for, he saw. He is glad that we are going into oblique imagery. That is really good for assessors to see the fronts of buildings rather than just the roof line. That is really helpful for emergency services. They can see what they are getting into. The one thing for a future goal perhaps, have you thought about linking into the national grid? Etherton stated that was mentioned at some of the conferences that he has gone to. Goodhue County or Dakota County is doing that. He talked to the gentleman there who is in charge of GIS, Randy Knippel, and he also brought it up to Gary Brown and he was unaware of it. He did create an on-line GIS with the grid on it just in case there is an emergency, all the power goes out, we would have that available. Granted who knows how to use it, we don't know. Sanden stated the national grid is what the military uses. The beauty of it is, if you have a tornado come through and everything is wiped out, emergency services can still find where they are going just the way the military does. He doesn't think it's something we need to jump into immediately but maybe in the future. Ross asked if we have to provide our information to the federal data base. Sanden stated no, think about how we have coordinates systems like latitude and longitude. The national grid is just like another coordinate system, so we would just overlay it onto our data. Etherton said

what he needs to do is create maps if there ever was an emergency, that they are available or an on-line off the server here where someone can go and look at that grid. We just need to educate them on how to use it, is the issue. It's real easy for him to do. We just need to educate people in the field. Holst stated he thinks it's worthwhile. We have all the information. Let's use it however we can.

Staff Recommendation: Staff recommends the LMC approve the updated Land Records Modernization Plan and authorize/accept available Strategic Initiative Grant Funds.

Pichotta stated we also became aware late in the year last year that a strategic initiative grant was available. It's an extra \$50,000 for us to meet the benchmarks that we have to meet by 2017. So that will enable us to get all of our COGOing done. Holst asked how far off are we? Pichotta stated we will make it. Etherton stated surveying wise we are ahead of schedule, Louie got Oak Grove done early and he is working on Clifton. He was out there today and he did two corners. ProWest, the company that does our parcels, they are working on Oak Grove right now.

Sanden moved to approve the Land Records Modernization Plan and authorize/accept Strategic Initiative Grant/Ross seconded. All in favor. Passed.

Discuss take action on review and update of the Goals, Objectives and Policies of the Management Chapter, relating to Finance & Budget, Land Acquisition, Public Works, Public/Private Relations, Education and Information, of the Pierce County Comprehensive Plan.

Staff Report – Ryan Bechel: The Wisconsin State statutes mandating county comprehensive plans place a significant degree of emphasis on implementation. For a comprehensive plan to be successful and the community's vision of the future to come to fruition, action needs to be taken towards implementing the policies set forth in the various elements of the plan. Recognizing the significant impact the implementation element has on the successful execution of a comprehensive plan, Pierce County developed a series of "management" goals, objectives and policies that serve to support and guide the implementation strategies developed by the plan. The Urban Land Institute has described the management of growth and change as "the utilization by government of a variety of traditional and evolving techniques, tools, plans and activities to purposefully guide local patterns of land use, including the manner, location, rate and nature of development." Growth can be characterized as the fluctuating "dimensional" aspects of a community such as population, economic productivity and development. Alternatively, change relates more to the intangible attributes of a community, often described as its "character." Growth can influence change and change can occur whether growth is absent, positive or negative. Implementing a plan almost always requires that a proactive position be taken on the management of "growth" and "change." Implementation strategies have to be adaptable to future growth and change the county may experience over the duration of the plan. Whereas the forthcoming "Implementation" element of the comprehensive plan consists of the specific "line-item" implementation goals, the purpose of this element is to develop management provisions that guide and support implementation of the plan and position the county to proactively manage future growth and change. In reviewing the existing management goals, objectives and policies the county should assess whether additions or modifications are warranted to position Pierce County to successfully implement the comprehensive plan in the coming years.

Finance & Budgeting

Goal:

- Continue financial monitoring, fiscal analysis, revenue projections and mid-range budgeting to ensure financial health of the county and the equitable distribution of public costs between current and future residents and businesses.

Objectives:

- The county should minimize the cost of infrastructure and public facility expansion through integrated planning and capital improvement programming.
- The county should encourage intergovernmental approaches to address the cross-jurisdictional impacts of major new developments.

Policy:

- The county will review and adopt only those management activities or programs that are adequately staffed and funded.

Pichotta stated something to keep in mind especially with these chunks that we are dealing with tonight, there is a consistency requirement for the comprehensive plan and some of the decisions that are made by the county, Finance & Budgeting, Land Acquisition, Public Works are not one of them. So the consistency perspective, really relates to the application of zoning and land use type regulations. While these are things, that ideally, the county would do as they consider various things, we are not actually held to them in a strict sense. Pichotta noted that we have one suggested policy that may be appropriate to add to this particular section and that is at the end of the staff report: The County will seek to identify and evaluate cross-jurisdictional and multipurpose use opportunities when planning community facility and infrastructure improvement projects. Basically, when we are going to spend some money to do something, at least consider if there is the potential for multi-agency, multi-county, multi-whatever use of that facility or infrastructure, any thoughts or comments on this? Sanden asked if this is the implementation. Pichotta stated no, basically, all of these policies, a lot of them suggest an action of some sort. What we are going to do when we are at the end of this is we are going to conduct a series of open houses to present this. We are also going to do a survey of sorts through our website to try to help prioritize or understand the areas that residents or elected officials from the town level, feel ought to be a priority. That input will be given to the committee to help us identify an implementation plan for the next five years. Sanden asked if we ever see the CIP, Capital Improvement Program, is that something this committee handles? Pichotta stated typically not. Sanden stated to your point, he thinks the cross-jurisdiction fits right in with the first objective. Bechel continued reading the staff report.

Land Acquisition

Goal:

- Consider prudent acquisition or public control of property needed for rights-of-way, facility sites, parks and open space.

Objectives:

- The county should consider acquiring property, rights-of-way or easements in advance of identifiable needs in order to reduce costs and reduce the need to exercise eminent domain.
- County acquisition plans should maximize joint development potential (e.g. school/park sites; fire/police/community centers) to accommodate count and regional needs.
- The county or other responsible agencies should consider acquiring environmentally critical lands wherever the natural environment cannot be protected through regulation.

Policy:

- Land acquisitions will be made when in the best long-term interest of the county and a specific need is identified.

Pichotta asked if there are any thoughts, comments, or concerns on this section? Ross asked if there are any major changes. Bechel stated everything that he is reading is the existing plan as it is currently. Holst suggested to go to the one sentence you are changing and let's move on. Pichotta stated that the one suggested addition was already covered. **Holst moved to approve the proposed update of the Goals, Objective and Policies of the Management Chapter, relating to Finance & Budget, Land Acquisition, Public Works, Public/Private Relations, Education and Information, of the Pierce County Comprehensive Plan. Ross seconded. All in favor. Passed.** Pichotta suggested that if committee members had any further thoughts or suggestions on this section that they should feel free to call him.

Discuss take action to authorize staff to replace the 2002 Ford F150 and to declare said vehicle surplus.

Staff Report – Andy Pichotta: As part of the Department's 2016 budget, \$30, 000 was authorized for the purchase of a vehicle to replace the 2002 Ford F150 currently utilized by the Department. Proposed specifications for the new vehicle are:

Half Ton Pickup Truck

4 wheel drive

Extended or Crew Cab

Staff is seeking authorization to solicit bids from local truck dealers for the new vehicle. Staff is also requesting that the LMC declare the 2002 Ford F150 to be surplus, which will enable the vehicle to either be traded-in or sold outright. Approval by the Finance and Personnel Committee will also be sought.

Staff Recommendation: Staff recommends the Land Management Committee authorize staff to solicit bids for a new pickup truck for the Land Management Department, consistent with the Department's approved budget and also declare the 2002 Ford F150 to be surplus equipment.

Ross moved to approve the authorization of staff to replace the 2002 Ford F150 and to declare said vehicle surplus/Aubart seconded. Aubart asked if when they solicit bids, are you going to do the state bid? Pichotta stated that we surely can. Aubart suggested checking with Ewald. Ewald Motors has the state bid. Holst stated we saved a bunch of money for Solid Waste when we went there and you can transfer the warranty to the local dealer. It's a win-win situation. Aubart stated it saves a couple thousand bucks. Holst stated the way the other one was set up it was \$2,000 or \$3,000. Chairperson Fetzer asked if Andy has checked prices yet. Pichotta stated that he has not done much research but that he is confident we will be able to get what we are looking for, we don't need anything fancy, just need a pickup truck. **All in favor. Passed.**

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

Departmental Update and Future Agenda Items

Request for a CUP for the Expansion/Intensification of Belle Vinez Winery.
Another chapter of the comp plan.

Motion to adjourn at 6:28pm by Aubart/Ross seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, February 17, 2016 – 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 2 nd & 16 th , April 6 th & 20 th , all in 2016.	Chair
3	Approve minutes of the January 20, 2016 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for a conditional use permit for an Accessory Residence in the Primary Agriculture District, pursuant to Pierce County Code Chapter 240-40A, for David and Karen Bunch, owners on property located in the NE ¼ of the NW ¼ of Section 12, T26N, R17W, Town of Ellsworth, Pierce County, WI.	Lund
5	Discuss take action to approve updated Land Records Modernization Plan and authorize/accept Strategic Initiative Grant.	Etherton/Pichotta
6	Discuss take action on review and update of the Goals, Objectives and Policies of the Management Chapter, relating to Finance & Budget, Land Acquisition, Public Works, Public/Private Relations, Education and Information, of the Pierce County Comprehensive Plan.	Bechel
7	Discuss take action to authorize staff to replace the 2002 Ford F150 and to declare said vehicle surplus.	Pichotta
8	Discuss take action on Travel/Training Requests.	Pichotta
9	Future agenda items.	Pichotta
10	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.

(2/5/16)

- **Revised February 11, 2016 @ 2:17pm**

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MINUTES - Pierce County Land Management Committee Meeting, January 20, 2016

Present: Jon Aubart, Jeff Holst, Jim Ross and Eric Sanden

Absent: Joe Fetzer

Others: Andy Pichotta, Ryan Bechel and Shari Hartung

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

Set next meeting dates: February 3rd & 17th, March 2nd & 16th, all in 2016.

Approve Minutes: **Ross moved to approve the January 6, 2016 Land Management Committee minutes/Aubart seconded. All in favor. Passed.**

Discuss take action on a request by the Town of Union for an extension to the timeframe that a town has to generate a recommendation for a conditional use permit application, per Land Management Committee policy (6.5.13).

Staff Report – Andy Pichotta: At the LMC October 21st meeting, the LMC granted the Town of Union a 60 day extension to the timeframe within which a town has to generate a recommendation for Muskie Proppant’s proposed nonmetallic mine. This initial extension was requested to allow for additional information to be solicited from Muskie Proppant and for input to be sought from the Village of Plum City and extended the Town’s response time frame to January 25, 2016. The Town had, prior to the extension being granted, requested additional information from Muskie Proppant regarding their proposed mining operation. Muskie Proppant, on November 12, 2015, responded to the questions asked by the Town. On December 5, 2015, the Town of Union requested additional information and clarification of Muskie’s submittal (Town’s request to Muskie is attached). As of January 13, 2016, a response to the Town’s second request by Muskie Proppant had yet to be received. The Town of Union is now requesting an additional extension to the timeframe within which they must make a recommendation. The Town is of the position that it cannot make a meaningful recommendation until they have a better understanding of the mining activity that is proposed. The Town Recommendation Policy adopted by the LMC on June 15, 2013 is listed in the staff report.

Staff Recommendation: Staff recommends the LMC consider and act upon the Town of Union’s request for an extension to their timeframe to generate a Town Recommendation. Given that it is unknown when Muskie Proppant will respond to the Town’s request for information or the adequacy of that information, it is recommended that a 60 or 90 day extension be granted.

Pichotta stated representatives of the Town are here as are folks with Muskie. Chairperson Holst invited John Krings forward: John Krings, Supervisor, stated their Chairman is coming but not here yet. They are asking for an extension because they haven’t gotten a letter back from December 7th. Chairperson Holst invited Kenny King to respond: Mr. King stated they received the letter. He had to put the engineers on hold because of the Town Licensing Ordinance that was put in place. Obviously, they put an ordinance in place that will not allow them to mine there. He convinced management to allow them to move forward with the project so they will have answers to the questions real soon, he can get the engineers on it. Chairperson Holst asked if they are opposed to the Town getting an extension. Mr. King stated they are. Chairperson Holst asked if they have answered the Town’s questions. Mr. King stated they answered the first round of questions and he feels that the questions that they are asking pertaining to volumes and such have been provided in the initial information that

they gave to them. Ross asked about the first round of questions, not the ones dated on December 5th. Is that the ones you are referring to? Mr. King stated no, that is the second round. Ross stated on the first round, was there feedback on that or just a second round of questions. Mr. King stated just a second round of questions. Ross asked if there is no communication otherwise. Ross asked Mr. Krings on the first round of questions, it just was not satisfactory then? Mr. Krings, yes, they had more questions. That is why they want the extension until they answer the questions. Ross asked Kenny, you are opposed to the extension just because it's time delays? Mr. King stated it's time delays, basically many of the questions are answered in that booklet that they provided. If they would call or email him with a question here or there or set up meetings with him, he is open, he will sit down every day if he needs to. Ross asked if any of the second round of questions duplicates the first round. Mr. King stated basically they were, the majority of the questions are pretty much asking the same thing. He can send them to the engineer's office but there is so much of that they wouldn't understand. Mrs. Krings stated that communication only goes through the clerk and she hasn't received any response. Pichotta noted that staff had received a courtesy copy of the application. Our assessment was, if it was presented to us as an application, we too had additional questions that we felt needed to be answered. So if we had been submitted this application we would have requested additional information including some of that which the town requested. Mr. King stated that he would prefer that they express their concerns with him instead of sending him another round of questions. He told Andy earlier, he could draw them a picture of how he plans on doing it. They just keep asking him the question, he gives them an answer - fifteen acres. Chairperson Holst stated his suggestion is that we extend it 60 days and tell you to get going and talk to them Kenny. You will work it out and when you get it worked out they might be back in 30 days. The quicker you two can sit down and talk the better things are. Mr. Krings pointed out that it was stated in the first letter that correspondence would be only through the clerk. Chairperson Holst stated he thinks that is where you should send correspondence - to your Town Clerk and then the clerk needs to get that out to the other board members. Mr. Krings stated that if you don't have things written down then it's he said, she said - and that doesn't work. Sanden asked Andy as a point of order, if they were to sit down and have an informal discussion between the two parties, is that legal or is that considered a meeting that would have to be posted. Pichotta stated if there was a quorum of the Town Board present then it would have to be noticed. The approach they are taking where they are trying to steer communication through an official channel makes a lot of sense. Then you don't end up with he said, she said, which it appears we are ending up with anyway. Sanden stated a lot of time written communication aren't as efficient as sitting down and hashing out face to face. Ross stated often times when you answer questions in a format like this, what it does is prompt additional questions. So you are spending a lot of time; Kenny's answer might trigger yet another thought pattern or concern that could be remedied as say just a sit down conversation. In a situation like this, having a formal meeting, however you wish to do it is your choice, and airing out these concerns and ensure it is documented by the minutes and so on. He thinks Kenny's concerns are also legitimate. As you are building business and business models, time becomes of the essence. Where time may not be as critical on the Town's side, because you are not having to produce revenues and so forth. In able to be respectful of both, Kenny and the Town, taking the opportunity and the time to sit down and get this done, would save everybody a lot of headache and also move things in the right direction. He feels that is important. **Aubart moved to grant a 60 day extension to the Town of Union to generate a Town Recommendation/Sanden seconded.** Chairperson Holst stated he is of the belief that if you can sit down and talk and go through your questions, and as more questions are generated, and you can answer them, Kenny, perhaps they can get this deal wrapped up quicker than 60 day period and come forward. Closer to what you would like to see, so compromise and communication is what he would like to see out of this. Bring forward something that we can accept without making you wait when you get here too. **All in favor. Passed.**

Discuss take action on review and update of the Goals, Objectives and Policies of the Intergovernmental Cooperation Chapter of the Pierce County Comprehensive Plan.

Staff Report – Ryan Bechel: Intergovernmental Cooperation: 26 local governments operate within Perce County's borders, including 17 towns, 6 villages, 2 cities and the county itself. Pierce County also shares borders with 6 other counties (3 MN, 3 WI) and the numerous towns of those bordering counties. As the

principal governmental entity in the county, Pierce County plays a critical role in helping to foster cooperation among local governments as well as assisting in resolving conflicts that may arise. Planning issues such as housing, natural resource protection, economic development and land use rarely confine themselves to arbitrary jurisdictional boundaries; therefore, the decisions, plan and policies of one community can impact neighboring jurisdictions. The most successful and cost effective governmental entities work cooperatively with other units of government and the private sector in order to efficiently meet the needs and demands of the citizens they serve. Intergovernmental cooperation can be as simple as sharing ideas, expertise and information or involve more complex formal agreements and sharing of resources such as equipment, buildings, staff and funding. Benefits of these cooperative ventures include reduction of costs, expanded services, more efficient government and reduced conflicts among government entities. The challenges inhibiting governmental cooperation include reaching and maintaining agreements, balancing power and addressing local self-preservation and control issues. To accomplish its comprehensive planning goals, Pierce County will need to cooperate and coordinate effectively with its neighbors, counterparts and partners. The Intergovernmental Cooperation element of the comprehensive plan review will focus on reflecting on the existing Goals, Objectives and Policies to consider opportunities to support existing relationships and evaluating potential new avenues to enhance intergovernmental cooperation amongst Pierce County's governmental entities. The existing Intergovernmental Cooperation Vision: By the year 2035, intergovernmental cooperation efforts have enabled Pierce County to establish partnerships with municipalities, towns, state agencies and school districts to provide coordinated cost-effective services. Through cooperation with municipalities and towns, the county has preserved its rural lifestyle while providing a unique blend of industrial, commercial and residential development. Not a lot of data to look at for Intergovernmental Cooperation, more of an open discussion format and just kind of look at the goals, then have a discussion and then the objectives and policies.

Existing Goals, Objectives and Policies

Goal:

- Encourage a team approach to comprehensive planning involving state, regional and county agencies and municipalities and towns for the most effective, representative, decision-making process.
- Work with other units of government to seek efficiencies and economies of scale in providing services, while recognizing the autonomy of each.

Pichotta stated given there are a good number of Objectives & Policies is there any thoughts to the two existing goals. Sanden stated he doesn't see the second goal translated into an objective or a policy. The first one is very well covered. He doesn't know how much room there is for sharing of services. Finding efficiencies, just the lack of it being followed through on the objectives and policies, he did note that. Pichotta asked do you still feel that is a worthwhile goal? Sanden stated the County is a little different beast for him, he can certainly see where two Townships could cooperate and share equipment or maybe share personnel. At the County level, do we have those same kinds of abilities? Pichotta stated at the County level we may not have the same kind of abilities exactly, however, it may be we could attempt to foster those sorts of relationships. He thinks it's still a worthwhile goal. Chairperson Holst stated quite often if Dunn County has a hole patcher, Pierce County rents it. We will do trucking for St. Croix County. So we have some intergovernmental cooperation with Highway Department. We've got joint jurisdiction with law enforcement, mutual aid. Pichotta stated you have to think about this from not only a land use perspective, because, from a land use perspective, opportunities are likely limited. Chairperson Holst stated the Health Department does things, Human Services does things with other counties. Intergovernmentally at the County level, we are doing a fair amount. Through the townships quite often, Highway will do work; build roads and maintain for three townships. Those townships have no equipment, no crew. There is mutual aid with the different police departments. Sanden stated it sounds like it is happening quite a bit. Chairperson Holst stated a fair amount but there is probably room for more. Sanden asked are you limited as far as sharing on State programs as an agent of the State, are you limited in anyway? Does the State say that you in Pierce County have to provide these services for your residents; St. Croix County has to provide it for their residents and the two shall not. Pichotta stated in cases of private onsite wastewater treatment staff, it says that each county shall have this staff on board. He doesn't necessarily preclude the

county from sharing those as long as the County had them in some fashion. Typically it does say that the county shall provide certain functions. But he doesn't think that would preclude them from sharing that service with adjacent county. Sanden stated maybe something in the objectives to document, he is pretty impressed with what you came up with just spur of the moment, document where we are cooperating and explore additional. Pichotta stated when Pepin County didn't have a POWTS Inspector; we did provide that service for them. We did get paid but we were in a contract with them just because that only made sense. Sanden stated in a time of tight budgets it might be nice to document it just so if an interested party does ask, how are you being more efficient with our tax dollars, you can show them.

Objectives:

- The County should encourage land-use, boundary and administrative agreements between municipalities and between the county, towns and municipalities, in an effort to eliminate defensive municipal annexation or private developers taking advantage of municipal or county approval processes.
- County agencies and town and municipal authorities should open direct channels of communication that promote the two-way exchange of ideas and meaningful dialogue on issues of importance to either the county or the towns and municipalities.
- The County should encourage a variety of approaches to coordinate local planning and development practices and to help resolve conflicts between communities, including encouraging the use of intergovernmental agreements, improved notification procedures and cross-adoption or acceptance of plans and by sponsoring intergovernmental task forces on specific planning and land use issues.
- Encourage each agency within the county that reviews or approves development proposals to strengthen the public hearing process by requiring, prior to the decision-making process, conspicuous notices that provide the relevant information, such as maps about proposed developments, potential impacts and the ability to participate to residents and surrounding government agencies.
- The County should play a prominent role in managing the land-uses around airports, including the investigation of an Airport Zone.
- The County should support the efforts of the Pierce County EDC in working with local municipalities, chambers of commerce, regional industrial associations and state agencies to encourage the retention and expansion of existing businesses and industries in Pierce County.

Pichotta asked if the committee had any thoughts or suggestions on Objectives. Chairperson Holst stated the last one: Pierce County should support the efforts of the Pierce County EDC in working with local municipalities, etc, when it is relevant. Ross asked if there are any examples of that so far. Chairperson Holst stated we fund them annually. Ross stated no, he is asking any other involvement that Andy is aware of. Pichotta stated he has met with Ellsworth Industrial Council on occasion. Ross asked how would you define relevancy? Chairperson Holst stated when it's for the good of the county as opposed to the good of a few people in the county. That's his opinion. Pichotta stated the second to the last one; dealing with the investigation of an Airport Zone; we have played a role in that. We still haven't heard from the commissioner of the Minnesota Department of Transportation regarding the adequacy of that proposed zoning ordinance that would have been adopted and that that the City of Red Wing wanted us to administer. That is still out there. Sanden stated given that it is still an issue we should probably leave it in the comp plan just so we have that covered in the comp plan.

Policies:

- The County acknowledges that the primary responsibility for achieving plan objectives within urbanized communities remains with the municipalities. The County further acknowledges that it shares responsibility with the municipalities for achieving the plan objectives within the one and one-half to three mile area of shared jurisdiction.

- The County will, when appropriate, act to assist in municipal planning and development practices and assist in resolving conflicts between communities toward the benefit of the county as a whole and toward its adopted planning and management goals and objectives.
- The County will encourage the development, revitalization and redevelopment of urbanized communities.
- The County will encourage municipalities and towns to adopt land use regulation that allow for the widest possible mixture of housing types, with particular attention paid to providing housing opportunities that meet the needs of the elderly, the low and moderate income households, and handicapped.
- The County will encourage each municipality to adopt land use controls that support the central business district of each community, if present.
- The County acknowledges that the responsibility for accomplishing planning objectives set forth in plans developed by towns subject to County zoning lies jointly with the Town and Pierce County. The County further acknowledges that it will seek to further each Town's planning goals and objectives when considering the establishment of conditionally permitted uses. In cases where a town has not adopted a comprehensive plan, the County will continue to solicit a non-binding town recommendation regarding the proposed use.
- The County will approve re-zonings or map amendments only when the proposed change is consistent with an adopted or amended town comprehensive plan. In cases where a town has not completed a comprehensive plan, rezoning will be approved only when consistent with the Pierce County Plan. In cases where a town has not adopted a comprehensive plan, the County will solicit a non-binding town recommendation regarding the proposed rezone.
- The County will encourage consistent procedures for municipal management of growth and change.
- The County will encourage municipalities to adopt land use regulations that include standards for landscaping, impervious surface areas and maximum lot coverage with the intent of protecting wildlife habitat from detrimental effects of development.
- The County will work with municipalities and towns, when appropriate, to establish boundary agreements and other mutual planning actions that discourage the premature or inappropriate annexation of lands.
- The County will discourage the annexation of land not governed by adopted municipal comprehensive plans.
- The County will work with municipalities and towns to prepare and adopt specific area plans and land use controls for the high-accessibility corridor areas that enhance the opportunity for economic development.
- Ensure that towns subject to county zoning understand the role of town plans and ordinances in county land use processes, including implications of statutory authority and land use case law (e.g. responsibility for decisions regarding conditional use permits, lack of town plan authority over permitted uses, etc.).

Pichotta stated that there are a large number of policies, and there are a couple things to point out. Middle of the page; The County acknowledges that the responsibility for accomplishing planning objectives set forth in plans developed by towns subject to County zoning lies jointly with the Town and Pierce County. The County further acknowledges that it will seek to further each Town's planning goals and objectives when considering the establishment of conditionally permitted uses. In cases where a town has not adopted a comprehensive plan, the County will continue to solicit a non-binding town recommendation regarding the proposed use. He would suggest striking the word non-binding in there, simply because it's a little bit confusing. For example the next one too, he would suggest it be struck there. The reason, especially for rezones, why we ask for a Town Recommendation regarding a proposed rezone is because Towns that have adopted comprehensive plans have veto authority over rezones within their borders. It only makes sense for the County to find out their support

based on their comprehensive plan prior to taking action on it simply because it makes no sense for the County to run it through the process only to find it's not consistent with the Town's Comprehensive Plan. In that particular case, if a Town doesn't have a comprehensive plan and they make a recommendation, they're probably going to make that recommendation not only on what they want to see but he would hope they would review our comprehensive plan and attempt to apply it to it. But our comprehensive plan has some statements regarding the appropriateness of the expansion of zones and also appropriate locations for possible commercial, industrial spots say along State Highways and intersections with County Roads. So he would encourage those to be struck in those cases. He thinks the one good thing about the process we have now, where we request Town Recommendations and we attempt to further the goals and objectives of the Town's Comprehensive Plan. The fact that we have Town's referring to their comprehensive plan when they consider land use decisions that are occurring within their borders is a very good thing. Especially considering it wasn't that long ago when County Planning was not very well accepted at all. In fact that is a tremendous step forward that we actually have them participating in the process. As far as the last policy; Ensure that towns subject to county zoning understand the role of town plans and ordinances in county land use processes, including implications of statutory authority and land use case law (e.g. responsibility for decisions regarding conditional use permits, lack of town plan authority over permitted uses, etc.). That was something that Sarah Palodichuk, Chair of Oak Grove, brought up at the last meeting. Asking for more educational opportunities where we can make sure the town boards are aware of the roll that they can play, the roll that their plans play and the need to update their plans occasionally to reflect things as they change. That is probably something we will be proposing an implementation step when we get done working our way through these sections. He would note that the next section that we will be delving into after this one, this one starts to touch on the County/Town relationships. The next one is Management Policies for the County, which delves into it in a greater degree, so we will be further defining and refining some of the statements that relate to the weight placed on town recommendations, etc. Ross stated if the policies were numbered it would be item #4, he was at a meeting about a year ago and they were talking about a handicapped ramp and there was a gentlemen there whose daughter was handicapped and he said the more common term today versus handicapped is physically challenged. Whether or not the committee wants to change it or not he just wanted to bring it up for discussion. There were some negative overtones to some folks. Pichotta stated he has no issue with that change if that is how it is more appropriately referred to, does the committee agree? Committee agreed with word change. Pichotta asked if the committee had any other thoughts, comments or concerns. Sanden stated he thought it was very thorough. Pichotta stated there are some folks from a variety of towns present, maybe they have some concerns. Sanden stated that he is assuming, not having the entire plan in front of him, these policies that you have mentioned here are also reflected in other elements like the land use element and the economic element. Pichotta stated that is correct. Diana Smith, River Falls Chairperson, stated she came mostly to see how the committee was going to address the concerns that Sarah Palodichuk addressed at the last meeting. It really is helpful for the Towns if there is some point where they can understand what is going on. Even though they are not covered by County Zoning, they are still very much affected by it and she would love if there would be some time when the Towns and the County could sit down and we could hear what's going on and what the changes are, what the plans are, what the hot topics are. There are so many things because we function in your own little world and many of us are doing other jobs besides working in the Town capacity, to understand it. One of the things, the process in land use, so that we aren't duplicating efforts so someone that comes and wants to do something doesn't have to meet the Town objectives and then have to meet the County objectives. So we are aware of them when someone comes to us with an issue. How can we make this work for the good of everybody? Some of the things that are working really, really well, when their Town truck broke down, she could call the County and ask if they have a truck and a driver that they could pay for and use in order to get their roads plowed. Certainly on working on their zoning plan, Andy and his office has been so incredibly helpful that we couldn't move forward without their knowledge. There are many, many pieces out there that are working really well but she bets not a lot of people know that. Pichotta stated as part of this process there will be a series of meetings held at the end to present what we have discussed and what the committee has recommended prior to adoption. He thinks she is suggesting something more than that, that there almost be an information sharing mechanism somehow. What one Town is dealing

with, other Towns are dealing with the same thing and perhaps there is something to be learned and shared. Mike Miller, Trenton Township, stated he feels that sometimes not a lot of weight is placed on their conditional use permit recommendation. Some of the townships feel, you struck on that earlier, Jeff, what is best for the County versus a few, what do you classify as a few, where do you cross that line? For a whole township, is that considered a few out of the County? Where do you set a guideline for that? That has always been a gray area that hasn't been defined. Chairperson Holst stated that is a complicated definition, the case he was referring to earlier, it was a few, less than 3, 4, 5 people. Ross stated it wasn't a Town issue that he was referring to. It was a core group of people, nongovernmental that had some specific concerns. Chairperson Holst stated every Town, if you come forward with a plan and you have the goals, objectives and policies to back up what you are coming forward with, you pretty well have your own self-determination. Pichotta stated he is struggling to think of where the Town of Trenton has made a recommendation that we didn't follow. Mr. Miller stated that isn't what he said, he is wondering where between the County and the Townships, where you cross that magic line at when you consider what is good for the whole County versus a few. Ross stated he thinks, in the time that he has spent here, we do take very seriously recommendations that do come forward and often have found ourselves in situations where we follow those recommendations. He thinks in definition of a few would be a difficult thing to address, because he cannot cite an example either, during his time here. In all the decisions that they have made, often hot button issues that come forward, they are very well vetted and we get community turnout. He can think of one, in a winery, where the opposition to it was very vocal but not very specific. That made a very challenging time but from the Town's perspective it was different in terms of recommendations. Chairperson Holst stated his reference involved the Pierce County EDC working with local municipalities, chamber of commerce's at a meeting he went to, he was waylaid by a group of people asking specific questions about a specific part of the County and they wanted the County's blessing to go over and above what would have been for the good of the County for the good of two or three people so they could sell their house so they could do this, they could do that. That's what he was making reference too. Otherwise, if Towns have a plan, if they can back up their decision with their plan, and they do it in a timely manner, he doesn't know of anytime they have ever overridden anything. Pichotta stated he can't think of a circumstance where that has occurred. He noted that he is not sure he understands Mr. Miller's point. Mr. Miller stated we will leave it at that. Chairperson Holst stated he feels you did alright on this section. Committee consensus to approve as presented.

Discuss take action on Travel/Training Requests. Pichotta stated he has one request for Brad Roy to attend a seminar in Eau Claire on February 2nd, continuing education on his POWTS/Soil Tester Certification. The fee will be \$25.00 and he will utilize a County vehicle. **Aubart moved to approve the travel/training request for Brad Roy for February 2, 2016 for POWTS/Soil Tester Certification continuing education/Ross seconded. All in favor. Passed.**

Departmental Update and Future Agenda Items

We only have two items, one is to authorize replacement of the truck and the other is the comp plan section. If you want to meet for that we could or we could push both of those items off two more weeks. Committee consensus to meet on February 17th.

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

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, January 20, 2016 – 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 3 rd & 17 th , March 2 nd & 16 th , all in 2016.	Chair
3	Approve minutes of the January 6, 2016 Land Management Committee meeting.	Chair
4	Discuss take action on a request by the Town of Union for an extension to the timeframe that a town has to generate a recommendation for a conditional use permit application, per Land Management Committee policy (6.5.13).	Pichotta
5	Discuss take action on review and update of the Goals, Objectives and Policies of the Intergovernmental Cooperation Chapter of the Pierce County Comprehensive Plan.	Bechel
6	Discuss take action on Travel/Training Requests	Pichotta
7	Future agenda items.	Pichotta
8	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.

(1/08/15)

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, January 6, 2016

Present: Jon Aubart, Joe Fetzer, Jeff Holst, Jim Ross and Eric Sanden

Others: Andy Pichotta, Ryan Bechel, Louie Filkins and Shari Hartung

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

Set next meeting dates: January 20th, February 3rd & 17th, March 2nd & 16th, all in 2016.

Amend approved minutes of the October 21, 2015 meeting. **Sanden moved to approve the amended October 21, 2015 Land Management Committee minutes/Ross seconded. All in favor. Passed with Fetzer and Holst abstaining because of absence at the last meeting.**

Approve Minutes: **Ross moved to approve the November 4, 2015 Land Management Committee minutes/Sanden seconded. All in favor. Passed with Fetzer and 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 Heavy Industrial Use (Nonmetallic Mining Wash Plant and Processing Facility), pursuant to Pierce County Code Chapter 240-37E by Monarch Paving Company, agent for Michael A. Johnson, owner on property located in the SW ¼ of the SE ¼ of Section 34, T25N, R18W, Town of Trenton, Pierce County, WI. Chairperson Fetzer invited Monarch Paving Company forward: Tony Tomashek, Vice President of Mathy Construction, Milestone Materials speaking on behalf of Monarch Paving, stated along with him, here tonight are Candy Anderson, Geologist and Permit Specialist with Monarch Paving and Milestone, which are divisions of Mathy, Brian Gosse, from Monarch Paving, he is the area guy at the Hager City plant and Bob Servais, Geologist and Hydrogeologist with Mathy. He is here to answer any groundwater or well questions that you might have. Mr. Tomashek explained the purpose of the request is to expand the stockpile area at the asphalt plant on Hwy 35 and 830th Ave in the Town of Trenton. It is currently owned by Mike Johnson and his wife. They have a purchase agreement in place with Mike if all of their permitting and zoning goes through Mathy will buy that property. They are expanding approximately 16 acres. Approximately 49 acres that Mike owns, they are going to buy the entire property but their expansion is only going to be 16 acres. Currently 38 acres is zoned Industrial and the balance is a residential zoning to the east of their current plant. Today they stockpile on County property and some of Bill Holst's property and they also wash some of their aggregates on Bill Holst's property. They would like to consolidate all of their operations onto their own property. The main reason for the request is to expand their current footprint and be able to do all their work on their own property. The main two things they will do is stockpiling aggregates that will come off the Morrison Quarry or sand that they will bring in from sand pits or some of the recycled asphalt that they also bring back from jobs. Also want to wash the portion of the aggregates they have to wash. They will not be doing any mining on the property even though there is some sand on Mike's property. They will just be doing the industrial use of the stockpiling and the washing. They submitted a substantial packet to the Township and the County. He will talk about the highlights and if the committee has any further questions, they will be happy to answer them. They are requesting the same hours of operation as the asphalt plant, 6am to 8pm, Monday through Saturday. They do have a reclamation plan on file for the existing asphalt plant. Even though they are not doing any mining, if they ever get done using the site, they will reclaim it similar to the asphalt plant. The only haul route will be 830th Ave out

to Hwy 35. If they have a job or a town road to pave back the other way, they may go out the other way but all the trucks today come in and out 830th Ave to Hwy 35. That will not change. We will handle any erosion control issues. That was a permit condition in the last conditional use permit. Stockpiles have to be below 35 feet. They are requesting a two year request similar to the other ones. The expansion will require a high capacity well which is a DNR permit they have to get. They will file for that after all the local zoning is done. They are proposing a three to five hundred gallon a minute well. They will only run that well to fill the ponds in the spring. They will only add water as they have to. They plan to recirculate the water in those wash ponds. They won't use a great deal of water once the ponds are full. They are going to line the bottom of the wash ponds because it is sand down there. They will bring clay material off from the quarry to line the bottoms of those wash ponds so they will hold water and any sediment will stay in the ponds. They will dig the sediment from the ponds out and either use it for mix or for ag lime for the farmers in the area. They will have two storm water retention ponds on site that will handle the storm water on site. Those ponds will be sand bottom ponds so the water can filtrate down to the ground water. The bulk of the site will be gravel covered or the edges of the site will have grass on it to control erosion. It will be basically rainfall or clear water going into those two ponds. The operation will be seasonal, similar to the asphalt plant, starting in April or May and usually done by deer hunting season. Nothing there will change; they are proposing to put the same type of operation there. They are proposing to put berms around the property and some tree planting. That is one request from the Town, they asked for the berms to be 15 feet high and also plant trees on the berm not just out in front of the berm. The dust control will be handled by either paving, water trucks or the actual wash plant will be a wet process so any of the stockpiles will be wet or damp. So dust control should not be a problem. They will seed and do erosion control around the berms and the exterior of the property. They will get all the other required permits before they begin construction which includes a DNR Storm water permit and an on-site Storm water permit along with the high cap well permit. Sanden asked if the western berm is being done at the request of the Township. Mr. Tomashek stated they actually proposed all the berms as you see it. The Town just requested that they make them all 15 feet high. Sanden asked if he could characterize the view shed that you would get from Hwy 35 as you are driving past. Let's say you have a 35 foot mound of inventory, would that be visible from the road? Mr. Tomashek stated yes, it would be similar to what is there now. Although some of those piles will probably move to the back as time goes on. The recycled blacktop will stay in the same general location. Most of the aggregates will be virgin aggregates or washed out. Mr. Tomashek indicated the location of the wash ponds and the two storm water ponds on the map presented. Holst stated he is wondering if they are going to move the blacktop pile because it gives tourist an excellent chance to view buzzards, spring, summer and fall, as they spread their wings. He believes it would be good for tourism. Mr. Tomashek stated they did notify about 15 neighbors and some of those folks came to the Township meeting. Their only concerns were about the berm and the tree planting. No other concerns about the plant. There was a question if they were going to move the asphalt plant onto this expansion but they are not. The asphalt plant is going to stay exactly where it is. Ross asked about the trees, did the Town suggest a size at all? Mr. Tomashek stated no, they plan on doing just what they did at the plant there now. Plant some pine trees on the berm. There are pines on those berms now and they will do a similar type of thing and maybe do some mixed trees around the outside borders. They are going to try to leave as many trees, there are a fair amount of trees around the perimeter. The only trees they will probably have to move is for the storm water pond. Ross asked about the clay lining and how deep is the clay. Mr. Tomashek stated about a foot to 18 inches in those ponds. They will have to get in there with machines and shape them. Holst asked if the ponds are going to be fabric lined. Mr. Tomashek stated probably not because they have to clean them out occasionally. It's easier to replace the clay. Once they start washing and seal them up with the silt and lime that comes out of the limestone, it will help seal them up. Chairperson Fetzer asked if he is correct there is a certain density in the clay that you have to look for, correct. Mr. Tomashek, it's not like a landfill liner, but they try to look for the cleanest clay they can find at the quarry. Obviously, they are not using topsoil. They will use the overburden clay.

Staff Report – Ryan Bechel: This proposed plant is an expansion of the company's Trenton area operations as they currently own and operate a "hot-mix" asphalt plant (referred to as "Plant 46") on the property adjacent to the proposed site which has been in operation since 2001. The site proposed for the "Plant 46 Expansion"

comprises 38.5 acres and is currently agricultural land owned by Mike Johnson. If approved, the plant would require LMC site plan review as required by PCC § 240-75. The property is located in the Town of Trenton. The property is zoned Industrial. PCC § 240 *Attachment* “Table of Uses” lists Heavy Industrial uses as a conditionally permitted use in the Industrial district. Heavy Industrial Uses is defined as: Uses such as manufacturing, assembling, fabrication, processing, bulk handling, storage, and trucking which are likely to generate significant levels of traffic, noise, pollution, vibration, dust, fumes, odors, pesticides, herbicides, or other hazardous materials, fire or explosion hazards, or other undesirable conditions which are unsuitable for any other district. Surrounding land uses include agriculture to the south, industrial to the north and west, and residential to the east (Hager City within .25 miles). The town of Trenton’s future land use map designates this area as “Mixed use.” Access to the site is through the existing private driveway off of 830th ST that services the hot-mix asphalt plant (Plant 46) to the north of the subject property. Truck traffic for the Plant 46 Expansion is proposed to follow the route currently established for Plant 46. The proposed haul route to be used by loaded trucks will be north through the Plant 46 site to the existing driveway on 830th ST. Truck traffic entering and exiting the Plant 46 site are required to use HWY 35 to travel to HWY 63 under the existing CUP to minimize impacts to Town roads. No buildings are proposed to be constructed at the site. The crushing and washing plants are portable and easily moved on and off of the site as needed. Four 12 to 13 foot deep settling ponds will be excavated to provide water storage for the washing process. Excess water from the washing operation is stored in the ponds to allow fine sediments to settle out prior to reuse. Typical equipment involved in the processing operation includes 2 crushing/screening plants, 1 wash plant, backhoes (1-2), portable generators (1-3), and front end loaders (1-4). No mineral extraction activities will take place at this site. In accordance with PCC § 240-29, no portable equipment or aggregate stockpiles will exceed 35’ in height. The duration and frequency of plant operations are dependent upon product demand, which vary by season and by the amount of road construction in the area. The plant is anticipated to operate for a period of 4 to 6 weeks, one to two times per year. During times of high demand, it is possible that processing operations would be conducted for longer periods of time. The applicant is proposing hours of operation to be Monday through Saturday from 6am to 8pm, similar to the Plant 46 site. The applicant anticipates the need for one high-capacity well to initially feed the wash ponds with water. Water usage after the ponds are initially filled is limited. No potable water supply well is proposed due to the relatively short periods of time that crews are anticipated to be on site. Portable sanitary facilities are proposed to be brought on site when aggregate processing operations are being conducted and removed when processing equipment are removed from the site. No processing operations will be conducted at or below the water table at the site. The approximated groundwater elevation is 680’. The elevation of the site is at an average of 701’ to 719’. Solid waste disposal will be provided via portable dumpsters that would be brought on site when processing operations are active. The applicant has submitted a grading plan for the site. With the exception of a portion of the access road, all storm water runoff and spring melt-water runoff from the site will be contained via 2 storm water retention ponds. The WI DNR will regulate the establishment of the site through a Construction Storm Water Permit. The WI DNR Bureau of Air Management regulates crushing and screening operations at the site under an Aggregate Processing General Permit. The general permit provides flexibility in meeting ambient air quality standards and also outlines production requirements as well as reporting, training, prevention, and abatement standards to be followed in order to maintain compliance. Fugitive dust emissions from plant equipment will be controlled using wet suppression to supplement insitu moisture from the plant equipment. Dust from roads in the operation and site area will be controlled by use of a water truck that will spray water on the roads as necessary. Calcium chloride may also be use on areas where trucks travel to suppress dust. The operation does not anticipate producing any nuisance odors. Aside from security lighting, no exterior lighting is being proposed for the site. No night-time operations other than occasional equipment maintenance are proposed with this operation. No advertising signs have been proposed at this time. No known historic or archeological sites are located on the subject property. The Town of Trenton recommended approval of the CUP request on December 8, 2015 with the following recommendations.

- 15 foot or higher berms.
- Trees put in for buffer beyond berm.

- Combination of trees on berm and south of berm.

Staff Recommendation: Staff recommends the Land Management Committee determine whether the proposed use at the proposed location would be contrary to the public interest, detrimental or injurious to public health, public safety or character of the surrounding area. If found to not be contrary to the above, staff recommends the LMC approve the proposed heavy industrial use with the following conditions:

1. Applicant shall follow all recommendations and receive all necessary permits from WI DNR, Department of Safety and Professional Services, MSHA and other agencies as required.
2. Activities shall be conducted as submitted in the application and as presented to the LMC, unless modified by another condition of this CUP.
3. Berms and vegetative screening shall be established and maintained according to submitted plans within 12 months of operation.
4. The hours of operation shall be Monday through Saturday, 6am to 8pm.
5. Applicant shall obtain all necessary permits and approvals prior to beginning processing operations at the site.
6. Stockpiles shall be limited to 35 feet in height above grade.
7. The dust control plan shall be adhered to.
8. The existing Storm Water Pollution Prevention Plan and Spill Prevention Control and Countermeasures Plan shall be updated to include the expansion area.
9. The haul routes for trucks traveling to Minnesota projects via Red Wing shall be routed from 830th Ave to Hwy 35 to Hwy 63.
10. Any unforeseen dust, noise and /or erosion issues that arise shall be addressed to the satisfaction of the County.
11. Applicant understands that expansion or intensification for this use will require modification to the conditional use permit.
12. This CUP is valid for two years and may be renewed administratively unless compliance issues exist.

The owner/operator is responsible for requesting renewal.

Chairperson Fetzer opened the hearing to the public. No public comment. **Chairperson Fetzer closed the public hearing.** Sanden asked about the reference in the staff report to conditions #3 screening, #7 dust control & #8 Storm water pollution plan. He assumes the berm and vegetation screening plan is part of the grading plan. Looks like #7, the dust control plan has been submitted. #8, has the storm water pollution prevention plan been updated. Bechel stated we haven't received the updated plan but that is required before they would be able to start, should this be approved, they would basically have to expand that plan to include the Plant 46 expansion. Mr. Tomashek stated they are in the process with the DNR right now. It's on hold, pending the zoning approval.

Holst moved to approve the conditional use permit for a Heavy Industrial Use (Nonmetallic Mining Wash Plant & Processing Facility) for Monarch Paving Company, due to the fact this is not found to be contrary to the public interest nor detrimental or injurious to the public health, public safety or character of the surrounding area, with conditions #1 - #12/Ross seconded. All in favor. Passed.

Discuss take action on site plan review for a Heavy Industrial Use (Nonmetallic Mining Wash Plant and Processing Facility), pursuant to Pierce County Code Chapter 240-37E by Monarch Paving Company, agent for Michael A. Johnson, owner on property located in the SW ¼ of the SE ¼ of Section 34, T25N, R18W, Town of Trenton, Pierce County, WI. Mr. Tomashek stated they did develop a grading plan for this site. Mike's property drains south to north toward the railroad tracks. They will strip off the black dirt or black sand and use that for the berm construction and then they will base coarse material or grade some of the sand on site to get the site to drain. The south part of the property will be the high point. They will drain it to the two storm water ponds. They will keep the wash plant area the high spot. So the water drains away from the wash plant and flows to these two storm water ponds. There is an existing emergency overflow pond on the asphalt site. They will keep that separate from their two ground water ponds. They will leave a part of the berm in there. That is actually an impervious paved pond that is for the potential oil spill or diesel fuel spill on the plant. They

do occasionally pump the ground water or rain water that gets into that pond. They do have the ability to pump that out. They are permitted by the DNR to do that. They are proposing to locate the high cap well on the north end of where the wash plant would sit. They will bring in a whisper quiet generator to run that as they need too. They plan to seed and mulch the berm as soon as practical as soon as they have it constructed and then plant the trees shortly thereafter. They would start as soon as possible in the spring and start with the grading work and excavation after that.

Staff Report – Ryan Bechel: During the previous agenda item the Land Management Committee discussed the Conditional Use Permit required for establishment of this facility and conditions for its operation. *PCC § 240-75* requires site plan approval for new construction or additions to existing structures and buildings for industrial uses. The purpose of site plan review is assure site designs which promote compatibility between land uses, create safe and attractive site layouts and structures, provide proper access to street and transportation, protect property values and contribute to efficient land use in Pierce County. Access to the site is through the existing private driveway off of 830th ST. The proposed haul route as we discussed before would be from 830th ST to HWY 35 to get to HWY 63. With the exception of a proposed berm, a minimum 100 foot setback will be maintained between operations and all property lines. There are no minimum setbacks in an Industrial Zone. Ample parking space is available on the site to satisfy Pierce County code requirements. 2 to 4 employees are anticipated to be on site while aggregate processing operations are being conducted. Outside storage will include temporary stockpiles of raw aggregates, washed aggregates, processed aggregate stockpiles and equipment intended for use at the proposed plant.

Stockpiles are proposed to remain under 35 feet in height. The applicant has submitted a grading plan for the site which he just discussed. Monarch Paving Company has an existing storm water plan and associated WI DNR permit for the Plant 46 site that they intend to update to include the Plant 46 Expansion site. The plan employs Best Management Practices (BMP's) for pollution prevention and addresses petroleum product handling, erosion control, and onsite runoff containment for control of suspended solids. The processing areas are proposed to be screened using a combination of existing vegetation, earthen berms and installation of additional vegetation. A 75 foot vegetative buffer is proposed along 830th ST where no vegetative buffer currently exists. Stands of existing mature trees on the east and south side of the property will be left intact. A 15 foot high berm constructed of soil and overburden materials created during site preparation is proposed along the east, south and west perimeter of the processing area. The berm would be mulched and seeded and trees would be planted on top of the berm following the submitted "Plant 46 Expansion Site Plan." The proposed berm and additional vegetation also serve to mitigate noise generated on the site by plant equipment and machinery. Fugitive dust emissions from plant equipment will be controlled using wet suppression to supplement insitu moisture. The operation does not anticipate producing any odors. No advertising signs have been proposed at this time. The Town of Trenton recommended approval of the CUP request on December 8, 2015 with the following recommendations which are also relevant to Site Plan Review:

- 15 foot or higher berms.
- Trees put in for buffer beyond berm.
- Combination of trees on berm and south of berm.

Staff Recommendation: Staff recommends the Land Management Committee review the proposed site plan and determine if any changes or modifications to the proposed plan are necessary. The LMC should consider existing and proposed structures, architectural plans, neighboring uses, use of landscaping and open space, parking areas, driveway location, loading and unloading areas, highway access, traffic generation and circulation, lighting, drainage, water and sewer systems and proposed operations.

The LMC may impose time schedules for completion of buildings, parking areas, open space uses, drainage and erosion control systems and landscaping and may require appropriate sureties to guarantee that requirements will be completed on schedule.

Staff recommends the Land Management Committee consider the following condition as part of this site plan approval:

1. Berms and vegetative screening shall be established and maintained in accordance with the Town of Trenton's recommendations.

Aubart asked about the height of the trees. We've gone down this road how many times. Holst stated with this Township, the height of the trees, the spacing, the location, etc. Aubart asked Andy what the language has been in the past. Pichotta stated the last time you approved trees on a berm, the trees were a minimum of 6 foot tall, 20 feet apart and there was two rows, staggered ten feet apart. Holst stated on top of the berm.

Aubart moved to approve the site plan for a Heavy Industrial Use (Nonmetallic Mining Wash Plant and Processing Facility) for Monarch Paving Company as presented with condition #1 and adding #2 Two rows of trees, a minimum of six feet tall, planted 20 feet apart with the second row staggered ten feet away/Ross seconded. All in favor. Passed. Mr. Tomashek thanked the committee and staff for their time and effort in this, they appreciate it. Holst stated the citizens of Pierce County would like to thank Monarch Paving for being good neighbors to the community and for the services you provide.

Discuss take action on Departmental Policy regarding placement of Center of Section Survey Monuments

Staff Report – Louie Filkins: Louie Filkins, County Surveyor, introduced himself. Most of his duties are outlined in the State Statutes but it is silent on centers of sections. In the past 40 – 50 years or so, the County Surveyor has placed many of the center of section monuments. He presented a drawing of the section and stated a mile square in the original government surveys there was four corners placed and midway quarter, quarters. They call them quarter, quarters because when you run a straight line between them, it divides a section into four quarters. About 10 – 15% of the centers of sections are monumented. Most of them were monumented over a hundred years ago. He thought it was appropriate to have a county policy in place to monument all the centers of section in order to have consistency. When a surveyor approaches a section now, he might use the intersection method or he might use the historical method but there is a chance for some ambiguity there and some uncertainty. If all of those are monumented with a modern day monument, there is much greater chance the surveyor will use the modern day monument. Throughout history in Pierce County, the practice has been if it has been monumented in the past, and some of these are old monuments, that is what the County Surveyor has used. What can happen is you can have an old survey versus a newer survey and two different methods are used and you will get two different locations. That is what we want to avoid. He doesn't think it's fair to have one County Surveyor or any surveyor set a location and the land owners rely on that for a long time, fences are constructed and then a new surveyor comes by and says we think it should be over here. In his pros and cons, in the staff report, some surveyors believe the intersection method, the federal method should be used regardless of where it falls. To him, what that results in is every time we improve our technology, we are going to move the corner. It used to be tape, then it was electronic distance measurements, now GPS, what's next, who knows but he doesn't believe the corners should move with our technology. He feels we should be monumenting all of the corners so there is no doubt, he can do it along with his normal maintenance of the townships and the current budget. Hopefully, it will bring consistency. Sanden asked if he is proposing doing all the corners over again. Filkins stated no, what he is proposing is setting the centers of sections, county monuments at the centers of sections. It's been done at other areas of the State. Sanden asked what would happen if that new center makes the corners out of date. Would you have to go back and change the corners? Filkins stated those wouldn't change. Those are permanent. Sanden stated they are accurate to your knowledge, with the new technology, they have all been updated using GPS. Filkins stated he is working in Clifton now. That is the last township for remonumentation. Filkins stated except for a handful along the St. Croix River and Clifton, all the monuments in Pierce County are in. Holst stated if he has a full section of land, you are going to plop a survey marker in the middle and he gets to farm around it. Filkins stated they will set it below the ground if it's an ag field. Holst asked, then you will find it again. Filkins stated it used to be that the monument was a very important part of the corner because all the land, legal descriptions are based on these monuments. Now the most important part is the coordinates. Once you have the coordinates, you don't need any of the accessories; signs, ties any of that. If it all gets wiped out, in theory, as long as the satellites keep flying around, you can go back with GPS and replace it very accurately now. Holst asked how much more accurate are you now, using the Russian satellites than you were using the American ones. He has noticed in his field equipment, he got a lot more accurate with

the Russian satellites. Filkins stated a little more accurate but the biggest thing is that you can work in the woods now. Three years ago, two years ago the County purchased a new GPS system, big investment but it can work faster and in the woods with the leaves off. It's really a huge improvement in GPS technology.

Staff Recommendation: Staff recommends the Land Management Committee consider adopting the following policy relating to the County Surveyors placement of center of section monuments:

The LMC authorizes the County Surveyor to set survey monuments at all of the centers of section to further the goal of continuity. The location of monuments is to be based on the best available corner evidence or by using the intersection method, at the discretion of the County Surveyor.

Chairperson Fetzer has one question, because he is sure that not all land owners are going to care for you being out on their land putting a monument out there; is there anything we can do beforehand for a heads up? Holst stated whenever Louie has dealt with them, he has always called well in advance saying he is going to be there, is this convenient for you, do you have standing crops, he will work around that. Basically, we can't tell him no, he has that right to go there. Filkins stated he always tries to get ahold of the land owner, it doesn't always work out. In that case he leaves a card and he gets very few calls back. He keeps telling Andy that it's just a matter of time before someone comes in and is irate but so far so good.

Holst moved to approve the proposed Department Policy to complete the setting of county survey monuments at all centers of sections in Pierce County as written/Ross seconded. All in favor. Passed.

Discuss take action on review and update of the Goals, Objectives and Policies of the Land Use Chapter of the Pierce County Comprehensive Plan. Staff Report – Ryan Bechel: Land Use is among the most important planning considerations. Moreover, it is also often one of the more controversial elements in a comprehensive plan. The Land Use element is really a compilation of all the other elements of this plan. Designating land uses and promulgating standards for development requires the consideration of Pierce County's utilities, roads and other support services as well as implications for housing, economics, agriculture and natural resources. Therefore, the goals, objectives and policies of the land use element should be supported by and complimentary to all other elements of the plan. Land Use in Pierce County is regulated by several ordinances, including the county's zoning ordinance. The county's ordinances are the primary mechanism through which the Land Management Department seeks to attain the goals and visions set forth by the Comprehensive Plan. The plan offers guidance regarding changes to zoning and other regulating ordinances and provides context to consider local growth decisions in conjunction with neighboring communities. The purpose of this section is to review and analyze land use trends in Pierce County. Land use trends are indicative of what changes are occurring regarding type, location and intensity of uses over time. It is these changes that should be carefully considered through the comprehensive plan review process to determine whether modifications to the county's existing Land Use goals, objectives and policies are warranted to further the Land Use vision. Land Use Vision: In the year 2035, Pierce County has successfully maintained its land base and continues to offer rural residential living options in relative close proximity to the Twin Cities. The natural beauty of the area has been maintained through the protection of environmentally sensitive corridors, parks, agricultural lands and preserved open spaces throughout the county. There is a list of the existing land uses in the county, in the staff report. No surprises there. Looking at the data for land use, the first one we have is Land Use Intensity, getting that data from the Pierce County Property Valuation statistics, for a couple years there: 2002, 2005, 2010 and 2014 comparing land and percent of land area as well as the change in the last five years, for residential, commercial, manufacturing and agricultural uses. On the fifth page there is a breakdown of what we've seen across the county. Overall minimal changes throughout the County. Agricultural lands increased 0.5% and forest lands decreased 0.3%. Undeveloped land uses experienced a slight gain, increasing 0.2%. Not a lot of changes countywide. In terms of the individual townships themselves, most towns experienced gains of about 1% in Ag Lands over the last five years. Towns of Oak Grove and Rock Elm were the only two to have more with Oak Grove a 2% gain and Rock Elm having 3% gain in Ag Land. That is as reported through taxes. The only one to lose Ag Land was the Town of Ellsworth, losing 1% and residential and commercial was relatively static for all towns except for Oak Grove that posted a loss of 1%. Holst stated your figures balance out so we didn't gain any more land anywhere. Bechel stated there is rounding in there. On page 7, is a Land Cover map,

just another way of looking at land uses in the county. This one is based off of satellite data versus taxing data. You can see on page 8 what breaks down what we're seeing in the Land Cover Data from the National Land Cover Dataset, pretty much the same story as what is being reported through the property valuation statistics. Cultivated crops and forest are the biggest land uses in the county which is no surprise. We have the Real Estate Equalized Values that is also from the Pierce County Property Valuation statistics. We saw about a quadrupling of equalized values since 1980. Sanden are those adjusted for inflation? Bechel stated those are not they are strictly from the property valuation statistics. But the story of the last five years from 2010 to 2014 has actually been of decrease of about 3.5% reduction across the county. Isabelle and Union are the only towns that have posted gains in equalized values over the last five years. The biggest loss was seen in Rock Elm which was about 25% from 2010 to 2014. Looking at Population Density and Change, the map in the staff report is showing percent change in Block Group Population Density so what the map really shows is the dichotomy that we know is in Pierce County with the east side of the county having a lower population per square mile versus the western portions of the county. Over the last ten years from 2000 to 2012, that kind of has gone up a little more as you see the eastern half posting more reductions in density per square mile than the western half. Those are skewed though because they are based off of census block groups. The census quit doing it off of townships. You get a little bit of skewing because they include municipalities in some of the areas that are more rural. Next in the staff report is the Land Use Permit Application data from our department for the last six years. Page 13 has a breakdown of what we have seen in land use permit applications over the last six years. Total land use permit applications has been fairly steady; average about 231 permits a year, maybe a slight upward trend, pretty close to that again this year. Looking at the individual categories, new dwellings may have had a slight uptick over the year and new accessory buildings have continued to be the number one permit that we issue.

Existing Goals, Objectives and Policies

Goal:

- Provide for a well-balanced mix of land uses within the county to take into consideration the other goals and objectives of the comprehensive plan.

Objectives:

- Encourage land use patterns in conjunction with transportation options that reduce single occupant auto dependency.
- Encourage the protection of prime industrial and mineral extraction areas from encroachment by incompatible uses.
- Encourage the protection of other land uses from negative impacts of mineral extraction and heavy industry through appropriate siting and adequate screening and buffering.
- Preserve the county's natural, cultural, historic and rural areas, including productive agricultural lands, by encouraging new residential growth to locate close or adjacent to existing areas of development.
- Encourage development that promotes open space through site design, has minimal impact on the environment, and fits within the character of the county as well as the specific location in which the development is proposed.
- Ensure all landowners have an equal opportunity for proposing land use change.
- Discourage the establishment of land uses that are incompatible with existing land uses.

Policies:

- Encourage the planned growth of urban communities, including the expansion of municipal boundaries through annexation of lands only as shown on adopted municipal plans and in cooperation with Town comprehensive plans.
- Encourage the use of non-automotive modes of transportation.
- Encourage commercial development within existing municipalities. Major commercial activity will be discouraged outside existing municipalities and unincorporated areas unless approved by the affected municipalities and/or Towns and included within their adopted plans.

- Encourage the preservation of open space and protection of natural resources before, during and after development of land uses.
- Encourage preservation of woodlands, conservation areas and open spaces close to developed areas to protect the natural environment and so that the effects of urbanization and the loss of the character of the area can be minimized.
- Encourage the location of public schools, parks and libraries in locations that are central to existing, recently developed and planned areas so that automobile driving and the need for school bus facilities can be minimized.
- Encourage the concentration of non-agricultural employment, including the commercial and light industrial uses, within high accessibility corridors, at or near intersections of County and State Highways and within close proximity to necessary support services.
- Land adjoining waterways actively used for transportation that is within high access corridors may be developed for industrial uses.
- Encourage industrial development in appropriate location within Heavy Transportation Corridors (e.g. railways, waterways, highways).
- Encourage the establishment or expansion of residential districts in close proximity to or adjacent to existing areas of residential development.

Land Use – Urban Areas

Goal:

- Create a pattern of compact, contiguous urban development that enhances the quality of personal and community life.

Objectives:

- Establish a pattern of development that supports the sense of community.
- Promote a vital central business district as the central focus of each community.
- Coordinate land use type and density with the level of accessibility provided by the supporting transportation and infrastructure systems
- Encourage development consistent with good design principles in the process of development.

Policies:

- Encourage a compact development pattern that clusters neighborhoods, rather than a pattern that sprawls subdivisions.
- Build on the patterns of established urban communities, rather than creating new urbanized places isolated from existing development.
- Encourage the use of non-automotive modes of transportation.
- Encourage commercial development within existing municipalities. Major commercial activity will be discouraged outside existing municipalities and unincorporated areas unless approved by the affected municipalities and/or towns and included within their adopted plans.
- Encourage the preservation of open space and protection of natural resources before, during and after development of land uses within the contiguous growth area.
- Encourage preservation of woodlands, conservation areas and open spaces close to developed areas to protect the natural environment and so that the effects of urbanization can be minimized.
- Encourage the establishment of growth areas served by central utility systems, with varying suburban, countryside and urban densities.
- Encourage the development of housing surrounding existing municipalities at suburban or countryside densities in a sequence that follows an orderly pattern of annexation, zoning, subdivision and the extension of public facilities. In cases where properties are contiguous

to existing urban densities, similar urban densities may be extended into the contiguous growth areas.

Land Use – Rural Areas

Goal:

- Maintain a rural environment that provides for continuation and evolution of agricultural activities and a rural character and lifestyle.

Objectives:

- Encourage the preservation of cultural, social, economic, environmental and aesthetic amenities provided by agricultural land use for the benefit of Pierce County.
- Encourage the maintenance of the most productive agricultural lands for agricultural purposes.
- Discourage urbanization from penetrating prematurely into productive zones of agriculture and support services.
- Encourage the use of agriculture techniques that produce long-term advances in agriculture production and soil and water conservation.
- Encourage development within established areas that can provide the infrastructure required by such development.
- Encourage the establishment of a pattern of rural land use that is sensitive to the natural environmental context and that encourages compatibility between land uses.
- Support land use practices that reduce potential conflicts between agriculture and other land uses.

Policies:

- Incorporate land uses as shown in plans adopted by municipalities or towns.
- Encourage towns to define the physical and practical limit of rural settlements based on the capacity of facilities and the historic function of the community.

Recommendation

The LMC should consider whether changes or additions to the Comprehensive Plan's Goals, Objectives and Policies are warranted to further the County's Land Use vision.

Pichotta stated there are a lot of goals, objective and policies in this section, as staff we went through these and once again, didn't find a lot of things that we thought needed tweaking. There will be some things that will need to be tweaked in other sections. The next one that we will be tackling will be Intergovernmental Cooperation where we start to define relationships between different units of government including the County's relationship with Towns. We have had five years now where we have utilized the Comprehensive Plan and the mechanism identified through that. There will certainly be some changes that we will make to future sections more so than we do to this land use one. The question is does any of these - whether its goals, objectives or policies - jump out as something that needs to be tweaked, is there something that we've missed or something that could be better stated? Sanden stated he thought you had a very insightful development a couple years ago. We were focusing on conservation design and that wasn't really catching on, he doesn't think it will for quite some time in this area. He thought it was very insightful that you decided to steer the ship to density transfers, to maintain productive ag lands, which he thinks is probably a better approach. So he was wondering if that might be articulated in this, the use of density transfers. He can see the approach that we have taken here, at the county level, to be a more of a general umbrella approach and not to be as specific as talking about density transfers versus this or that. If we were to get down to that level of detail it would be nice to see it in there. Pichotta stated as we are going through these different sections, keep in mind, when we are done working our way through all of the different sections, we are going to need to put together an implementation plan which basically is going to identify what we are going to do or what the committee wants to see staff do, as far as implementation steps/tasks related to the comprehensive plan, over the course of the next five years. Keep in mind the density transfer issue because he thinks that is a policy or goal, somewhere, to ensure folks are aware of that. Bechel said he thought it is in the management goals. Holst stated this was a real big deal in the 80's

when we did our first comprehensive plan. The second one that came along, it was a real good idea that never grabbed ahold because very few people wanted to live in cluster housing. Sanden say it wouldn't go as far as to say that, but we are not in a situation where that is going to be attractive. Holst stated people in our area didn't want to live in cluster housing. People moved to the country to have a three acre lot or a five acre lot. Generally, that is one of the biggest waste of land is the five acre lot. Sanden stated he would agree. Pichotta stated that density transfers are useful, not only in a cluster sense, but say you have land that's zoned Primary Agriculture with two density units per forty. You could transfer all your density points on a less desirable forty and put your five acre lots, three acre or two acre, what have you. We try to inform folks of it, there are a lot of folks out there that are simply not aware it's out there. If fact, he thinks there are some towns that aren't aware. Ross asked on page 15, under policies, item 4, wouldn't we just say bicycles instead of non-automotive. Holst stated we have to be sensitive to the Amish that are moving into the eastern part of the county. Pichotta stated he thinks that phrasing was what Mr. Rudd came up with. Ross stated if we want to specify those kinds of things either now or at some point, that would make sense to him, but the non-automotive doesn't make sense to him. What are we talking about? Pichotta stated it is also a nod toward buses and transit - it's not just walking or biking. Holst stated the person that wrote that, it was his intent to cover multiple modes of transportation. It was to cover skateboards, cross-country skis, It was never the intent to travel from Oak Grove to Rock Elm. Ross noted that this it is in the Urban section. Pichotta stated the thing to remember about the Urban section is we've got no formal jurisdiction there. State Statutes mandates that we have goals, objectives and policies relating to that in case they didn't adopt that, then ours would apply. But they all did. The reality is that we will likely not apply these. Sarah Palodichuk asked if Urban specifically means not towns. Pichotta stated correct. Ms Palodichuk stated it's not like a certain density, its city versus town. Holst stated you are safe down there but you could be incorporated area and part of their township could be annexed. Ms Palodichuk stated she wanted to bring up a couple things specifically. The policy about town recommendations, how much weight does it hold? She would also like an explanation of what it means to incorporate land uses as shown in plans adopted by municipalities or towns. Andy mentioned the turnover on town boards. She feels a lot of the town leaders would benefit from some education or knowledge of what that means and how we can help use it so we can communicate better to you. The second thing, they have run into trouble, they have a lot of General Rural Flexible 8, the way Andy explained it is that we have a lot of agricultural land zoned residential so we have Rural Residential 12 being row cropped and we have a lot of residential land that is zoned General Rural Flexible 8 which is an agricultural zoning. That leads into a zoning question that probably isn't appropriate here, can we find a way to remedy those things? As you look into implementation of it or the description of it, she has had questions about Rural Residential 12 whether you can hunt on it and Rural Residential 8 and they had the issue where someone didn't buy a house because they couldn't have chickens and maybe assorted other animals. This is a problem for them. She is sitting on over ten acres in Rural Residential 12 and she can't have chickens on her land. She didn't know that. Her whole planning commission laughed and said go buy chickens if you want chickens. She thinks it's something that they need to address. She reads in the goals, objectives and policies that we want a rural life style. There are plenty of people that come out, buy their three acres and if we really want to have that rural attitude, if that is our theory, then we need to be able to tell people coming, you are getting the aesthetics of the rural community, maybe that's the sounds and smells. Another part that she doesn't appreciate is the way that dogs are handled in the rural community. Holst noted that dogs are a township problem. Ms Palodichuk stated she knows they are. They are a very large township problem. That falls into how do we look at rural communities. She would love to see more discussion about that. She wants to tell people "keep your dogs in your yard." Then again she grew up on a farm where the dog ran a half mile to the Aunt & Uncles house all the time and nobody said anything because there was no neighbors in between. But now you have people's dogs following them to Big River Church. The other thing that does play into this, maybe a little more specific, the zoning issues, she knows there were changes made about large animals on land and how many acres are required. That was before her time or she wasn't cognoscente enough about it to know there had been a change made but she has heard from different townships that's problematic for them. She doesn't really understand the nuances of it but she does know the general feeling is that we had something a certain way and we liked it a certain way. We all know it's the county's responsibility and they can do something about it but

she does hear rumblings about how many horses you can have on five acres or how many acres are necessary for one horse. If you can talk a little about what the policy means as far as town weight and about rural nature. Pichotta stated the relationship with towns and the weight placed on town recommendation, that is actually one of the things he was eluding to earlier and we're going to need to discuss that in the intergovernmental cooperation section as well as the management goals. That is not really addressed in this section but there will be discussions on that. Ms Palodichuk asked what this means then, incorporate land uses as shown in plans adopted by municipalities or towns. Pichotta stated it means that the county can't approve rezones that aren't consistent with a town's comprehensive plan. Holst stated this is specific to rezones. Pichotta said this is all, to a large degree, specific to zoning. Your question about the Rural Residential versus the General Rural Flexible, we can't fix that for you. The county would approve or adopt the changes that you propose but the towns would - through your comprehensive plan - that's the mechanism that you would use to correct those deficiencies where you got ag land that's zoned residential. Ms Palodichuk asked so that starts with the comprehensive plan. Pichotta, yes that's where it would start. Holst stated you base your rezones off your comprehensive plan. He knows of one development specifically in your town where people wanted horses, and it was zoned Rural Residential 12. You guys addressed that and changed the zoning and you based that off your plan, because you've got these bigger lots, you would like to see chickens or a person can have a horse or two. You change that zoning that fits into one of our districts that allows that. That's why we look at these things every five years to address those deficiencies that the county and towns didn't realize weren't aware of. Now we open the lines of communication and you have been on the board long enough now that you have a little experience with horses and dogs. You tie it to your comp plan, you justify the zoning change, you change the zoning in those districts to satisfy the wants and needs of your township in those areas. Then the correct process is to bring it through your town board, through your plan and petition the county for a zoning change and then go through the public hearing process. That's the way you move from Rural Residential districts to General Rural districts or vice versa. Pichotta stated that we would view this as a comprehensive revision to your zoning map and noted that the Town of Gilman did that a few years ago. Ms Palodichuk stated what if we wanted to create a zoning district that was altogether different? Pichotta stated something like Ag Light. Ms Palodichuk stated that was what we called it in our conversation. It addresses the problem that she brought up. Holst asked if it would allow chickens but not horses. Ms Palodichuk stated chickens, horses and would not allow sand mining. There are a couple communities that want Rural Residential 12 and want their neighbors to have nothing and they want it to be a big suburb. For the most part, there is a tolerance for a little more than that but they don't want to have General Rural Flexible 8. Holst stated he doesn't believe that the county would be opposed to another zoning district that would allow those types of uses if you could define them and come forward and work with us. He can see River Falls not doing it because they have their own zoning issues. Ms Palodichuk stated it's really surprising to look at the numbers and how similar Clifton and Oak Grove really are compared to the eastern part. This is why I'm dealing with this more. In the future, if there is something they should be doing as far as preparing for the fact that Prescott really would like to annex more of their land. That would be great to have that conversation. They had a conversation with Prescott about a year ago and they nicely said we could wait a little while to talk about it and they said thank you. But if they need to be proactive in that, it would be great to get some direction. The second policy here, encourage towns to define the physical and practical limit of rural settlements based on the capacity of facilities. Pichotta stated it's a reference to what they used to call rural centers. Where you've got Lawton and Beldenville, Diamond Bluff, in reference to those types of situations, typically they are zoned Rural Residential 20. Ms Palodichuk asked is there anything that the LMC gives us as far as advice for infrastructure as far as broadband goes or phone, like when we are creating development. When talking to CenturyLink, they have a lot of plans to do work in Oak Grove in the near future. Do you guys keep track of that when we bring CSM's or development plans. Pichotta stated not specifically. Mainly we deal with two things, the regulation of uses and the running of utilities may require permits because there are structures involved but it's not really the establishment of a use from a land use perspective. Then we deal with lot creation. Some of this stuff is outside of our ability and purview. As far as the horse issue, what we did years ago was change it from five acre minimum lot size to a three acre minimum lot size. The requirement that there be one open acre per horse did not change. The reality is that if the County poses a change to a zoning

district or the uses, any change to the zoning code, it can't be adopted if one more than half of the towns that would be impacted by it don't want to see that happen. We do send out notices as well as staff reports. He has not heard any feedback from anybody ever that they are having an issue with it. It may be that they do but they aren't telling us about it. Ms Palodichuk stated she is here tonight because you nicely send these packets and she thinks it's better to at least come and listen than have inaction and then care about it a couple years later. Diana Smith, River Falls Town Chairperson, stated she wants to reiterate what Sarah said, that it is so helpful to get the information in the mail, so that the towns have a chance to look at it and have a comment. Her only comment is that River Falls isn't listed in the information listed and she thinks she understands that only the land use applications that came to the County were listed in here but then they are listed on page 12 as having no new construction, no values. Either they need to be on or off. If the committee wants them on, it's no problem for Jerome to get you that information. Holst stated it's no problem for us to leave you off either. Pichotta stated if you want to provide that information to us that would be wonderful because then we could see where you are at with the rest of the County. Ms Smith, if this is to be a true picture of the County, then they need to be on. Pichotta stated we don't need a motion but consensus that we leave as is and we'll tackle the Intergovernmental Cooperation. Chairperson Fetzer stated it sounds good. Ms Smith stated the other thing that she really likes about this is as they have to look at their comprehensive plan, this gives a lot of guidance to the Towns to see what the County is doing to help us move forward with the changes and things as we make changes and update our plans. Holst stated it's not too late for you to get back in County zoning, you know that. Ms Smith stated it will have to be with a different board than what she has right now. So this is really helpful in that respect. Committee consensus to accept as presented.

Discuss take action on Travel/Training Requests. Pichotta stated he has one request for Kevin Etherton to attend the WLIA Annual Conference in Elk Hart Lake on February 10th through the 12th, \$305.00, two nights in a hotel. We do get a \$1,000 grant from the State for his attendance at this sort of a thing. **Aubart moved to approve the travel/training request for Kevin Etherton for February 10 - 12, 2016/Ross seconded. All in favor. Passed.**

Departmental Update and Future Agenda Items

While River Falls is still here, have you received certification from DTCAP on your zoning ordinance yet? Ms Smith stated the last they heard, it was imminent but they have not gotten a positive piece from them. Pichotta stated we won't put that on until we get that because it's possible it could change.

Discuss take action on a request by the Town of Union for extension of the timeframe that they have to generate a recommendation regarding a conditional use permit application. As you may recall, we issued them an extension some time ago. The Town has requested additional information from Muskie. Muskie responded with information that was vague and lacking in detail. They have requested additional clarification. They are coming back to request an additional extension.

Discuss take action on the Goals, Objectives and Policies of Intergovernmental Cooperation Chapter.

Motion to adjourn at 7:28pm by Holst/Ross seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, January 6, 2016 – 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	Set next meeting dates: January 20 th , February 3 rd & 17 th , March 2 nd & 16 th , all in 2016.	Chair
3	Amend approved minutes of the October 21, 2015 meeting.	Chair
4	Approve minutes of the November 4, 2015 Land Management Committee meeting.	Chair
5	Public hearing to consider and take action on a request for a conditional use permit for a Heavy Industrial Use (Nonmetallic Mining Wash Plant and Processing Facility), pursuant to Pierce County Code Chapter 240-37E by Monarch Paving Company, agent for Michael A. Johnson, owner on property located in the SW ¼ of the SE ¼ of Section 34, T25N, R18W, Town of Trenton, Pierce County, WI.	Bechel
6	Discuss take action on Site Plan Review for a Heavy Industrial Use (Nonmetallic Mining Wash Plant and Processing Facility), pursuant to Pierce County Code Chapter 240-37E by Monarch Paving Company, agent for Michael A. Johnson, owner on property located in the SW ¼ of the SE ¼ of Section 34, T25N, R18W, Town of Trenton, Pierce County, WI.	Bechel
7	Discuss take action on Departmental Policy regarding placement of Center of Section Survey Monuments.	Filkins
8	Discuss take action on review and update of the Goals, Objectives and Policies of the Land Use Chapter of the Pierce County Comprehensive Plan.	Bechel
9	Discuss take action on Travel/Training Requests	Pichotta
10	Future agenda items.	Pichotta
11	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.

(12/23/15)

PIERCE COUNTY WISCONSIN
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MINUTES - Pierce County Land Management Committee Meeting, December 6, 2017

Present: Jon Aubart, Joe Fetzer, Eric Sanden and Ken Snow

Others: Andy Pichotta, Emily Lund and Shari Hartung

Absent: Jeff Holst

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

Next meeting dates: December 20th, if necessary, 2017.

Set next meeting dates: Pichotta stated that he proposes to continue with the first and third Wednesday at 6:00 pm. Chairperson Fetzer asked the committee if it has been working out for everybody and stated it is good for him. Committee consensus to continue with first and third Wednesday at 6 pm.

Approve Minutes: **Aubart moved to approve the November 15, 2017 Land Management Committee minutes/Sanden seconded. All in favor. Motion Passed.**

Discuss take action on a request for a rule exception to the requirement that an erosion control plan be submitted for a 1-Lot Major Certified Survey Map (CSM) for Rebecca and Reed Sponsler, owners on property located in part of the NW ¼ of the NW ¼ of Section 8, T27N, R19W, Town of Clifton, Pierce County, WI.

Staff Report – Emily Lund: Rebecca and Reed Sponsler created Lots 2 & 3, CSM Volume 14 Page 129 on 8-9-2017. They are proposing to create their 3rd parcel within a five-year period, which is considered a Major CSM. The lot number will be ‘Lot 4’ as there are existing parcels labeled “Lot 1-3” nearby. Pierce County Code (PCC) requires erosion control plans for the creation of Major CSM sites per PCC §237-11 and per PCC §237-17A(3)(a) states that accompanying information shall include erosion control plans.

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

- A. Where the Land Management Committee finds that undue difficulties will result from strict compliance with the regulations of this chapter or better design will result, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such rule exception will not have the effect of nullifying the intent and purpose of this chapter.
- B. A majority vote of the entire membership of the Land Management Committee shall be required to grant any rule exception to these regulations and any rule exception thus granted shall be entered into the minutes of the Committee setting forth the reasons which, in the judgment of the Committee, justified the rule exception.

The property is located in Section 8, Town of Clifton. Surrounding land use is mostly agricultural and some residential. The zoning district on the property is General Rural Flexible 8. The following conditions must be present for a proposed land division to qualify for this type of rule exception (LMC policy):

1. No roads are being constructed as part of the land division.
2. No erosion problems are present on the property.
3. There are no problems with stormwater or surface water flow on the subject property or that originate on the subject property.

No roads are being constructed as part of this proposed land division. Staff visited the site on 11/27/2017 and noticed the site is very stable. The previous cover crop was soybeans and the drainage ditches were covered in thick grass. To the south, 840th Avenue adjoins the proposed lot.

Staff Recommendations: Staff recommends the Land Management Committee consider whether or not this situation warrants a rule exception.

Chairperson Fetzer asked if the site is pretty flat. Lund stated it rolls toward the road, to the south, but is very stable. She drove around it, there is a field road and it's very beautiful. Chairperson Fetzer asked Mr. Sponsler if he had anything to add. Mr. Sponsler stated no.

Sanden moved to approve the rule exception to the requirement that an erosion control plan be completed for a 1-Lot Major Certified Survey Map (CSM) for Rebecca and Reed Sponsler/Snow seconded. Pichotta noted that granting a rule exception requires that a justification be included in the motion. Sanden stated seeing that there are no roads being constructed, no erosion problems present on the property and no problems with stormwater and surface water flow, move to approve the rule exception for an erosion control plan for Reed and Rebecca Sponsler. Chairperson Fetzer asked Mr. Snow if he was OK with the amendment. Mr. Snow stated yes. All in favor. Passed.

Discuss take action on a request for approval of a 1-Lot Major Certified Survey Map (CSM) for Rebecca and Reed Sponsler, owners on property located in part of the NW ¼ of the NW ¼ of Section 8, T27N, R19W, Town of Clifton, Pierce County, WI.

Staff Report – Emily Lund: This is the same property discussed in the last staff report, in Section 8, Town of Clifton. The surrounding land is mostly agriculture and some residential. The zoning district is General Rural Flexible 8. The density calculations, once you work through the code, allows four lots to be created on their 27.16 acres. The proposed lot is 8.00 acres. Road frontage requirement for this CSM is met with 410 feet adjoining 840th Avenue. The CSM meets slope requirements, staff reviewed if the land was subject to any hazards to life, health or property; no such hazards were found. A soil test was completed on 9-20-2017 and a mound septic system is recommended. Property is not in the Farmland Preservation Program per Land Conservation Department. Pierce County Surveyor, Louie Filkins, reviewed and approved the CSM on 11-9-2017. Survey review fees were paid on 11-8-2017. Clifton Town Board reviewed and approved the CSM on 11-7-2017. Town issued a driveway permit off of 840th Avenue on 9-22-2017. Town of Clifton's minimum lot size of 3-acres is met.

Staff Recommendation: Since the committee approved the rule exception that was granted for the erosion control plan requirement, staff recommends the Land Management Committee approve this major CSM.

Aubart moved to approve the 1-Lot Major Certified Survey Map (CSM) for Rebecca and Reed Sponsler/Sanden seconded. All in favor. Passed.

Chairperson Fetzer states the next agenda item has been stricken.

Discuss take action on Travel/Training Requests. Pichotta stated he has several travel/training requests for committee consideration: one for Emily Lund to attend the WCZA District meeting at the Eau Claire County Courthouse on December 13th. Another for Emily to attend the WCZA POWTS Inspector training at Stoney Creek Inn at Rothchild on January 9th. The cost is \$35.00. That is part of the continuing education credits that she needs to get. Adam Adank to attend the WCZA Soils training which is the following day at the Stoney Creek Inn in Rothchild. The cost is also \$35.00. Then Emily and Adam to attend the WDNR Technical Workshop on Shoreland and Floodplain Issues on January 18, 2018 at the Eau Claire County Courthouse. County vehicles will be used whenever possible. **Snow moved to approve the Travel/Training requests for Emily Lund and Adam Adank/Aubart seconded. All in favor. Passed.**

Departmental Update and Future Agenda Items

Pichotta stated that we have no public hearings for December 20th, so rather than putting any housekeeping items on there, we'll just not have a meeting.

The first meeting will be in January and he is not sure what will be on the agenda.

Motion to adjourn at 6:12pm by Aubart/Snow seconded. All in favor. Motion passed.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING REVISED AGENDA
Wednesday, December 6, 2017 – 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: December 20 th if necessary, all in 2017.	Chair
3	Set 2018 meeting dates.	Chair
4	Approve minutes of the November 15, 2017 Land Management Committee meeting.	Chair
5	Discuss take action on a request for a rule exception to the requirement that an erosion control plan be submitted for a 1-Lot Major Certified Survey Map (CSM) for Rebecca and Reed Sponsler, owners on property located in part of the NW ¼ of the NW ¼ of Section 8, T27N, R19W, Town of Clifton, Pierce County, WI.	Lund
6	Discuss take action on a request for approval of a 1-Lot Major Certified Survey Map (CSM) for Rebecca and Reed Sponsler, owners on property located in part of the NW ¼ of the NW ¼ of Section 8, T27N, R19W, Town of Clifton, Pierce County, WI.	Lund
7	Discuss take action on a request for screening of a Private Outdoor Recreational Use (Commercial Paintball Playing Field) in the Primary Agriculture District for Aaron Tholey, agent for Timothy & Carolyn Jennings, owners on property located in the NW ¼ of the SW ¼ of Section 5, T27N, R19W, Town of Clifton, Pierce County, WI.	Roy
8	Discuss take action on Travel/Training Requests.	Pichotta
9	Future agenda items.	Pichotta
10	Adjourn	Members
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A quorum of County Board supervisors may be present.

(11/24/17)

- **Revised Agenda to remove item #7, November 28, 2017 @ 9:17am.**

PIERCE COUNTY WISCONSIN
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MINUTES - Pierce County Land Management Committee Meeting, November 15, 2017

Present: Jon Aubart, Jeff Holst, Eric Sanden and Ken Snow

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

Absent: Joe Fetzer

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

Next meeting dates: December 6th and December 20th, if necessary, all in 2017.

Approve Minutes: **Sanden moved to approve the November 1, 2017 Land Management Committee minutes/Snow seconded. All in favor. Motion Passed.**

Public hearing to discuss and take action on a request for a Map Amendment (Rezone) from General Rural to Agriculture Residential for Timothy and Becky Brunner, owners of a 12.78 acre parcel located in the NE ¼ of the NW ¼ of Section 15, T26N, R18W, Town of Trimbelle, Pierce County, WI.

Chairperson Holst invited Mr. & Mrs. Brunner forward: Mr. Brunner explained they are requesting a rezone from General Rural to Agriculture Residential. They are asking that the 12.78 acre parcel be subdivided to create one to two additional lots, possibly three acres each. The current zoning doesn't, the parcel does not have enough density to allow the parcel to be split and they can't purchase any other property.

Staff Report – Emily Lund: The applicants went over the background. The property is located in Section 15, Town of Trimbelle. Current land use is forest land, residential with a dwelling and detached garage and undeveloped. Adjacent land uses are forest land, residential and undeveloped. The current zoning of this parcel is General Rural. The adjacent zoning is General Rural, Primary Ag and Agriculture Residential. Pierce County Zoning Code §240-15 Purpose and Intent of Zoning Districts are listed in the staff report for General Rural and Agriculture Residential. Pierce County's adopted Comprehensive Plan states: "The County will approve rezonings or map amendments only when the proposed change is consistent with an adopted or amended town comprehensive plan. The value of land for agricultural use according to the USDA Web Soil Survey is listed in the staff report. The Town of Trimbelle recommended approval of this request on 10/10/2017 and identified two goals from the Town of Trimbelle Comprehensive Plan in the following places:

- "Chapter 3: Housing. Goal: Facilitate opportunities for an adequate housing supply that will meet the needs of current and future residents and promote a full range of housing choices for all income levels, age groups and special housing needs while maintaining the current housing stock.
- Chapter 9: Land Use. Objectives: Ensure development accrues in an orderly process and includes sufficient infrastructure for fire protection, roads, parks and other infrastructure."

Staff Recommendation: Given that the Trimbelle Town Board determined that this proposed map amendment (rezone) of 12.78 acres from General Rural to Agriculture Residential 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. No public comment. **Chairperson Holst closed the public hearing.** Sanden stated it looks pretty straight forward. **Sanden moved to approve the Map Amendment (Rezone) from General Rural to Agriculture Residential for Timothy and Becky Brunner and forward a recommendation to the County Board of Supervisors/Snow seconded. All in favor. Passed.**

Discuss take action on a request for a Height Exemption for a proposed Wireless Communication Service Facility, pursuant to Pierce County Code Chapter 240-41C, for Verizon Wireless, agent for Lyle & Shirley Stockwell, owners on property located in the SW ¼ of the SW ¼ of Section 6, T25N, R17W, Town of Hartland, Pierce County, WI. Chairperson Holst invited Brian Kabat forward: Mr. Kabat, Buell Consulting, agent for Verizon Wireless and working with Mr. & Mrs. Stockwell on the project. There is still a need for new towers and improved service in the county. He would appreciate the consideration in granting the height exemption.

Staff Report – Adam Adank: Verizon Wireless is seeking a height exemption pursuant to Pierce County Code §240-29D to construct a new Wireless Communication Service Facility (WCSF) exceeding 35' in height in the Town of Hartland. The complete project proposal includes erecting a self-support wireless communication tower with a total height of 259 feet, constructing an equipment platform and installing supporting equipment to improve broadband and wireless services in the county. Newly adopted code amendments removed Conditional Use Permit requirements for Wireless Communication Service Facilities, which are now permitted administratively via a Land Use Permit. PCC §240-29 requires towers to comply with the height requirements of other commercial structures. The proposed Wireless Communication Service Facility is located in Section 6, Town of Hartland. The property is zoned General Rural Flexible. PCC §240-23 requires 10 foot side and rear yard setbacks in this zoning district. Adjacent properties are zoned General Rural Flexible and Light Industrial. Adjacent land uses are residential, agricultural and light industrial. Access to the site is off of 730th St. The site is currently agricultural land owned by Lyle & Shirley Stockwell. The proposed structure is a self-support tower (monopole) with a height of 250 feet. A nine (9) foot antenna is to be placed on top of the tower which makes the overall height of the structure 259 feet. PCC §240-41C(3)(d) states, "Wireless Communication Service Facilities Support Structures shall comply with the height requirements of §240-29D." PCC §240-29D states, Industrial and commercial structure heights may be granted exemptions by the Land Management Committee, provided that all required setbacks and yards are increased by not less than one foot for each foot the structure exceeds 35 feet. PCC §240-27C addresses town road setbacks and states, "Except as provided in Subsection E, the required setback for all structures fronting on all town highways shall be 75 feet from the centerline of the road or 42 feet from the edge of the right-of-way, whichever is greater." The 259 foot structure has a required right-of-way setback of 266 feet from 730th St; required side and rear yard setbacks are 234 feet. In the proposed location, the tower is 268ft from the 730th St right-of-way and 269ft 6in from the nearest side or rear property line. PCC §240-41C(3)(d)[1]states, "If engineering certification reveals that the WCSF support structure, or an existing structure, is designed to collapse within a smaller area than the requirements of §240-29D, the certified fall zone shall be applied to the setback requirements of §240-29D." Certified fall zone engineering certifications state "*in the unlikely event of total separation, this would result in a collapse within a radius of 250 feet.*" The fall zone engineering certification does not account for the nine (9) foot antenna on top of the tower. Therefore, the fall zone engineering certification does not provide any setback relief for the proposed structure. Staff visited the tower site and observed no structures located within the 259 foot fall zone of the proposed tower location. Staff will verify appropriate setbacks prior to issuing a Land Use Permit for the structures. PCC §240-88 The following applicable terms are defined in the staff report: Fall Zone, Support Structure, Yard, Yard, Rear and Yard, Side.

Staff Recommendation: Staff recommends the LMC review the proposed WCSF height exemption and determine if any changes or modifications are necessary. If none, staff recommends the LMC grant approval of the height exemption.

Aubart moved to approve the Height Exemption for a proposed Wireless Communication Service Facility (WCSF) for Verizon Wireless on property owned by Lyle & Shirley Stockwell, as presented/Snow seconded. All in favor. Passed. Mr. Kabat stated there was one item on the report; it did indicate that the tower was a monopole. It's not a monopole. It's a self-support, lattice-style tower instead.

Discuss take action on Travel/Training Requests. Pichotta stated he has two travel/training requests: one for Brad Roy to attend the Flood/Substantial Damage Estimation Process Seminar/Workshop being put on by

FEMA in LaCrosse on November 16, 2017 and the second for Shari Hartung to attend a Skillpath Seminar on for assertiveness skills, positive self-esteem, conflict management and communication techniques on December 14, 2017 in Eau Claire. Neither requires a hotel stay. **Snow moved to approve the two Travel/Training requests for Brad Roy and Shari Hartung/Sanden seconded. All in favor. Passed.**

Departmental Update and Future Agenda Items

Request for a rule exception to the requirement that an erosion control plan be submitted for a 1-Lot Major Certified Survey Map (CSM) for Reed Sponsler. He is the gentleman who lives next door to the paintball park. This is the third lot that he will have created in a very short time.

Discuss take action on approval of a 1-Lot Major Certified Survey Map (CSM) for Reed Sponsler.

Discuss take action on request for screening of a Private Outdoor Recreational Use for Paintball Park.

Motion to adjourn at 6:17pm by Aubart/Snow seconded. All in favor. Motion passed.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, November 15, 2017 – 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: December 6 th and December 20 th if necessary, all in 2017.	Chair
3	Approve minutes of the November 1, 2017 Land Management Committee meeting.	Chair
4	Public hearing to discuss and take action on a request for a Map Amendment (Rezone) from General Rural to Agriculture Residential for Timothy and Becky Brunner, owners of a 12.78 acre parcel located in the NE ¼ of the NW ¼ of Section 15, T26N, R18W, Town of Trimbelle, Pierce County, WI.	Lund
5	Discuss take action on a request for a Height Exemption for a proposed Wireless Communication Service Facility, pursuant to Pierce County Code Chapter 240-41C, for Verizon Wireless, agent for Lyle & Shirley Stockwell, owners on property located in the SW ¼ of the SW ¼ of Section 6, T25N, R17W, Town of Hartland, Pierce County, WI.	Adank
6	Discuss take action on Travel/Training Requests.	Pichotta
7	Future agenda items.	Pichotta
8	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.

(11/03/17)

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, November 1, 2017

Present: Jon Aubart, Jeff Holst, Eric Sanden and Ken Snow

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

Absent: Joe Fetzer

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

Next meeting dates: November 15th, December 6th and December 20th, if necessary, all in 2017.

Approve Minutes: **Sanden moved to approve the October 18, 2017 Land Management Committee minutes/Snow seconded. All in favor. Motion Passed.**

Public hearing to discuss and take action on a request for a conditional use permit for an Accessory Residence in the Primary Agriculture District, pursuant to Pierce County Code Chapter 240-40A, for Pamela & Jason Belisle, owners on property located in part of the NE ¼ of the SW ¼, Section 20, T27N, R17W, Town of Martell, Pierce County, WI. Chairperson Holst invited Ms. Belisle forward: Ms. Belisle explained they are asking for approval for a conditional use permit for an accessory residence for her father-in-law. He is living with them. All of their bedrooms are on the upper level of their home and he is half blind and has problems with his foot for getting around. Instead of adding onto the main level of their home, they needed some extra storage space. They were just going to create a small space for him in the back of that storage shed.

Staff Report – Adam Adank: On July 27, 2017, the applicants visited the Land Management Department to obtain a Land Use Permit to build an accessory structure on their property located at N7478 690th Street. At that time, the applicants stated that the proposed accessory structure would be used for personal storage and have a bathroom. Subsequently, a LUP was issued for a 30ft x 56ft accessory structure with the condition that they obtain a sanitary permit for the bathroom prior to any septic system installation. While the applicants were working with their plumber and discussing design plans, the plumber informed the applicants that a separate permit may be required for accessory structures with living quarters. The applicants then contacted the Land Management Department and learned they would need to apply for a CUP for an accessory residence if they wanted to have living quarters in the structure. The applicants propose to use the eastern 30ft x 20ft portion of the structure as a one bedroom accessory residence for Jason Belisle's father (total Sq Ft 600). The remaining 30ft x 60ft portion of the accessory structure will be used for personal storage. The applicants own a 40 acre parcel located in Section 20, Town of Martell. The property is in the Primary Agriculture zoning district. Pierce County Code (PCC) §240-40A allows accessory residences which are accessory to single-family residences in the Primary Agriculture District with the issuance of a CUP. The definitions for Accessory Residence and Accessory Building are defined in the staff report. The existing primary residence has a total floor area of approximately 2500 square ft. Other existing structures on the property consist of a 36ft x 60ft pole barn and a 30ft x 10ft shed. The septic system for the principal residence was permitted and installed in 1996 for a three bedroom mound system. The applicants were issued a State Sanitary Permit for the proposed accessory residence on 10-18-17 for a 2000 gallon holding tank which was installed on 10/23/17 (Sanitary Permit #471992017). The applicants have a shared driveway easement over two separate 20 acre parcels. PCC Chapter 115 Numbering of Buildings and Roads states that all properties or parcels and principal buildings shall be assigned an address based on the uniform numbering system. The Martell Town Board recommended approval

of this request on 9-12-17 without any concerns or recommended conditions. The Town did not reference its Comprehensive Plan. No renewal of this request will be necessary provided the use is established within 12 months of approval.

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

1. The applicant shall work with the Town Building Inspector, Todd Dolan, to determine whether a permit from the town is needed and to ensure compliance with the Uniform Dwelling Code (UDC) requirements.
2. The applicant shall obtain a separate uniform address number for the accessory residence.

Chairperson Holst opened the hearing to the public. John Worsing, adjoining property owner, stated they are totally happy with the presentation and with what's going on. **Chairperson Holst closed the public hearing.** Aubart asked what are the future plans for the structure. Ms Belisle stated they would never rent it out. It would just be an extra space if they have guests, then they can stay there. It's never going to be rented out, it's just for their own personal use. Chairperson Holst stated he doesn't mean to tell them what to do but it's going to obstruct access to your other building. Ms Belisle stated she didn't make the choice of where it's going. They wanted it up close to the house as well, limited options up on top of that hill. **Sanden moved to approve the conditional use permit for an Accessory Residence for Pamela and Jason Belisle with conditions #1 - #2, due to the fact this is not found to be contrary to public interest, nor detrimental or injurious to public health, public safety or the character of the surrounding area/Snow seconded. All in favor. Passed.**

Discuss take action on a proposed policy regarding administrative completion of Site Plan Review.

Staff Report – Brad Roy: As you probably remember, we have had a few site plan reviews recently that there were no real impacts to what they were doing. Instead of bringing it to the committee, we've worked to develop some guidelines for allowing staff to just review them and save the applicant some time as well as the committee. Staff has proposed the following criteria to qualify for administrative site plan review. Proposed development which does meet the following would be eligible for administrative site plan review:

- Additions or buildings that are located on sites with existing structures for commercial, industrial, institutional or multifamily uses.
- Proposed construction or addition will not change existing traffic patterns.
- Proposed construction or addition will not negatively impact surface water drainage patterns.
- The parcel is not located adjacent to residential district or has existing vegetative buffer clearly adequate to screen the use.
- Any increase in parking requirements can be accommodated.
- Lighting does not impact neighboring property.
- Proposed construction or addition does not change the character of site.

Part of the policy would also be that any applicant could request that it come before the committee if they wish, rather than have staff review it. Aubart stated that would mean that if you said we're not going to approve it, they have an appeal essentially. Is that what that means. Roy stated yes, and our attitude would be anything iffy, we would just send it to the committee. If we felt we couldn't approve it, our advice would be let's just put it on the committee's agenda. Aubart stated when you say deny it, let's bring it to the committee or something like that, unless it was just bizarre. Roy stated the one thing he thinks would be the vegetative standard, where we say the vegetation is clearly adequate to screen it. If we get out to the site and it's one of those that we're not sure, we can put it on the committee and see what they think if they want to require more screening. Pichotta stated our goal is really just to be able to address the no-brainers at the staff level. Sanden asked if it's standard practice to have counsel look at these. Pichotta stated we can have them review them but it's not really standard. This is pretty straight forward. Sanden stated he is just wondering, worst case scenario if you did approve something administratively and it turned out that someone would question that and say you should have run this

through, based on our interpretation, would staff be on the hook? Pichotta stated the code says, that the committee or its agent or it's designee. Sanden stated to that end, I'm sure that if you anticipated some kind of backlash like that you would run it past the committee just to cover all the bases. Chairperson Holst stated that he would just as soon not spend any more time on these when they are obvious that they should be approved. Committee agreed. **Snow moved to approve the administrative completion of site plan review policy as presented/Sanden seconded. All in favor. Passed.**

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

Departmental Update and Future Agenda Items

Public hearing for a proposed rezone from General Rural to Agriculture Residential for Timothy & Becky Brunner in the Town of Trimbelle, Section 15.

Request for a height exemption for a proposed wireless communication service facility by Verizon in Section 6, Town of Hartland.

Motion to adjourn at 6:14pm by Snow/Aubart seconded. All in favor. Motion passed.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, November 1, 2017 – 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: November 15 th , December 6 th and December 20 th if necessary, all in 2017.	Chair
3	Approve minutes of the October 18, 2017 Land Management Committee meeting.	Chair
4	Public hearing to discuss and take action on a request for a conditional use permit for an Accessory Residence in the Primary Agriculture District, pursuant to Pierce County Code Chapter 240-40A, for Pamela & Jason Belisle, owners on property located in the NE ¼ of the SW ¼ of Section 20, T27N, R17W, Town of Martell, Pierce County, WI.	Adank
5	Discuss take action on proposed policy regarding administrative completion of Site Plan Review.	Roy
6	Discuss take action on Travel/Training Requests.	Pichotta
7	Future agenda items.	Pichotta
8	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.

(10/20/17)

PIERCE COUNTY WISCONSIN
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MINUTES - Pierce County Land Management Committee Meeting, October 18, 2017

Present: Jon Aubart, Jeff Holst, Eric Sanden and Ken Snow

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

Absent: Joe Fetzer

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

Next meeting dates: November 1st & 15th, December 6th and December 20th, if necessary, all in 2017.

Approve Minutes: **Aubart moved to approve the October 4, 2017 Land Management Committee minutes/Sanden seconded. All in favor. Motion Passed.**

Public hearing to discuss and take action on a request for a conditional use permit for a Farm and Home Based Business for Automobile Repair and Restoration in the Agriculture Residential District, pursuant to Chapter 240-36D, for William Janousek, owner on property located in part of the NW ¼ of the SW ¼, Section 14, T26N, R15W, Town of Rock Elm, Pierce County, WI. Chairperson Holst invited Mr.

Janousek forward: Mr. Janousek explained he is just trying to get things up to par. It's a new building that he is putting up with a new paint booth and he just wants to make sure everything jives.

Staff Report – Adam Adank: The applicant, Mr. Janousek, is requesting a conditional use permit to operate an automobile repair and restoration shop at his residence in the Town of Rock Elm. The business is called Janousek Paint, Body and Restoration. Mr. Janousek has been operating an automobile repair and restoration shop for the past few years without benefit of a permit. The Land Management Department became aware of the business when Mr. Janousek called the department inquiring about the potential of rezoning his property from Ag Residential to Commercial. At that time Mr. Janousek was made aware that a Conditional Use Permit for a Farm and Home Based Business was a viable option. Mr. Janousek owns a 15.01 acre parcel located at the end of 90th Street which is a dead end road. He is currently running his business out of a 32' x 62' garage with an attached 10' x 32' office space off the west side (total sq ft 2304). Mr. Janousek also has several other buildings that are under construction. He plans to move his work area into the new buildings upon their completion and use the existing garage for personal storage. The buildings Mr. Janousek plans to use for his business include:

- 10' x 20' office building.
- 24' x 28' paint booth building.
- 28' x 42' 3 stall garage building with a 12' x 12' service bay door.
- 24' x 20' personal garage which may have some storage for business.
- A proposed 28' x 42' addition which will have 3 service bay doors that are each 10' x 10'.
- Total sq ft 3648.

The property is located in Section 14, Town of Rock Elm and is zoned Agriculture Residential. The purpose of the Agriculture Residential District is established to provide for the continuation of agricultural practices in areas of the county which have historically been devoted to farm operations while providing locations for rural housing opportunities without public sewer and certain recreational and other nonresidential uses. Adjacent properties are all zoned Agriculture Residential. Adjacent land uses are agriculture and low density residential.

Section 240-36(E) allows farm and home based businesses as accessory to single family residential uses subject to the following:

1. The farm and home based business shall be conducted by the owner of the dwelling unit. No more than eight persons not residing on the site may be employed in the business.
 2. If located in the dwelling unit, the farm and home 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. Janousek is self-employed and has no employees. Currently all of the business received has been through word-of-mouth. He anticipates having a few employees in the future when he starts to advertise and business becomes too much for one person. 90th Street is a dead end road that connects to County Road PP. There is one other driveway on 90th Street that serves the residence of David and Jackie Pille. The Pille driveway is approximately 200 feet north of William Janousek's driveway. The Pille residence is over 1500 feet from Mr. Janousek's buildings and is the nearest residence to the proposed business. Equipment operated for this business: 2 above ground hoists, frame rack, auto rotisserie, air compressors and other miscellaneous tools. Mr. Janousek is looking into regulations for hazardous waste generators in order to properly dispose of all paint thinner, cleaning solvents, paint, etc. Off-street parking per Pierce County Zoning Code Chapter 240-54A requires 3 spaces per service bay for auto repair. Mr. Janousek anticipates UPS, Fed Ex or semi deliveries a minimum of 5 times per week and a maximum of 20 times. Hours of operation are 8am to 6pm, Monday through Friday or by appointment. Bathroom facilities are located in the front office building. A 2000 gallon holding tank was installed in 2007. Mr. Janousek plans to expand his driveway/parking area significantly by placing gravel between his existing garage to the east and the new garage/workshop to the west. Mr. Janousek plans to place one advertising sign for his business at the entrance of his driveway. The Rock Elm Town Board recommended approval of this request on 9-12-2017. The Town did not suggest any conditions or state any concerns.

Staff Recommendation: Staff recommends the Land Management Committee determine whether or not approval of this request is contrary to the public interest and whether it would be detrimental or injurious to public health, public safety or the character of the surrounding area. If found to be not contrary to the above, staff recommends that 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 CUP.
2. This use shall be established within 1 year of the CUP approval. The CUP shall be renewed again in 2 years. Permit may be renewed administratively if no compliance issues arise.
3. Applicant understands that expansion or intensification of this use will require modification to this conditional use permit.
4. The advertising sign shall not exceed 24 square feet, comply with the zoning code standards and be located outside of road right-of-way. Necessary permits shall be secured for any future advertising signs.
5. Applicant shall comply with all applicable NR 662 hazardous waste generator standards.
6. There shall be a minimum of 12 parking spaces established when the proposed 28' x 40' addition has been completed.
7. Applicants shall work with Todd Dolan, Rock Elm Building Inspector, to determine whether or not commercial plan review and approval is required from Department of Safety & Professional Services and receive all necessary permits.
8. The entire business area shall not exceed 5,000 square feet.
9. No more than 8 persons not residing on-site shall be employed at the site at any given time.
10. The business shall be conducted by the owner of the dwelling unit.
11. A land use permit shall be obtained for all future structures prior to construction.

Chairperson Holst opened the hearing to the public. No public comment. **Chairperson Holst closed the public hearing.** Sanden stated the staff report was very well done and very complete. **Sanden moved to**

approve the conditional use permit for a Farm and Home Based Business for Auto Repair and Restoration for William Janousek with condition #1 - #11, due to the fact this is not found to be contrary to public interest, nor detrimental or injurious to public health, public safety or the character of the surrounding area/Snow seconded. All in favor. Passed.

Discuss take action on a proposed Management Plan for a Duplex in the Primary Ag District for Paul & Judith Nielsen, owners on property located in the SW ¼ of the SE ¼ of Section 17, T26N, R16W, Town of El Paso, Pierce County, WI. Chairperson Holst asked if there are concerns of the Township.

Staff Report – Brad Roy: In 2009, Mr. and Mrs. Nielsen obtained a Conditional Use Permit for a Duplex on their 8.8 acre parcel located in Section 19 of the Town of El Paso. Since then Mr. Nielsen and a family member have occupied both dwelling units of the duplex. Condition #4 of the permit states, “If a party other than a family member wishes to reside in the duplex, a management plan must be approved by the Land Management Committee.” The applicant anticipates renting one dwelling unit in the near future to a nonfamily member and has submitted a management plan for consideration. The property owners will furnish heat, electricity, snow removal, garbage service and maintain grounds and the septic system. Staff has not received any complaints about the duplex. Staff did hear from the Town Chairperson. He expressed concern about why this was put on an agenda without the Town taking action first. Roy explained that the conditions state that it is a LMC approval item and not a Town approval. It doesn’t expand the conditional use permit. The conditions aren’t changing. He also had concerns about if the owner could leave and both units be rented out. Roy explained that in the conditions it states that it can’t and that he is still held to that. There are some Town members here as well that can probably expand on that. The existing conditions are listed in the staff report #1 - #7:

1. Landowner must occupy one of the residences on the property.
2. Any deviation from the approved conditions requires the applicant apply for a new CUP.
3. This CUP shall expire in 5 years or if compliance issues arise. The permit may be renewed administratively if no compliance issues arise.
4. If a party other than a family member wishes to reside in the duplex, a management plan must be approved by the Land Management Committee.
5. A second uniform address number is needed for this building per PCC 15-3C.
6. The secondary driveway connection from this parcel to Hwy 72 shall be removed within 8 months of approval.
7. This CUP shall not run with the land and shall be automatically invalidated by the sale or other transfer of title to this parcel of land.

A copy of the proposed lease agreement/management plan is attached for your review and consideration. The lease agreement contains the typical provisions of a residential lease and appears to be based on a template. It should be noted that the Land Management Department does not typically get involved with lease agreements between parties when considering the establishment of uses. Staff is of the position that the lease agreement/management plan appears to be adequate.

Staff Recommendation: Staff recommends the Land Management Committee consider whether the proposed management plan is adequate to protect the public interest, public health and safety and the character of the area.

If no changes are necessary, staff recommends the proposed plan be approved as written. If changes are warranted, appropriate modifications should be identified and the amended plan approved.

Chairperson Holst asked what the concern is from the Township. Scott Schoepp asked to speak. Chairperson Holst asked if he represented the Town and Mr. Schoepp stated no, he is representing himself. Mr. Schoepp stated this property has had a lot of changes throughout the years; it started out as a Farm and Home Based Business and has now transpired into a Duplex. Mr. Schoepp passed out copies of the Land Management Committee minutes from October 21, 2009. He stated on the second page, the staff provided recommendations and the committee addressed those recommendation and responds accordingly. This is highlighted on page three of the minutes. Mr. Schoepp read condition number one that stated Paul or his daughter have to live in it. That was one of the conditions when this was first granted. The second one, comment from the committee was

“any deviation from this and it will not be looked on favorably.” About four years ago, his daughter moved out and his son has moved in. Mr. Schoepp stated he doesn’t believe that Paul contacted the County or anyone and this was done on his own. Mr. Holst stated at that time that the conditional use permit would be reviewed in two years and there was a friendly amendment to come back in one. The point was that Paul was doing this at the time to help his daughter through some rough times, Mr. Schoepp stated that he understands that. But the statement was made that once the tough times were over, then we move on. Number five and number six are really not pertinent at this time but number seven was, this was a short-term family based problem, if the daughter moves on, this goes away. The way he interprets this was that it looked like it was granted as a short-term solution to a problem and he reiterates that because the committee and the staff recommendation, number seven was that CUP shall not run with the land and shall automatically be invalidated by the sale or the transfer of this title to this parcel. The committee responded to that in this manner, this is a short-term family based problem that will go away when the daughter goes away. He does have a concern about the definition of a duplex. He has reviewed the code and the definitions are used to make decisions within the code and the definitions are provided there. From the code he read the definitions of duplex, dwelling unit, building and enclosed structure. He stated the only thing left to interpretation is a breezeway. When the code does not define a breezeway, one goes to Webster Merriam Dictionary to obtain that definition. He doesn’t understand the verbiage or the definitions that were used to define a duplex when this was originally approved. He asks that the committee deny the permit based on the simplest fact that it is not a duplex. Pichotta reminded the committee that we are not taking action on the permit; we are taking action on a management plan as specified in the conditions of the permit. While Mr. Schoepp has gone through the code and cherry-picked a number of definitions and presents them, the reality is a duplex is two attached dwelling units on a single lot regardless of form of ownership. He didn’t bring his code so he’s not going to debate the specifics of it but there is no language associated with a duplex that talks about an “enclosed structure”. He is comfortable that when this was originally dealt with, it was dealt with appropriately. As far as the references out of the minutes, he would agree, it was stated by a committee member that if the daughter moves on this goes away. However, that particular condition was ultimately not modified to include that. It simply said there would be a management plan that would be required should it be rented to anyone other than a family member. It was lawfully permitted and Mr. Nielsen has submitted a management plan as was required by the conditions and he is following what was established. Pichotta would also note that we have a number of other duplexes in the County, none of them required CUP renewal. It’s considered to be an establishment CUP. None of them required, except another one located in the Town of El Paso, required a management plan that had to be reviewed by the Land Management Committee. The management plan concept was something that the prior Zoning Administrator had come up with and to be perfectly frank, he isn’t sure what that would include except a copy of the lease and an understanding of what sorts of services that the landowner would provide. Moving forward, anytime a duplex comes forth, we are certainly not going to be recommending that a management plan of any sort be put in place because historically, it has not been the role of this committee or this department, to micro manage uses once they are established. Especially a relatively benign use as a duplex. If there are issues with behavior, certainly that is a law enforcement issue. The primary goal of the zoning code, when establishing a duplex, is to ensure that it has been done according to code, parking is adequate, there is signage to ensure public health and safety can find them, should they need to do so. We don’t typically delve into the minutia of the lease. However, in this particular case, we are. While he understands Mr. Schoepp’s concerns, again we are not being asked to act on the permit itself. You are being asked to act on a management plan which the contents of which are not specified in the CUP. That is the issue before you today. Chairperson Holst asked if the CUP has been renewed administratively. Roy stated yes. Chairperson Holst asked if there have been any complaints. Roy stated no. The last renewal was October 20, 2015. Ron Foley, Supervisor of El Paso Township, he would just like to ask number two states any deviation from the approved conditions requires the applicant to apply for a new CUP. Is this not a deviation? Pichotta stated he doesn’t see how it is, if a party other than a family member wishes to reside in the duplex, a management plan must be approved by the Land Management Committee. That’s why we are here. Mr. Foley asked if number two comes before that and it states any deviation. Pichotta stated it comes before it numerically but that doesn’t give it greater importance. Melanie Schoepp, Town of El Paso Plan

Commission, on the Town Board and a neighbor, she asked if the committee has seen what this looks like, are you aware of the breezeway connecting the two structures? She stated this was turned into a residence without a building permit or a CUP in place. Chairperson Holst stated it has one now so it's in compliance now. Ms Schoepp asked if they were interested in the comprehensive plan for the Town of El Paso and their duplex/dwelling definition. Chairperson Holst asked when the plan was adopted? Ms Schoepp stated this one was revision 2015. Chairperson Holst stated this duplex was pre-existing prior to the new comp plan. Ms Schoepp stated the buildings were pre-existing to the new com plan. Chairperson Holst stated the duplex was pre-existing to the new comp plan, correct? Ms Schoepp stated she believes the comprehensive plan was in draft at that time. Chairperson Holst stated draft is not a legal document. Ms Schoepp stated she knows and she wasn't saying it was. Wondering if you would be interested in hearing what we have for a definition? Chairperson Holst agreed. She just wanted to add that she agrees with Scott that this does not meet the definition of a duplex, because of the enclosed structure and she thinks that was the point in your code that was not read. She just wants to say this, they did have a lawyer look at this and they did agree with us but we decided not to pursue that. In the future, we have no problem with duplexes. They are allowed in our land use section according to the definition. We were told that is good to put those things in the comprehensive plan, so we did. Chairperson Holst asked if she wanted them read into the record. Ms Schoepp agreed. Chairperson Holst read the Town of El Paso duplex/dwelling definition: A duplex refers to a structure for residential purposes consisting of two living units and must 1. Have a common wall of the same height for all of its height and depth. 2. Must have a common roof. 3. Must have two separate entrances. 4. Must have separate utilities, phone, cable, satellite and water. 5. Both must comply with all zoning setbacks and driveway restrictions. 6. Both must be built on the same basement or slab. 7. Both must be built at the same time. 8. Both must share the same waste system. 9. Tri-plex, Quad-plex or X-plex are not allowed. 10. The duplex must follow all fire, zoning, safety and building codes. The duplex unit shall be considered one principle building occupying one lot in yard requirements. Chairperson Holst stated the matter before us is to take action on a proposed management plan for a duplex in the Primary Ag District for Paul and Judith Nielsen. Aubart asked Pichotta if there is any direction what the requirements are for the management plan itself. Pichotta stated the management plan, he thinks, was intended to placate to a certain degree the concerns that were raised by the Town. Aubart asked what those concerns were. Pichotta stated he isn't exactly sure what the concern was. Normally a CUP is based on public health and safety and clearly the concerns was something beyond that. Chairperson Holst asked when the original verbiage changed into the new. Explain again how the management plan came into effect. Pichotta stated the prior Zoning Administrator recommended its inclusion. Chairperson Holst stated approximately when? Pichotta asked when this was issued. Roy stated 2009. **Aubart moved to approve the proposed management plan for a duplex for Paul and Judith Nielsen, as presented/Sanden seconded. All in favor. Passed.**

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

Departmental Update and Future Agenda Items

Public hearing for a CUP for an accessory residence in the Town of Martell for Belisle's.

Discuss take action on proposed policy regarding administrative completion of Site Plan Review.

Motion to adjourn at 6:36pm by Aubart/Snow seconded. All in favor. Motion passed.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, October 18, 2017 – 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: November 1 st & 15 th , December 6 th and December 20 th , if necessary, all in 2017.	Chair
3	Approve minutes of the October 4, 2017 Land Management Committee meeting.	Chair
4	Public hearing to discuss and take action on a request for a conditional use permit for a Farm and Home Based Business for Automobile Repair and Restoration in the Agriculture Residential District, pursuant to Pierce County Code Chapter 240-36D, for William Janousek, owner on property located in the NW ¼ of the SW ¼ of Section 14, T26N, R15W, Town of Rock Elm, Pierce County, WI.	Adank
5	Discuss take action on a proposed Management Plan for a Duplex in the Primary Ag District for Paul & Judith Nielsen, owners on property located in the SW ¼ of the SE ¼ of Section 17, T26N, R16W, Town of El Paso, Pierce County, WI.	Roy
6	Discuss take action on Travel/Training Requests.	Pichotta
7	Future agenda items.	Pichotta
8	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.

(10/6/17)

PIERCE COUNTY WISCONSIN
DEPARTMENT OF LAND MANAGEMENT & RECORDS
PLANNING, ZONING, SURVEYING & GIS
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MINUTES - Pierce County Land Management Committee Meeting, October 4, 2017

Present: Jon Aubart, Jeff Holst, Eric Sanden and Ken Snow

Others: Andy Pichotta, Brad Roy and Shari Hartung

Absent: Joe Fetzer

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

Next meeting dates: October 18th, November 1st & 15th, all in 2017.

Approve Minutes: **Aubart moved to approve the September 20, 2017 Land Management Committee minutes/Sanden seconded. All in favor. Motion Passed.**

Discuss take action on Site Plan Review for a Garage in the Commercial District pursuant to Chapter 240-75, for JeffreyEbensperger and Lynn Spindler, owners, on property located in part of the NW ¼ of the NE ¼, Section 28, T25N, R15W, Town of Union, Pierce County, WI. Chairperson Holst invited Mr. Ebensperber forward: Mr. Ebensperger stated he just needs more storage.

Staff Report – Brad Roy: Hank’s Refrigeration and Electric provides offsite electrical and refrigeration services. The site is used for storage. There is no store or showroom for customers. The applicant is proposing to place a 26’ x 23’ garage on the site. Site plan review is required by Pierce County Code §240-75. The Commercial Zoning District is described in the staff report. The property is bordered by residential and commercial uses. Adjacent zoning districts include Agriculture-Residential to the north, south and west; Commercial to the east. The Village of Plum City is nearby to the east. The proposed structure meets all applicable setbacks and will be placed in line with the existing buildings. The configuration will not impede parking or deliveries. Driveway access to the property is located off of County Rd S. There is an existing yard light located near the driveway. No additional exterior lighting is proposed at this time. A screening plan is not proposed. Typical hours of operation are 6:00am to 6:00pm. There are currently no other employees for the business. Occasionally a subcontractor is hired. Pierce County Code §240-54 establishes parking requirements. This particular use requires two parking spaces. The plan submitted demonstrates sufficient parking area to fulfil this requirement. One delivery per day is average. Deliveries are by truck or semi. Upon completion of the site plan review the applicant shall obtain a Land Use Permit as outlined in Pierce County Code §240-73(1)B. The size of the structure does not require commercial plan approval from DSPS.

Staff Recommendation: Staff recommends the Land Management Committee review the proposed site plan and determine if any changes or modifications are necessary. The LMC should consider proposed structures, architectural plans, neighboring uses, use of landscaping and open space, parking areas, driveway location, loading and unloading areas, highway access, traffic generation and circulation, lighting, drainage, water and sewer systems, as well as proposed operations.

The LMC may impose time schedules for completion of buildings, parking areas, open space uses, drainage and erosion control systems and landscaping and may require appropriate sureties to guarantee that requirements will be completed on schedule.

Staff recommends the LMC place any condition(s) that it deems necessary, as well as the following:

1. The applicant shall obtain a Land Use Permit from the Land Management Department.

Sanden asked if it is a one-story building. Mr. Ebensperger answered yes.

Snow moved to approve the Site Plan for Jeffrey Ebensperger and Lynn Spindler for a Garage in the Commercial District with condition #1/Sanden seconded. All in favor. Passed.

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

Departmental Update and Future Agenda Items

Public hearing for a Farm & Home Based Business for an Automobile Repair and Restoration Business in the Town of Rock Elm.

Proposed Management Plan for a Duplex for Paul & Judith Nielsen in the Town of El Paso.

Pichotta also noted that a proposed policy regarding site plan review that enables staff to administratively approve site plans that clearly have limited impact would be forthcoming.

Motion to adjourn at 6:06pm by Sanden/Aubart seconded. All in favor. Motion passed.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, October 4, 2017 – 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: October 18 th , November 1 st & 15 th , all in 2017.	Chair
3	Approve minutes of the September 20, 2017 Land Management Committee meeting.	Chair
4	Discuss take action on Site Plan Review for a Garage in the Commercial District pursuant to Chapter 240-75, for Jeffrey Ebensperger and Lynn Spindler, owners, on property located in part of the NW ¼ of the NE ¼ of Section 28, T25N, R15W, Town of Union, 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.

(9/22/17)

PIERCE COUNTY WISCONSIN
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MINUTES - Pierce County Land Management Committee Meeting, September 20, 2017

Present: Jon Aubart, Joe Fetzer, Jeff Holst, Eric Sanden and Ken Snow

Others: Andy Pichotta, Brad Roy and Shari Hartung

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

Next meeting dates: October 4th & 18th, November 1st & 15th, all in 2017.

Approve Minutes: **Aubart moved to approve the August 16, 2017 Land Management Committee minutes/Holst seconded. All in favor with Sanden and Snow not voting because of absence at the last meeting. Motion Passed.**

Discuss take action on renewal 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. County Materials was the previous operator of the site, but did not renew its lease. In 2006, County Materials and the Sylla's, neighboring property owners, agreed to allow mining within 50 feet of 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. On September 5, 2012, the LMC modified the condition regarding peak particle velocity for the blasts. The peak particle velocity was raised from .35 to .50. It was stated that the low peak particle velocity makes it more difficult to blast the rock as it gets closer to the Sylla's structure. The higher peak particle velocity will allow the blasters to obtain a higher frequency in the blast and utilize electronic detonators with proper timing to get better results for both the operators and the Syllas. A signature hole blast was completed on August 5, 2013. An analysis was done of the wave form to determine the optimum blast timing utilizing electronic detonators. Since then, there have been two production blasts. Each blast was designed to remove the top half of the mine wall. The previous operator was instructed to report back to the LMC after the next full-face production blast with the peak particle velocity limit of .50 to determine if any modifications to the permit are necessary. To date there has not been a full-face production blast with a peak particle velocity limit of .50. The Sylla's continue to want the peak particle velocity limit to be set at .35. They are 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 mining site has approximately 10 unreclaimed acres. Access to the mine is off of County Road S. Mining activity has been significantly less since County Materials lease expired. Previously most of the processing of materials was done at the County Materials Spring Lake Quarry. With new operator(s) more processing may have to be conducted onsite. B.S. Construction intends to mine one additional acre, towards Cty Rd S and then close and reclaim the mine. The future production needs of any potential operator(s) cannot be known at this time. The LMC directed County Materials to conduct a full-face blast with a peak particle velocity of .50 and to then appear before that LMC to review impacts; this may not be acceptable for the next operator. Therefore, modifications to Conditions #6 and #13 may be warranted. Staff suggests that it may be appropriate to enable the operator to eliminate the need for a signature blast/full face blast and the subsequent LMC review by limiting peak particle velocity to .35 inches per second. A condition that would enable this has been proposed

for LMC consideration (#14). In addition to concerns about blasting near the residence, the Sylla's have concerns about well testing and dust control. The well was last checked in 2014 and dust issues come up during certain conditions (strong north winds). Staff contacted the Town of Rock Elm regarding this renewal. Since the report, Brad has spoken to the Town. They are watching this. They don't have any concerns of what is going on but they are concerned about the peak particle velocity and what a full-face blast would do. Like everyone, without seeing the impacts of it, they don't really have a position at this time. They are in favor of the renewal with existing conditions. The existing conditions #1 through #13 are listed in the staff report.

Staff Recommendation: Staff recommends the Land Management Committee consider whether established conditions continue to be 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 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 – 6:00pm, property owners within 300 ft and Mr. Huebel shall be notified in advance of Saturday operation hours.
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 (48 hours) of any planned blasting. Peak particle velocity shall not exceed 0.50 inches per second. A signature hole process will be conducted to minimize vibrations.
7. Well test 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. The operator shall come back before the Land Management Committee as soon as possible after the next production blast for a status report and to review conditions.
14. The need to conduct a full face blast/signature hole and to appear before the LMC to review conditions may be eliminated by limiting peak particle velocity to .35 inches per second.

Roy stated we also received a letter regarding this. Pichotta read the letter dated September 17, 2017. To the Chair and Members of the Board, My brother and I have recently purchased N5290 Cty Rd S from our parents. We are now renting the property to my parents. As new owners, we strongly state our desires that all stipulations in current CUP for the abutting quarry remain unchanged. As providers of residential accommodation, we believe any further expansion or loosening of any condition would be detrimental to our ability to rent our property as a residence. In particular, we request there be no increase to the peak particle velocity and no change to any setback. Also, our parents, (long-term owners and residents of our property) have voiced their concerns to us. They desire the operator of the quarry be held to all of the current conditions in the current permit. Per the CUP, a test of our well water is to be completed every two years and is now due. Also, because the exit from the quarry is right next to the house, the CUP requires dust mitigation when hauling occurs. Recently, this has not occurred. Thank you for your time and dedication to Pierce County. Tom and Bill Sylla, Partners of N5290 LLC.

Jeff Schoeder stated as far as watering, nothing has really went on in the pit since County Materials left.

Chairperson Fetzer asked if that is roughly two years ago now? Mr. Schoeder stated probably three or four. We

have been in and out of there for a load or two of screenings. Not much has gone on. Dust, he wouldn't want anything implemented so they have to go up there and water when nobody is even in the pit. Chairperson Fetzer stated there can't be a lot of dust if no one is rolling in and out of there. Mr. Schoeder stated he wouldn't think so. Without being up there to visually see it on a gusty, windy day, he doesn't know. William Sylla stated he would say they haven't seen a lot of it this year because they have had a lot of rain, therefore it's not a bother. But your remark that you are in there occasionally, I go to get my mail once a day and frequently I see, I'm guessing it's your brother-in-law coming out of the pit with a truck and he's waving at me. Rosalyn hears noise out of the pit. It's not just occasional. Rosalyn Sylla stated this is a little bit off the subject but she is questioning the legal description on what this renewal is on. Holst stated some of that on the far east of the quarry sits on the other 40. The part that has already been mined sits on the other 40 it looks like to him. Therefore, the description would have to be on both 40's. Pichotta stated the description in the staff report actually does not quite cover the entire parcel. The listing on the agenda is in fact correct and the agenda is what matters. Mr. Sylla stated your map shows the whole 80 of Bechel's being included. Roy stated the mine expanded onto other parcels. So those parcels are now included. When they got their conditional use permit to expand in 2006, it included all of those parcels. As a way of permitting the use but they aren't free to just go mine the whole thing. They have other stipulations in place. I don't believe their lease goes any farther. The reclamation plan is limited to the area they can mine. This is just for the quarry area that we are all familiar with. Mr. Schoeder stated condition #14, When he hears a blaster tell you that they think they can do a better job for fill with a peak particle velocity of .50, I don't see any reason to try to limit that to .35. Pichotta stated what we wanted to do is make it easy so that if someone were to use the site and didn't want to have to do a full face blast and then come back to the committee they could eliminate that by defaulting back to the original. We're not saying you have to do that, we're saying either or. Mr. Schoeder stated OK. Him, personally not knowing when somebody is going to be in there to blast, he would eliminate the well testing to relevant to somebody blasting. The last test was done in 2014 and nobody has blasted. Why go in there every two years and have to bother Bill to do a well test. Mr. Sylla stated the reason that we wonder about it because their last well test went up significantly, just curious where it's at today. He could spend the money and find it out but if it's caused by the mine then why should he spend the money. Chairperson Fetzer asked how often this comes in front of the committee. Pichotta stated every two years. Mr. Sylla stated as far as County Materials, they faithfully checked that well every two years. Chairperson Fetzer stated his opinion is the well, this time and then we have a baseline. If no one has been blasting and it's up for renewal now, staying on that now and seeing how things are going. Maybe in two years revisit it again. Roy stated one more well test would give us a lot of information about what impact the mining has on the well. The fact that no one has been in there for a few years we would be able to see a lot from that result. Holst stated it may be beneficial to you. Perhaps he has nitrates and it has nothing to do with the blasting. You can say, we haven't blasted for four years but your nitrates are higher. Mr. Schoeder stated he sees benefits both ways. But after that test could we modify it that no other tests have to be taken until.....Pichotta stated you wouldn't have to do another test until after the next renewal which would be in two years and we could revisit it at that point. If appropriate, eliminate it or predicate it on blasting. Mr. Schoeder stated if there is no blasting then it wouldn't need to be done and it could be stated in there. Chairperson Fetzer stated he thinks they just revisit it. He would like to see the results of this next test and then if some things are happening he wouldn't want to just say no on that, just trying to protect everybody here. **Holst moved to renew the conditional use permit for a Nonmetallic Mining for B.S. Construction Inc and Steve Schoeder Properties with conditions #1 through #14/Sanden seconded. All in favor. Passed.**

Discuss take action on Travel/Training Requests. Pichotta stated he has two travel/training requests. One is for Tracie Albrightson, one of our Office Specialists, to attend a seminar in Eau Claire on October 6, 2017 that is called Communicating with Professionalism. The second is for Kevin Etherton, our GIS Specialist, to attend the MN GIS/LIS Consortium in Bemidji. Typically in the past, when Rand was around, we participated in this. It is 260 miles and the limit is 200. It is a little out of the range so it requires that I not only get your approval but it has to go to F & P. Pichotta stated we do get a grant to attend these things. **Aubart moved to approve the**

two travel/training requests for Tracie Albrightson and Kevin Etherton/Sanden seconded. All in favor. Passed.

Departmental Update and Future Agenda Items

Pichotta stated we have one agenda item for site plan review for a garage in the commercial district in the Town of Union for Jeffrey Ebensperger.

Motion to adjourn at 6:21pm by Snow/Aubart seconded. All in favor. Motion passed.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, September 20, 2017 – 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: October 4 th & 18 th , November 1 st & 15 th , all in 2017.	Chair
3	Approve minutes of the August 16, 2017 Land Management Committee meeting.	Chair
4	Discuss take action on renewal 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
6	Discuss take action on Travel/Training Requests.	Pichotta
7	Future agenda items.	Pichotta
8	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.

(9/8/17)

PIERCE COUNTY WISCONSIN
DEPARTMENT OF LAND MANAGEMENT & RECORDS
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MINUTES - Pierce County Land Management Committee Meeting, August 16, 2017

Present: Jon Aubart, Joe Fetzer and Jeff Holst

Others: Andy Pichotta, Emily Lund and Shari Hartung

Absent: Eric Sanden and Ken Snow

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

Next meeting dates: September 6th & 20th, October 4th & 18th, all in 2017.

Approve Minutes: **Aubart moved to approve the August 2, 2017 Land Management Committee minutes/Holst seconded. All in favor. Motion Passed.**

Public hearing to consider and take action on a request for a conditional use permit for a Duplex in the Primary Agriculture District pursuant to Pierce County Code 240-17 for Mackenzie Zajec, owner, on property located in Lot 1, Certified Survey Map (CSM) V6, P138, in the NW ¼ of the NW ¼, of Section 12, T27N, R17W, Town of Martell, Pierce County, WI. Chairperson Fetzer invited Mr. Zajec forward: Mr. Zajec stated the duplex is already there. He purchased the property in December at a sheriff's sale; one side is 1960 and the other side is 2005 built. He really isn't doing anything different to it. He just received a letter in the mail saying that it is a duplex and he had to respond because it's not sanctioned right or something.

Staff Report – Emily Lund: The applicant purchased the property on 3-24-2017 at a sheriff's sale as a foreclosed property. The residence has two separate entrances and is currently setup as a duplex. As Mackenzie mentioned, one side was built in 1960, has 2 bedrooms and a walkout basement. The other side, permitted as an "addition", was built in 2005, also has 2 bedrooms and a walkout basement. Each side has separate bathrooms, kitchens and all utilities are separate. The applicant would like the use converted to a duplex so they can live in one side and rent out the other side. The parcel is located in Section 12, Town of Martell. The applicant owns 8.74 acres, recently purchased an additional 40 acres, that is in the Primary Agriculture zoning district. PCC §240-88 defines Duplex as, "Two attached building units on a single lot regardless of the form of ownership of the units." PCC §240-24D describes Lot Requirements as, "Only one single-family residence or one duplex shall be permitted on a lot, except as provided elsewhere in this chapter." Pierce County Code (PCC) Table of Uses allows Duplexes in the Primary Agriculture zoning district with the issuance of a CUP and does not reference any code provisions. The applicant owns a 36' x 72' dwelling, 25' x 39' detached garage, well and septic system. A previous owner obtained a Land Use Permit on 8-5-2005 for a 26' x 32' dwelling addition. The dwelling has an existing well and a mound septic system that is sized for 4 bedrooms and was installed on 11-9-2005. PCC Ch 115 Numbering of Buildings and Roads states that all properties or parcels and principal buildings shall be assigned an address based on the uniform numbering system. The Martell Town Board recommended approval of this request on 7-11-17 without any concerns or recommended conditions. No renewal of this request will be necessary provided the use is established within 12 months of approval.

Staff Recommendation: Staff recommends the Land Management Committee determine whether 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 duplex with the following conditions:

1. The applicant shall work with the Town Building Inspector, Todd Dolan, to determine whether a permit from the town is needed and to ensure compliance with the Uniform Dwelling Code (UDC) requirements.
2. The applicant shall obtain a separate Uniform Address Number for the rented unit of the duplex.

Chairperson Fetzer opened the hearing to the public. No public comment. **Chairperson Fetzer closed the public hearing.** Holst stated it's pretty straight forward. It's nice to see he is coming forward to get the correct permits and taking his role as a property owner seriously.

Holst moved to approve the conditional use permit for a Duplex for Mackenzie Zajec, 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 - 2/Aubart seconded. All in favor. Motion passed.

Public hearing to consider and take action on a request for a conditional use permit for a Retreat Center in the General Rural District, pursuant to Pierce County Code Chapter 240-36M, for Steven & Joan Tyvoll, owners on property located in the NW ¼ of the SE ¼, Section 10, T27N, R15W, Town of Spring Lake, Pierce County, WI. Chairperson Fetzer invited Mr. & Mrs. Tyvoll forward: Mrs. Tyvoll stated because people weren't quite sure where to put their designation, Retreat Center sounds a lot more grandiose maybe than what they really need. They understand that it has to be put somewhere.

Staff Report – Emily Lund: The Department received a complaint in June 2016 regarding an unpermitted garage/shed being used for religious gatherings on the applicant's property. Staff contacted the applicants about the use of the structure and the need for permits. Staff further explained that hosting worship services and similar organized gatherings required the issuance of a Conditional Use Permit. The applicants informed staff that the use of the structure was a multi-use shed for personal storage and office space. The applicants obtained a Land Use Permit on 7-26-2016 for a 24' x 36' pole shed, 6' x 8' pergola and 10' x 12' greenhouse that were permitted for residential use. In April 2017, the Department received additional complaints along with documentation confirming the use of the shed for religious worship and gatherings. Staff obtained additional information indicating the applicants are operating "River Apostolic Center, a non-profit, tax-exempt, Christian Retreat Ministry" at the site. The website (<http://riversapostolic.center>) indicates these activities have been taking place on the property since August 2015. The applicants are seeking an after-the-fact CUP to convert the use of the pole shed to a Retreat Center. The property is located in Section 10, Town of Spring Lake. The property is in the General Rural zoning district. PCC §240-88 defines Retreat Center as "A facility or facilities used for professional, educational, organizational or religious meetings, conferences or seminars and which may provide meals, housing and recreation for participants and may include multiple related uses managed as one operation. Pierce County Code (PCC) Table of Uses allows retreat centers in the General Rural zoning district with the issuance of a CUP and provisions in §240-36M are listed in staff report #1 - #7. The applicants propose to utilize the house and pole shed for 1-2 hour long worship gatherings on Sundays and occasional weeknights. Their home and pole shed are handicap and wheelchair accessible. In the future, they propose to provide a home school co-op. Children (2-5 families) would meet twice a month for fellowship and group learning. The applicant (Joan Tyvoll) is currently a part-time employee of Rivers Apostolic Center. There is no meal program, but an occasional potluck meal is offered. Current attendance is between 8-14 members. Staff has not been provided any information whether the applicants intend to add new members in the future. Applicants have a mound septic system sized for 3 bedrooms that was newly installed and inspected in 2001. They propose that the public use the restrooms in their home. Staff has concerns about whether the septic system is sized appropriately for the additional use. Due to staff's inability to monitor membership, it is recommended that any septic system be designed based on the maximum occupancy limits of the structure. Staff has contacted the Building Inspector for the Town of Spring Lake to discuss whether the structure will need to comply with Uniform Commercial Code (UCC) requirements. The structure will not need Commercial Plan Approval from the State, but will need to comply with the UCC. The Building Inspector will work with the applicant to determine what structural modifications are necessary. Pierce County Code §240-54 establishes parking requirements and suggests 1 parking space for 4 seats. A minimum of 1 parking spot per employee present on-

site at a given time shall be provided. A minimum of 1 parking space shall be ADA compliant. There are more than 20 off-street parking spaces available, with 1 space ADA compliant. No advertising signs and no retail activities are planned at this time. Applicants will need to obtain a Land Use Permit prior to sign placement if they choose to have advertising signs in the future. The Spring Lake Town Board recommended approval of this request on 7-11-2017. The Town Recommendation Form is attached.

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 retreat center 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 work with the Town of Spring Lake Building Inspector, Todd Dolan, to determine whether a permit from the Town or State is needed and to ensure compliance with the Uniform Commercial Code (UCC) requirements. If the Building Inspector determines that a safety issue currently exists, use of the facility shall cease until it is code compliant.
3. There shall be at least 20 off-street parking spaces available, with a minimum of 1 parking space ADA compliant. There shall be no on-street parking.
4. Adequate portable outhouses (1 per 50 people) shall be provided and maintained until the maximum occupancy of the retreat center is determined and the septic system is upgraded (if necessary) to accommodate maximum occupancy.
5. Applicants shall obtain a Land Use Permit prior to construction if they choose to have advertising signs in the future.
6. Applicant understands that expansion or intensification of this use will require modification to this CUP.
7. The CUP expires in 1 year. Renewals shall be completed before the LMC.

Chairperson Fetzer opened the hearing to the public. Tom Miller, he was just wondering if it is just for church with no other buildings in the future. Mrs. Tyvoll stated what they have is a house church and that may help you understand it a little bit better. A house church is just families getting together to pray together and worship together and do life together. They are using the building to do that. Mr. Miller stated when he first read it, he didn't understand what Retreat meant; another building, coming in with other people. Mrs. Tyvoll stated like strangers coming into your neighborhood. Mr. Miller stated yes, that is what he did think of. He thought maybe you were bringing kids in to Mr. Tyvoll stated like the Penial Home by Wilson, they were troubled kids from Chicago. Mrs. Tyvoll stated no. They have no plans to build any other buildings. The home school co-op, some other people have had a question about that. What a home school co-op is, is like a fellowship between home school families maybe once a week or twice a month for a few hours to have kids play together. Mr. Tyvoll stated we're not talking a huge thing, just four families, five families. This isn't happening anyway right now it's just like a potential that might happen. Mrs. Tyvoll stated but the house church idea is a little bit different than the church idea that normally comes to mind. It's not intended to be big and it will not be big. Mr. Miller stated he knew they had kids out, maybe bible study, they were playing a lot and running around and caught them in some of their fields and tramping down stuff. Mrs. Tyvoll stated that goes back a ways when she was pastoring the church in Spring Valley and they would have youth group kids. She apologized for that night they were in your alfalfa. Mr. Miller stated it was a grain field but they had lost their toys out there or whatever they had done. Mrs. Tyvoll stated that was some years ago and she isn't pastoring that church anymore. Jim Moe, asked how do we know that you aren't going to get bigger someday, like ten years down the road. It could turn out to be something huge. Mrs. Tyvoll explained the characteristic house church, apostolic center is that the way it is constructed is that they intend not to allow it to get bigger. Apostolic center is like the hub of a wheel. What we have are people that are connected to them in other towns. They serve as a resource center, training center, a place for them to come and get the help that they need to grow; that they would have their own house church. They have people in New Richmond, in the cities and so they are like the spokes of the wheel. But an apostolic center is never meant to be growing like your normal idea of a church. That is not the way an apostolic center is organized. She hopes that helps you get a different picture

of the kind of church that they are building and developing a culture of home-based connections with families. Mr. Tyvoll stated on the practical side if you have ever driven by on a Sunday morning, you will maybe see six cars, very seldom more than that. It was reported eight to fourteen, last Sunday they had nine. Fourteen is a good week. What Joan is saying, we really have no intention of getting bigger than that or the gatherings at our place. We're not thinking of ending up with a hundred people coming. That is not what is at all in their mind or plans. Mr. Miller asked if he plans to expand on the farm, he doesn't have to worry about any complaints from your side? Mrs. Tyvoll stated she hopes he does. She has been praying for him, praying for his family, for one of his kids to want to take over the farm. She prays for him every day, for his crops, his business just like she prays for the whole neighborhood. Mr. Moe stated he doesn't know what Tom's plans are but there are a lot of people that don't pray for these big farms. Some of the big farms nobody wants. Chairperson Fetzer stated don't throw me under the bus. Yes, we do get complaints and he totally sees his point. Mr. Tyvoll stated he isn't sure what he means. Like we wouldn't want you to build something, is that what you mean? Chairperson Fetzer stated it's just a matter of a business or whatever that is next door, if he expands, if you have close next door neighbors it can turn into issues and stuff, especially if you are down wind. Holst stated or down water. Chairperson Fetzer stated Durand is having some major issues right now with large dairies. It's just a lot of stuff happening over there. He appreciates them bringing it up. Mrs. Tyvoll stated her answer has to be from her perspective which is what they have talked to the town board about. Their purpose, just their calling is to pray to bless their neighbors and their neighborhood. Mr. Tyvoll stated we get to wake up every morning and look at your amazing crops. The quarry isn't so amazing to us. Mrs. Tyvoll stated she prays for the quarry too. Mike Jacobson, Town of Spring Lake Supervisor, he looks at how could this have been better handled. He would have said to go to each one of your neighbors, Tom, Ninnemans, Jim and Klandermans, everyone and just let them know what you are up too instead of having to ask questions in a form like this. It could have been as short as other CUP's have been. This one is a little unusual because it was kind of like an after-the-fact building permit followed by an after-the-fact CUP. There were some things that weren't done properly. Anyone that knows Richard, sitting next to me, he is, by default, our constable for Spring Lake. Holst stated don't say that too loud or you will be exposing yourself to some liability. Mr. Jacobson stated we're just trying to do it by the book, the six square miles we're given in that corner of Pierce County that is still part of this entity. We did support the approval on it based on Land Management weighing in on it. Because we didn't know what we were up against on this one. **Chairperson Fetzer closed the public hearing.** Holst stated he is a little troubled by the fact that they were advertising this August 2015, drew building permits in July 2016 and it's brought to our attention a year later, after-the-fact. He's not opposed to the home church philosophy, he's been involved with some of them himself. Generally if you do get a bigger following the idea changes from home churching to a conventional church and it's probably not going to happen at this site. It doesn't look to him like you have the ability to build much more where you are at just the lay of the land isn't favorable. It does bother him that you had to come along after-the-fact. He can understand you not understanding this retreat philosophy thing, but it's in our code and if you would have been straight forward when you applied for your permit and said what you were going to do we wouldn't be here after-the-fact. Mrs. Tyvoll stated that some of the difficulty when they were building is that they had a contractor, a young guy who is beginning in business and we asked him to look into all the permits we needed.....Holst stated ultimately you are the responsible property owner, ultimately you get the results when they are good and you get the results when they are poor but they lie with the owner of the property, not his or her agent. You can sue him if you want that's your business. Our business is to do this the correct way. If you have an expansion, and if your membership grows dramatically past one outhouse, we want to know about it. We don't want to drag you in here and tell you, you have to get another one without you beingWe'd rather you come to us and say blah, blah, blah and I understand right now you are hopeful that your own septic system will carry the load but a lot of times out in that country it's pretty questionable. Mr. Tyvoll stated he can respond to that, he is apologizing and can claim ignorance but it wasn't intentional and when they were first contacted, he talked to Todd, he was very clear saying they weren't trying to hide anything and they got on top of it right away when he finally figured out what needed to happen. Holst stated to do this after-the-fact might very well cost you way more money than it would prior if you have to upgrade your buildings and stuff to satisfy their code requirements as opposed to the residential code. It

probably would have been beneficial if you would have done it the right way to begin with. Chairperson Fetzer stated he would concur with Jeff.

Aubart moved to approve the conditional use permit for a Retreat Center for Steven & Joan Tyvoll, 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 - #7/Holst seconded. All in favor. Motion passed.

Discuss take action on updated Land Records Modernization Plan. Staff Report – Andy Pichotta: Pierce County's Land Information Council recently met to discuss proposed updates to the Land Record Modernization Plan and to review proposed expenditures from the Land Records Modernization Fund and the WLIP grant program. Minor changes were proposed to be made to the plan to reflect progress made since the last update and to enable future projects. Proposed changes to the plan were approved as written by the Land Information Council which Mr. Holst sits on. Pichotta stated the plan is attached. He didn't go into a lot of detail on what the changes were. He certainly can. What we did was updated the current projects to include Floodplain map amendment now that we have LiDar we can do a much better job of Floodplain in the County. We want that to be added to the current projects. An item relating to the scan display on-line of large format survey documents, we are going to need some software to enable those to be put on the County website. We want to further develop ArcGIS on-line including some mobile data so you can use our mapping function on your phone. Create a septic system GPS application for Land Management and working with Highway to get them to use the ArcGIS on-line collector app for signs, culverts, bridges, guard rails and centerline markings. We are doing some maps relating to center of section, monumentation, which you will recall we talked about that a bit back, some discussion about data & COGOing parcels. We did discuss, there is some language in there relating to free GIS data available on the website. The State is pushing us toward, as you recall we get between a grant program and retained fees from the Register of Deeds Office, we get \$100,000 a year. In exchange for that, the State wants us to provide the data that we develop to, basically, anyone for free. Which is a little bit of a departure of how we have typically dealt with it, we usually will give other units of government our data, whatever we've got in raw format, however they want it, but if somebody wants something value added, if they want us to do a custom map, that sort of a thing, we do charge for that. Some of the language in the plan relating to data availability, we say the County proposes to openly share most data with the public for free, data can be accessed on-line through our GIS on-line or can be emailed. Pierce County reserves the right to charge for time on any custom data requests. Then another statement: Pierce County proposes no restriction on data distribution or downloads other than for LiDar data and ortho photography which requires a storage device. A fee schedule will be made available for this data. So this will necessitate that we bring forth at some point, a resolution relating to data sales. We have done similar things in relation to Nonmetallic Mining fees. We probably need to take a look, in the Comp Plan one of the action steps is to take a look at our fee structure again. We had a discussion about that awhile back but the reality is we haven't touched that since 2004. We also included some language on future projects, parcel fabric, local government information model it's an ESRI product that seems to be kind of an industry standard, something else that everybody else is doing and we can do relatively cheaply is building footprints. If you were to look at just a political map versus one with ortho photography, technically exactly where the structures are there would be a little shaded box, demonstrating if you ever go on Google Earth or Google Maps and you look at not an aerial photo but if you look in a city or village, where there are structures, there will be a gray box there. We can do that for a couple of grand and something also that the State is encouraging us to do. That is another thing we are pursuing. These are the changes. Basically, we updated new projects, identified a few future projects and changed the status of a couple things we accomplished in the last couple years since the committee last saw the plan.

Staff Recommendation: Staff recommends that the LMC approve the updated Land Records Modernization Plan as proposed.

Holst moved to approve the updated Land Records Modernization Plan as presented/Aubart seconded. All in favor. Motion Passed.

Discuss take action on proposed 2018 Land Management Department Budget. There is a memo there which looks at the 2017 Budget versus the 2018 Budget, you will see there is about a 4.3% change which is higher than one would anticipate but it has largely to do with increases in personnel costs specifically going from single insurance to family insurance in one case. Planning Budget: This was increased by roughly 7500.00 due to personnel increases. The sign parts and supplies line item was increased by \$1000 and printing and duplication by \$50. If you recall we changed the style of the signs and that is necessitating that we get more supplies in stock. It is his anticipation that we may be able to bump that back down in a year or so once we get our supplies. Printing and duplication is just the cost associated with copies and that tends to go up like everything does.

Zoning Budget: This budget increased by approximately \$22,000 when compared to 2016. This was due to personnel and the insurance fund.

GIS Budget: This budget has increased by approximately \$2,500. This is due to an increase in personnel costs. Step increase and everything associated with that.

Surveyor Budget: This budget has increased by approximately \$1,400. This is due primarily to an increase in personnel. He also did propose to increase the training and conferences line item by \$250. Louie attends annually a training in WI Dells that is necessary for him to maintain his licensure. It turned out it wasn't quite enough what we had budgeted for that. Unlike the GIS training we don't get money from the State for that.

Land Records Modernization Fund and Grant is fees retained by the Register of Deeds Office. Whatever we retain, the difference between that and \$100,000 the State gives us in a grant. It looks like our typical retention is about \$54,000. So we get about a \$46,000 grant so all of these expenditures are proposed to come out of the grant. What we do is spend the grant first, because the grant needs to be accounted for and the fund is non-lapsing. So if we don't do some of these things just by virtue of the timing, or things that are available, we don't lose those funds we can simply move that item into the next year.

We are proposing:

\$8,000	COGO Parcel Updates
\$5,000	GIS Maintenance
\$3,485	ProWest LINK web map maintenance – Annual
\$4,995	ESRI Arc Licenses – Annual
\$1,000	ArcGIS online credits (Data hosting)
\$9,400	Parcel Conversion to ESRI Parcel Fabric
\$6,800	GIS Data Conversion to Government Model
\$1,800	Database upgrade – Install Workgroup SDE
\$4,000	Laminator (Survey/GIS Office) – Have developed some new County maps, would like to laminate them and sell them. The Sheriff's Department would like some they can write on.
\$3,890	R1 GPS Unit and Handheld Collector (Parks)
\$ 800	New Printer (replace 850-10+ years old) for GIS/Surveyor Office.
\$7,500	Application Extender License upgrade (For surveys on website)
\$1,800	Application Extender Annual Maintenance (For surveys on website)
\$4,800	Survey search website creation – ProWest
\$6,000	Fix CIS Geofile from updated MSAG (Sheriff)
\$2,213	50 Pictometry Internal Website Licenses and 1 Public facing License – Annual
\$21,000	Upgrading Fidler (Avid/IDOC) – Software/Hardware (ROD)
\$3,000	Building Footprint Creation (GIS Data)

\$95,483.00 Total Potential Expenditure (Grant and Land Records Fund)

As far as Revenues, he is expecting revenues to remain consistent with 2017. He has historically in the past been a little too optimistic on revenues so he is being slightly pessimistic assuming they are going to stay what they are. The reality is that we will probably have a little more revenue this year than what he had budgeted for. But given the ramifications of being wrong, he would rather be a little low than a little high. You have budget worksheets for the various chunks of the department, first is County Planner: as you can see the percentage

changes, the 40%, the one that jumps out is the signs and equipment that we talked about and 9% is printing and duplication. Holst stated that you have to take into consideration that 40% is \$1,000. Then Zoning on page 2, the ones that jump out are Health Insurance 39%, Medicare Deduction, actually we went from 22 to 26 on Life Insurance so that's an 18% increase that looks substantial but it's also not. Nothing too earth shattering on that page. Next moving to GIS, all personnel costs associated with the cost of living and step increases that Kevin would get. Moving into the Surveyor, similar kind of deal, personnel costs except for the 25% increase for training and conferences which equates to \$250. Revenues are the next page, not expecting to see too much difference. Next page is revenues from the surveyor, again not too much difference, in 2016 we saw \$7350 and we had budgeted \$6000, leaving it at \$6000 rather than chasing that around. Then the next budget is GIS State Aid Grant, he is anticipating \$46,000 grant given he expects we will retain in the neighborhood of \$54,000. That is the ROD's revenue budget where that would come in. Next is an expense account that would account for half of the Land Information Grant, we have \$49,000 budgeted for 2017, the reality is that it is going to be closer to \$46,000. So in 2018 he is proposing \$46,000. The next page shows the expense account of \$49,000 out of the Land Records fund itself. Between the two of them it comes very close to the \$95,483. The Zoning Aids, this is the Wisconsin Fund, last year we didn't have any qualifying systems, usually we would see \$15,000. That has been average over the case of the last decade. Perhaps we won't have any qualifying systems again but statistically he suspects we might, as long as they continue to keep that program. That is the revenue budget for the same grant fund. The last page is a program worksheet which he is providing to you just because he feels departments aren't always necessarily upfront about what is mandated and what's not mandated. This kind of definitely shows what is in fact mandated within the department. Basically it gets into the number of full-time equivalents associated with each of the functions, income associated with each, tax levies and the priority and the priority is pretty tough because they are all so interconnected. No real action is required on the last sheet just giving you that in the interest of full disclosure. Chairperson Fetzer stated overall your budget has been holding tight for a number of years. A bit of an increase, everything else keeps going up. I think you do a nice job. Pichotta noted that we have the \$100,000 for Land Records Modernization Grant and the retention program. There is the potential for a Strategic Initiative Grant for about another \$50,000. He doesn't know about that yet, rather than seek authorization from the committee tonight should that become available he will put it on as an agenda item for the future. Aubart stated the numbers are going to come down and we're going to be a little closer. Holst stated we can only work with what we were told. Aubart stated but Andy's increase is all in insurance. Holst stated except for \$1,000 in signs. **Aubart moved to approve the proposed 2018 Budget as presented/Holst seconded. All in favor. Motion Passed.** Pichotta asked Chairperson Fetzer if he would appoint Mr. Holst to accompany him to Administration. Chairperson Fetzer asked where they are going. Pichotta stated a representative of the committee, typically it's been Mr. Holst, needs to meet with Administration and present the budget and they usually accept it.

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

Departmental Update and Future Agenda Items

Pichotta stated we actually don't have anything for the next meeting. We have a couple CUP applications that are out there that could slide in at the last minute but he doesn't anticipate anything.

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

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, August 16, 2017 – 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: September 6 th & 20 th , October 4 th & 18 th , all in 2017.	Chair
3	Approve minutes of the August 2, 2017 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for a conditional use permit for a Duplex in the Primary Agriculture District, pursuant to Pierce County Code Chapter 240-17, for Mackenzie Zajec, owner on property located in Lot 1, Certified Survey Map (CSM) V6, P138, in the NW ¼ of the NW ¼ of Section 12, T27N, R17W, Town of Martell, Pierce County, WI.	Lund
5	Public hearing to consider and take action on a request for a conditional use permit for a Retreat Center in the General Rural District, pursuant to Pierce County Code Chapter 240-36M, for Steven & Joan Tyvoll, owners on property located in the NW ¼ of the SE ¼ of Section 10, T27N, R15W, Town of Spring Lake, Pierce County, WI.	Lund
6	Discuss take action on updated Land Records Modernization Plan.	Pichotta
7	Discuss take action on proposed 2018 Land Management Department Budget.	Pichotta
8	Discuss take action on Travel/Training Requests.	Pichotta
9	Future agenda items.	Pichotta
10	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.

(8/4/17)

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, August 2, 2017

Present: Jon Aubart, Joe Fetzer and Ken Snow

Others: Andy Pichotta, Brad Roy and Shari Hartung

Absent: Jeff Holst and Eric Sanden

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

Next meeting dates: August 16th, September 6th & 20th, all in 2017.

Approve Minutes: **Snow moved to approve the July 19, 2017 Land Management Committee minutes/Aubart seconded. All in favor. Motion Passed.**

Discuss take action on a request for renewal of a conditional use permit for a Nonmetallic Mining Operation in the Agricultural Residential District pursuant to Pierce County Code 240-37 for Wisconsin Industrial Sand Company, owner and agent for Wisconsin Frac Sand Inc, John & Marjorie Kralewski Family Partnership, Dean & Mary Holden, Edmund & Dawn Daleiden, William & JoAnn Steele, Jeffrey & Kelly Von Holtum and Schaul's Gas Inc, owners, on property located in the S ½ of the SE ¼ of Section 3 and the N ½ of the NE ¼, the SW ¼ of the NE ¼, the E ½ of the SE ¼ of the NE ¼ and the N ½ of the SE ¼ of Section 10, the W ½ and parts of the SE ¼ of Section 11, the W ½ of the NW ¼, the E ½ of the NE ¼, the N ½ of the SW ¼, the W ¼ of the SW ¼, the SW ¼ of the SW ¼, the SW ¼ of the NE ¼ and parts of the E ½ of the NW ¼, parts of the E ½ of the SE ¼, parts of the NW ¼ of the NE ¼, all in Section 14 and the W ½ of the SW ¼, the NE ¼ of the SW ¼, the W ½ of the SE ¼ of the SW ¼, part of the S ½ of the NW ¼, part of the NE ¼ of the NW ¼, of Section 13, all in T24N, R16W, Town of Maiden Rock, Pierce County, WI. Chairperson Fetzer invited Rich Budinger and staff forward:

Staff Report – Brad Roy: The WISC mining operation encompasses approximately 2,077 acres total with approximately 1,587 acres located in the Town of Maiden Rock. Of the 1,587 permitted acres in the Town, approximately 370 acres have been mined to date. Due to market conditions the mine shut down in April 2016 and started back up in January 2017, with production starting at end of February. The mine operates 24 hours a day, 5 days a week and employs 46 people at this time. Nothing has changed with any of the operation. WISC creates tunnels by blasting and uses a room and pillar mining method. Mining activities take place underground, including blasting and washing. Surface activity is limited to the processing plant in the Village of Maiden Rock. The land currently is agricultural, residential and undeveloped areas. There are 4 wells on-site. Three of which are high capacity. Blasting typically takes place three or four days a week; the blasts usually occur around 5:30pm. The WDNR (and other agencies) regulates many of the activities of a mining operator with storm water runoff, impacts to navigable waterways and high capacity wells and other activities. WISC submitted a Groundwater Response Plan for the facility. The plan addresses the source and use of groundwater within the facility as well as measures to protect the quality of water. WISC developed a Damage Response Plan as requested by the LMC. Staff has not received any complaints about this use but in the past citizens have raised concerns about this operation which include:

- Health effects of silica in the air.
- Depletion of the aquifer.

- Contamination of the aquifer and surface water.
- Blasting effects on wells and structures.
- Potential decrease in property values.

Staff contacted the Town of Maiden Rock Chairman regarding this renewal request; the Town did not have any concerns at this time. The existing conditions #1 - #17 are listed in the staff report.

Staff Recommendation: Staff recommends the Land Management Committee determine whether or not the 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 the Land Management Committee renew this CUP with the following conditions:

1. Blasting shall occur up to seven days a week with no time limit constraint unless complaints are received. If complaints are received, previous time restrictions shall be reinstated. (Blasting shall occur no earlier than 5 am up to four times per week, including Saturday).
2. Comprehensive water testing will be conducted annually for residential wells located within the boundaries of the mined area. Testing of the wells on properties on which mineral rights are not leased and fall within 1000' of mining activity shall be comprehensively tested, including for suspended solids, nitrates and dissolved solids and chlorides, two times each year. Test results and the base line data tests shall be provided to the Department of Land Management.
3. A 100-foot buffer shall be maintained from the active mining to the boundaries of non-leased properties and where already closer than 100-feet, there shall be no further encroachment. Mining under a leased property shall be a minimum of 100ft from any well.
4. Evidence of compliance with applicable state and/or federal regulatory agencies shall be submitted to the Land Management Department.
5. Any intensification of use or change in approved plans will require the issuance of an amended conditional use permit.
6. A map of mining activity and areas of future expansion shall be provided to the Town of Maiden Rock.
7. Applicant agrees that any erosion issues that arise shall be addressed to the satisfaction of the county.
8. A map of the facility and underground tunnels shall be updated annually and submitted to the Land Management Department.
9. This permit shall expire in two years.
10. An annual report demonstrating adherence to approved conditions submitted to the Land Management Department on or before December 31st of each year.
11. The Damage Claim Response Plan, as approved by the Town of Maiden Rock, shall be adhered to.
12. The Town of Maiden Rock's recommendations/comments, from the January 19, 2011 public hearing, shall be adhered to.
 - a. Wisconsin Industrial Sand should be required to establish a historical average for each private water well they are mandated to test. This information should be shared with the owner of the well along with an explanation of what the data means.
 - b. The Commission had concerns about the air from the mines and wanted reassurances that noxious fumes and bad odors would not affect near-by neighbors. Therefore, the Commission recommends that Wisconsin Industrial Sand set up a monitoring system that would test the air from the air shafts before and after blasts are set off in the mine.
 - c. The Planning Commission recommended that no new portals can be built for this site in the Town and that Wisconsin Industrial Sand would not be allowed to build more than 3 air shafts for this permit. If the Sand Company wants to build any additions to this permit they must seek another approval from the Town of Maiden Rock.
13. WISC will be subject to control methods deemed adequate by the LMC for silica emissions if current or future studies suggest a significant public health threat from such emissions.
14. A fugitive dust plan shall be developed for the processing facility and submitted to the Zoning Office.
15. The operator shall provide notice to the County of any orders to cease and desist from MSHA.

16. All polyacrylamide flocculants must be used consistent with WI DNR permit requirements.

17. No ventilation shafts or secondary access portals shall be developed until after such time as the proposed location is reviewed by the Town and approved by the LMC.

Chairperson Fetzer asked Rich Budinger if he has anything to add. Mr. Budinger introduced staff with him tonight: Aaron Scott, Director of Operations, Lauren Evans, Sustainability Coordinator, Brandon Simmons, Superintendent on site at Maiden Rock, Ally Simmons, Superintendent at Maiden Rock. Aaron, Lauren and Brandon have a few things to bring you up to date on. Aaron Scott, Director of Mining Operations in Wisconsin and in Minnesota, explained one of the things that they have seen in the last year with market conditions and going into this year is an uptick. We did a great job with the plant, keeping it in top shape, knowing that this uptick would eventually come back. They're real excited to bring back employees and hire more employees. Brandon Simmons stated they are currently at 50 employees and still have 20 more to go. So getting there, working 24/5. We'll get to 24/6 and once we get all 20 it will be 24/7. Mr. Scott stated they are continuing to hire which is a great thing and one other important thing is even though in 2016 we didn't see a lot of activity there, employees were still engaged in the region. We had a lot of community efforts, we still held onto all of our permits, the things that we were going to do in the mine that we said we were going to do. We were still able to get volunteer hours and do some of those things even though it was slow. With the 70, that is not including the staff you see here and the additional salaried staff, support staff, engineers, regional quality coordinators, environmental health and safety coordinator. Lauren Evans stated a quick update since the last CUP renewal, 2015 we were very active with production and employee numbers so we volunteered a total of 5,422 hours here in the northern region and a little over 2,000 of those hours came from employees at the Maiden Rock facility. Even in 2016 with the facility being idle for part of the year, we still completed 1,402 hours from the Maiden Rock facility. So taking advantage of those opportunities and making sure that we are doing those things within the community. That is important to us. Charitable contributions: we gave around \$62,000.00 last year within the region and about \$35,000 of that from our Maiden Rock facility to local non-profits. Then in 2015 we were able to give a little more; a total of \$201,000.00 in the region with \$92,000 of that coming from Maiden Rock. Some of the opportunities that they are looking forward to this year, now that they have more staff and continuing to staff up, we have already completed some projects at Camp Pepin, just down the road, south of Hwy 35 from our facility. We hosted the Rush River cleanup again this year. We had a total of 70 volunteers, not all our employees but community members and other groups as well. We cleaned up about 25 miles of the Rush River and collected about 540 pounds of waste, 150 pounds of recyclables and 15 tires, continuing to pull material out of there year after year. A new development at Pine Creek which is a project that many of you know we have been working on for some time with the DNR and Trout Unlimited. We signed an agreement with the DNR as part of their adopt a fish and wildlife program. It just solidified what they are already doing there and put it on paper so they can continue to maintain that area for them. We have more things planned for this year and volunteer opportunities. Mr. Scott stated as we continue on with that history there, we look forward and excited to continue to be members and good stewards of the community. A couple weeks ago, we did contact the Town of Maiden Rock and went to their meeting and gave a very brief, similar update on what is going on. They thanked them for their involvement and continuing on with what we said we were going to do and looking forward to hiring more people. Chairperson Fetzer stated when he first got on this committee, some of the meetings that obviously Rich was there, he doesn't remember some of the others, we would have a full room here and one meeting we had in a different room just because of the number of people. He would say it's a feather in your cap for doing a good job down there because now it's just your people showing up, obviously things are going well and you are doing what you say you are going to do. We appreciate that from our standpoint because it makes our job a lot easier too. Just want to commend them for the job they must be doing down there and it's nice to hear we don't have any complaints on stuff. Snow stated we have been mining sand in Pierce County for about a hundred years now, so it's part of our culture, part of who we are, thank you guys for keeping the tradition up.

Snow moved to approve the renewal of a conditional use permit for a Nonmetallic Mining Operation for Wisconsin Industrial Sand Company with conditions #1 - #17/Aubart seconded. All in favor. Motion passed.

Discuss take action on renewal of a conditional use permit for Nonmetallic Mining for BS 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: This permit will expire on August 5, 2017. Multiple attempts were made to contact the owner/operator to determine availability for this meeting. Rather than allowing the permit to expire, staff is recommending a 60 day renewal to schedule a meeting when the owner/operator will be available. The existing conditions #1 - #13 are listed in the staff report.

Staff Recommendation: Staff recommends the Land Management Committee consider whether established conditions continue to be 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 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 300ft and Mr. Huebel shall be notified in advance of Saturday operation hours.
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 (48 hours) of any planned blasting. Peak particle velocity shall not exceed 0.50 inches per second. A signature hole process will be conducted to minimize vibrations.
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 expire in 60 days.**
10. 50 foot setback shall be maintained from all property liens 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. The operator shall come back before the Land Management Committee as soon as possible after the next production blast for a status report and to review conditions.

Chairperson Fetzer asked if staff has had any complaints on anything. Roy stated no.

Aubart moved to approve the renewal of the conditional use permit for a Nonmetallic Mining Operation for BS Construction and Steve Schoeder Properties with conditions #1 - #13/Snow seconded. All in favor. Motion passed.

Discuss take action on a status report for 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: In 2012, WISC obtained a permit for a Mineral Processing and Rail Load-Out Facility in the Town of Trenton. 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. WISC has changed plans and no longer has any intention of constructing a processing and rail load-out facility on the site. Last year the property owner, William F. Holst III, assumed operation of the permit and is now working to establish a new mineral processing and rail load-out facility on the site. Mr. Holst has been working

with Total Excavating to construct a facility to process sand from the Wieser mine in the Town of Salem. Adjacent land uses are nonmetallic mining to the east and west, residential to the north across Hwy 35 and agriculture to the south. Higher density residential is located near the proposed site approximately one-half mile to the south. No structures have been built. Efforts to fill and grade the site began in 2013 and have been ongoing and continue today. The proposed facility will receive, wash, dry, screen silica sand for shipment and operate 24 hours a day, seven days a week. Raw sand will be transported to the site by truck from Hwy 35 and entering the site from 830th St. A new Traffic Impact Analysis (TIA) would 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. The plan calls for the construction of six rail sidings to the BNSF Railroad. The sidings will be used for storage and in the loading process. A Fugitive Dust Plan will need to be developed for the facility. The Town of Trenton Chairperson was contacted regarding this use and no concerns were identified at this time. The existing conditions #1 - #14 are listed in the staff report.

Staff Recommendation: Staff recommends the Land Management Committee consider whether any additional information is necessary. No formal action on this time is necessary.

Chairperson Fetzer invited William F. Holst III forward: Mr. Holst stated we have most of the sand along the tracks now in place. We have put three quarters of a million ton of material in there. It needs some grading but the big bulk of the material is there. Chairperson Fetzer asked how it is going setting up with the railroad. Mr. Holst stated oil has to get a little higher before there is going to be any serious interest in doing that. Chairperson Fetzer stated no formal action is needed. Pichotta stated this is just a status report as required in the conditions to come in once a year to let you know how things are going.

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

Departmental Update and Future Agenda Items

Request for a CUP for a Duplex in the Town of Martell.

Request for a CUP for a Retreat Center which is a church facility for the Tyvoll's in the Town of Spring Lake.

Update to the Land Records Modernization Plan.

Proposed 2018 Land Management Department Budget

Motion to adjourn at 6:21pm by Snow/Aubart seconded. All in favor. Motion passed.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, August 2, 2017 – 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 16 th , September 6 th & 20 th , all in 2017.	Chair
3	Approve minutes of the July 19, 2017 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 Agricultural Residential District pursuant to Pierce County Code 240-37 for Wisconsin Industrial Sand Company, owner and agent for Wisconsin Frac Sand Inc, John & Marjorie Kralewski Family Partnership, Dean & Mary Holden, Edmund & Dawn Daleiden, William & JoAnn Steele, Jeffrey & Kelly Von Holtum and Schaul's Gas Inc, owners, on property located in the S ½ of the SE ¼ of Section 3 and the N ½ of the NE ¼, the SW ¼ of the NE ¼, the E ½ of the SE ¼ of the NE ¼ and the N ½ of the SE ¼ of Section 10, the W ½ and parts of the SE ¼ of Section 11, the W ½ of the NW ¼, the E ½ of the NE ¼, the N ½ of the SW ¼, the W ¼ of the SW ¼, the SW ¼ of the SW ¼, the SW ¼ of the NE ¼ and parts of the E ½ of the NW ¼, parts of the E ½ of the SE ¼, parts of the NW ¼ of the NE ¼, all in Section 14 and the W ½ of the SW ¼, the NE ¼ of the SW ¼, the W ½ of the SE ¼ of the SW ¼, part of the S ½ of the NW ¼, part of the NE ¼ of the NW ¼, of Section 13, all in T24N, R16W, Town of Maiden Rock, Pierce County, WI.	Roy
5	Discuss take action on renewal 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
6	Discuss take action on a status report for 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
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.

(7/21/17)

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, July 19, 2017

Present: Jon Aubart, Joe Fetzer, Jeff Holst, Eric Sanden and Ken Snow

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

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

Next meeting dates: August 2nd & 16th, September 6th & 20th, all in 2017.

Approve Minutes: **Snow moved to approve the July 5, 2017 Land Management Committee minutes/Holst seconded. All in favor. Motion Passed with Sanden not voting due to his absence from the last meeting.**

Public hearing to consider and take action on a request for a conditional use permit for a Nursery in the Agriculture Residential District, pursuant to Pierce County Code 240-35B(4), for Timothy & Shawn Doose, owners on property located in part of the NW ¼ of the NW ¼ of Section 20, T26N, R18W, Town of Trimbelle, Pierce County, WI. Chairperson Fetzer invited Mr. & Mrs. Doose forward: Mr. Doose stated he is building a 42ft x 96ft steel framed greenhouse for his aquaponics to expand.

Staff Report – Emily Lund: The applicants obtained a land use permit on 3-30-2016 for a plastic 18ft x 40ft greenhouse and on 1-23-2017 they obtained a land use permit for a Home Business for the sale of produce and various crafts within a 15ft x 15ft room of the house and a 4ft x 5ft advertising sign. Today the applicants are proposing to construct a 42ft x 96ft metal greenhouse that grows their Home Business beyond the 1,500 sq ft that their permit allows. The applicants are requesting approval of a CUP to operate a Nursery to accommodate the business expansion. The area within the house is no longer being used and was transferred to a 16ft x 8ft area of an adjacent shed for an office/sales room. The property is located in Section 20, Town of Trimbelle and is zoned Agriculture Residential. A nursery is conditionally permitted per Pierce County Code (PCC) §240-35B(4). PCC §240-88 defines ‘nursery’ as “a facility or facilities used primarily to raise trees, shrubs, flowers, produce and other plants for sale, of which at least 50% are grown on site. Landscaping and horticultural services may be offered along with the sale of garden products such as rakes, shovels and pots. The sales of garden products shall not occupy more than 25% of the sales area. Applicants own 5.001 acres, where 3 acres are the home, lawn, buildings and nursery and 2 acres are for crop production. They sell aquaponics vegetables, farm raised eggs, honey and homemade crafts; all of which are grown or produced onsite. Aquaponics uses the waste produced by farmed fish or other aquatic animals to supply nutrients for plants grown hydroponically. They have a 128 sq ft office, a 720 sq ft greenhouse and a proposed 4,032 sq ft greenhouse that totals 4,880 sq ft. Applicants do not have any additional employees at this time. Hours of operation are daily from 8am to 8pm, self-service. PCC §240-54 off-street parking requirements state 1 parking space per 200 feet of primary floor area for retail stores and personal service establishments and outside retail sales require 1 space per 500 square feet of display area. The applicants have 50 parking spaces available. Portable outhouses are not planned at this time. No special equipment is needed for aquaponics, except fish, water, heat and the greenhouse. A 4ft x 5ft advertising sign is located at the driveway entrance along US Hwy 10. The facility is licensed with DATCP and is registered as a Type 1 Fish Farm. The Town of Trimbelle recommended approval of this conditional use permit on 6-13-2017. The Town did not recommend any conditions or identify any specific concerns.

Staff Recommendation: Staff recommends the Land Management Committee (LMC) determine whether the proposed use at the proposed location would be contrary to the public interest and whether it would be

detrimental or injurious to public health, public safety or the character of the surrounding area. If determined to be not contrary to the above, staff recommends the Land Management Committee approve this request with the following conditions:

1. Activities shall be conducted as presented in the application, including hours of operation.
2. Applicants shall work with the Town of Trimble Building Inspector to determine whether commercial plan review and approval is required for the building from Department of Safety & Professional Services.
3. Adequate portable outhouses (1 per 50 people), or other acceptable restroom facilities, shall be provided and maintained.
4. Any advertising signs shall comply with the zoning code standards and any necessary permits shall be secured prior to sign installation on or off property.
5. The CUP shall be renewed every 2 years. Renewal may be completed administratively if no compliance issues arise.
6. Applicant understands that expansion or intensification of this use may require modification to this conditional use permit, or potentially, the issuance of a new conditional use permit. An increase in the number of, or size of, greenhouses or an increase in number of employees shall not be considered an intensification of the use.

Chairperson Fetzer opened the hearing to the public. No public comment. **Chairperson Fetzer closed the public hearing.** Snow asked what kind of fish are you raising? Mr. Doose stated hybrid blue gill and tilapia. Holst asked when they would be available for sale. Mr. Doose said in a few months. Sanden asked Emily for clarification on condition #3, portable outhouses 1 per 50 people, is that 50 employees, clients...? Lund stated anybody. Sanden stated that it says that portable outhouses are not planned at this time. Sanden asked the applicant if they could explain how he plans to meet condition #3. Mr. Doose stated there are never more than 3 or 4 people there at one time. They come. They stop and get their stuff and leave. He isn't sure, if he needs to get an outhouse he will get one. Chairperson Fetzer asked if it's just a roadside stop or a shop. Mr. Doose stated yes, it's self-serve. He built a room for them to go in and everything is in there for them to get what they want and pay and walk out. Holst stated he believes at this time, these guys are just starting their business and perhaps at this time it would be a hardship to force them to have a bathroom facility. Maybe as the business increases, and he believes it will, at that time we should review condition #3. Sanden asked if we would be setting any precedent by striking condition #3 or causing any problems with like applicants. Pichotta asked the applicant if he would characterize this as a roadside stand or is as something more than that? His sense had been that it's something more than a roadside stand. Mr. Doose stated it's pretty much a roadside stand but it's inside a building. Pichotta asked if someone showed up and had to use the bathroom, what would you do? Mr. Doose stated he wouldn't be there. He would be at work unless it's at night. Pichotta stated given the nature of it, basically, as a self-service roadside stand, he would be comfortable with striking condition #3, given that it's characterized as a roadside stand. But if one has a facility where folks are there for a while; he has read several articles in the paper and it sounded like folks would regularly come in for tours which made it seem to be more than just a roadside stand. In those cases we want the public to have the ability to use a restroom facility. As long as it remains a roadside stand, he thinks that would make sense to not require bathroom facilities. Mr. Doose, asked if he had an open house for a day, then he would need restroom facilities? That would be no problem. Sanden stated his only other question is there have been no complaints up to this point? Lund stated no. Holst asked how do you want to address condition #3? Sanden stated strike it.

Holst moved to approve the conditional use permit for a Nursery for Timothy & Shawn Doose, 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 - #6, striking condition #3/Sanden seconded. All in favor. Motion passed. Holst commented that this is a very good thing for Pierce County, not only for agriculture but for the ag tourism and the rural area in general. These are the types of things that we should promote and frequent. Chairperson Fetzer agreed with that and stated that with him being in the ag business, he looks forward to stopping in and checking out the business. Mr. Doose stated he is home on the weekends. Mrs. Doose stated they could use their bathroom in the house if needed.

Discuss take action on a request for renewal of a conditional use permit for a Heavy Industrial Use (Sand Processing Facility) in an Industrial District pursuant to Pierce County Code Chapter 240-37E, Muskie Proppant LLC, owner on property located in the South half of Section 7, T25N, R15W, Town of Union, Pierce County, WI. Chairperson Fetzer invited Rob Williams and Tom Olson forward:

Staff Report – Brad Roy: This facility was permitted in 2011 and began full operation in 2012. Muskie was originally processing sand from a mine located in Pepin County and then later secured material from a mine located in Dunn County. Muskie, through their discussions claimed that the sand was coming from the Gilles Quarry however, staff has been there and it doesn't appear that the Gilles Quarry is very active at this point. That will be something that they can expand on. Due to market conditions Muskie shut down operations at the plant in June 2015. The plant restarted operation in January, 2017. Sand is trucked to the site, off-loaded, conveyed to a raw sand stockpile, then dried and processed for sale. The facility also has byproduct storage stockpiles, storm water ponds, a high capacity well, process water treatment facilities and elevators for the storage silos. The final product is trucked primarily to St. Paul. The hours of operation are currently 24 hours a day, five days a week, weather and labor permitting with periodic weekend work. Industrial uses within the Industrial District typically have not had hour restrictions due to the purpose and intent of the district. A Fugitive Dust Plan has been submitted. The plan details potential sources, control measures and daily record keeping. Staff had received multiple complaints regarding dust on the driveway and Hwy 10. Staff did not observe any dust on Hwy 10 on inspection, but did notice dust on the driveway. The fugitive dust plan details measures to remove dust from the driveway and internal roadways. There have been no complaints about engine braking since Condition 6 was added. Staff has contacted the Town of Union Chairman regarding this renewal request; the Town did not have any concerns at this time. 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 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. 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.
2. Activities shall be conducted as submitted in the application and as presented to the LMC, unless modified by another condition of this CUP.
3. Applicant understands that expansion or intensification for this use will require modification to the conditional use permit.
4. Applicant shall obtain all necessary permits and approvals for any construction and signage for the site.
5. Raw product and load out stockpiles shall be limited to 35 feet in height above grade.
6. No jake brakes shall be used in sensitive areas when approaching the facility along the designated haul route.
7. The Fugitive Dust Plan shall be adhered to.
8. Byproduct shall be utilized in the reclamation of an existing licensed nonmetallic mine or disposed of or stockpiled consistent with Pierce County Solid Waste Code.
9. Any potential new or modified haul route shall be reported to the Land Management Department and road agreements shall be secured from applicable municipalities prior to route use.
10. The facility 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.
11. All polyacrylamide flocculants must be used consistent with WI DNR permit requirements.
12. Any unforeseen dust and/or erosion issues that arise shall be addressed to the satisfaction of the County.
13. The conditional use permit shall expire in 2 years.

The only recommended change being to condition number 13 changing to a 2 year permit renewal.

Sanden asked if the complaints received regarding dust received after the Fugitive Dust Plan was submitted and implemented or before? Roy stated after, the Fugitive Dust Plan was submitted in 2013 and he has spoken to Muskie about it. They feel it probably came up with the new hiring of staff and just getting everything on

schedule. They can elaborate on that. Chairperson Fetzer stated that he lives right there and goes by multiple times and previous to this re-opening he would see the sweep out there and cleaning up stuff. He saw it out there a lot. He has seen the sand coming down the driveway but it's obviously being taken care of. You are coming out and sweeping. Originally, we had some issues with new employees where the sand would drop in and you would see clouds of dust. They actually came on line and cleaned things up and did a really nice job. Maybe it's just a matter of getting you guys up to snuff on things. He doesn't want it to be just because you are coming here before the committee. He would like to see it done continually. Before it was all permitted, when it first came in front of us, it's a huge concern and we have to deal with it. Keeping things cleaned up makes a big difference for the neighbors. Rob Williams, HSE Manager for Muskie Proppant, to your comments, initially on the re-opening it really did have a lot to do with the staff that they had. Everybody was brand new, they were short-staffed and struggling with a lot of different issues. They have worked really hard with staff to get them to understand the requirements and the importance of Fugitive Dust Plan. They have several facilities and health & safety are at the very top of their list. Everything else comes second. They are working very hard to get that taken care of and cleaned up. He thinks they have done a pretty good job of it so far and they continue to try to do so. They are implementing some further changes in their silos to control dust during the loading and monitoring process and even to reduce exposure for their own employees working in those areas. So it's something they are being very proactive about. Chairperson Fetzer stated he sees it is getting better and we want to make sure that they are going to stay on that. Mr. Williams stated it most certainly wasn't because of this meeting. It's something they take very seriously and monitor daily. There are control methods they have in place regarding the Fugitive Dust Plan. It is required that the Fugitive Dust Control measures that are used and enacted are recorded every single day. Even if there isn't a requirement for it that day; pouring down rain, this still has to be filled out. They are monitoring it very carefully. Holst stated the Zoning Administrator was a little concerned about where their product was coming from. He supposed this is due to haul routes, if it's coming out of the Gilles Quarry. Mr. Williams and Tom Olson stated it's actually the Wieser Quarry. That was a misunderstanding. Holst stated then nothing has changed. Mr. Williams stated nothing has changed. Chairperson Fetzer stated it's just not coming out of Pepin County anymore.

Holst moved to approve the renewal of the conditional use permit for Heavy Industrial Use (Sand Processing Facility) for Muskie Proppant LLC with conditions #1 - #13 amending #13 to read "The conditional use permit shall expire in 2 years." and remind them that if they don't adhere to their Fugitive Dust Plan, we won't be so friendly to deal with/Snow seconded. All in favor. Motion passed.

Holst stated it's nice to see you guys up and going again. Mr. Olson, District Manager, stated if you know of anyone that wants a job, send them our way. Chairperson Fetzer asked how many people are you looking for? Mr. Olson stated they would like to get to 24/7.

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

Departmental Update and Future Agenda Items

Request for renewal of a CUP for WISC's facility in Maiden Rock.

Request for renewal of a CUP for Nonmetallic Mining for BS Construction in Rock Elm.

Status report for a CUP for Heavy Industrial Uses (Sand Processing Facility) for William F. Holst III in the Town of Trenton. This is the one that used to be with WISC.

Motion to adjourn at 6:25pm by Holst/Snow seconded. All in favor. Motion passed.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, July 19, 2017 – 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 2 nd & 16 th , September 6 th & 20 th , all in 2017.	Chair
3	Approve minutes of the July 5, 2017 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for a conditional use permit for a Nursery in the Agriculture Residential District, pursuant to Pierce County Code Chapter 240-35B(4), for Timothy & Shawn Doose, owners on property located in part of the NW ¼ of the NW ¼ of Section 20, T26N, R18W, Town of Trimble, Pierce County, WI.	Lund
5	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 pursuant to Pierce County Code Chapter 240-37E, for Muskie Proppant LLC, owner on property located in the South half of Section 7, T25N, R15W, Town of Union, Pierce County, WI.	Roy
6	Discuss take action on Travel/Training Requests.	Pichotta
7	Future agenda items.	Pichotta
8	Adjourn	Members

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

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A quorum of County Board supervisors may be present.

(7/07/17)

PUBLIC NOTICE
Nonmetallic Mining Reclamation Plan

Notice is hereby given that Total Excavating has filed an application for a Nonmetallic Mining Reclamation Permit with the Pierce County Land Management Department under the Pierce County Nonmetallic Mining Reclamation Ordinance. The application is for the mining operation located wholly or in part of the E ½ of the SW ¼, Section 14, all in T27N, R19W, Town of River Falls, Pierce County, WI on property owned by Peterson Family Real Estate, LLC.

The applicant proposes to extract, crush and screen sand material. Washing may occur at the site. The applicant proposes the post-mining land use to be agriculture, including a potential barn expansion. The site will be contemporaneously reclaimed. A highwall with a peak height of approximately 100 feet will remain after mining has been completed.

Any person residing within, owning property within, or whose principal place of business is within 300 feet of the boundary of the parcel or parcels of land in which the nonmetallic mining site is located or proposed may request a public informational hearing. Pierce County shall hold a public hearing if requested by any of these persons within 30 days of the actual date of public notice. The hearing shall be conducted as an informational hearing for the purpose of explaining and receiving comment from affected persons on the nature, feasibility and effects of the proposed reclamation.

The reclamation plan for the above referenced project can be viewed at the Pierce County Land Management Department, 414 W. Main Street, Ellsworth WI during regular business hours. Please contact the Zoning Office at (715) 273-6746 with any questions.

July 14, 2017

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, July 19, 2017

Present: Jon Aubart, Joe Fetzer, Jeff Holst, Eric Sanden and Ken Snow

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

Chairperson Fetzer called the Pierce County Land Management Committee meeting to order at 6:04 pm in the County Board Room, Ellsworth, Wisconsin.

Next meeting dates: July 19th, August 2nd and 16th, all in 2017.

Approve Minutes: **Snow moved to approve the June 21, 2017 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 a Utility Facility >1,000 sq. ft. (bulk LP storage) in the Commercial District, pursuant to Pierce County Code Chapter 240-41F, for River Country Cooperative, agent for David L'Allier owner, on property located in part of the NE¼ of the NW¼ of Section 21, T26N, R18W, Town of Trimbelle, Pierce County, WI. Also, Discuss take action on a request for Site Plan Review for a Utility Facility >1,000 sq. ft. (bulk LP storage) in the Commercial District, pursuant to Pierce County Code Chapter 240-41F, for River Country Cooperative, agent for David L'Allier, owner on property located in part of the NE¼ of the NW¼ of Section 21, T26N, R18W, Town of Trimbelle, Pierce County, WI.

Staff Report – Emily Lund: The applicant owns the Steel Horse Saloon tavern and softball field located along US Hwy 10. He intends to sell the property to River Country Co-op pending approval of this CUP. River Country Co-op acquired Pierce Pepin Propane Services in 2015 and is proposing to convert the existing tavern into a garage/office and to develop a bulk LP storage facility to support the area's propane needs. Site Plan Review is required by Pierce County Code (PCC) § 240-75 for new construction or additions to existing structures for commercial uses. Given that the subjects reviewed when considering issuance of a CUP are the same as those considered for site plan review; both actions are being presented in a single staff report. The property is located in Section 21, Town of Trimbelle. The property is zoned Commercial. The property is bordered by agricultural, residential, and commercial uses. Adjacent zoning districts include Commercial and Primary Agricultural. PCC Ch. 240-41(F) states Utility Facilities are subject to the following:

1. No land use permit shall be required for any installation that is at or below grade elevation nor for electrical distribution poles, towers and wires.
2. Those structures which are four feet or less above grade elevation need not meet setback requirements nor need they be placed on conforming lots.
3. 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.
4. Utility facilities where the land area bounded by the location of such structure or equipment is less than 1,000 square feet shall be exempt from the permit requirements of this chapter and shall not require a land use permit.
5. Utility facilities in the Exclusive Agriculture District shall be consistent with agriculture use per 91.01(10) Wis Stats.

The agent/buyer submitted plans to remove the structure and trees within the ball field area and add class 5 gravel over the lot. They propose a secure area that is ~230' by ~300' with a 10' tall security fence around the entire secured area. Within the secured area, they propose to have up to (3) - 30,000 gallon bulk LP storage tanks, residential/customer storage tanks, and 3-4 bobtail delivery trucks. The security fence is to be located

within the property lines and out of the US Hwy 10 right-of-way. Two security lights are proposed within the secured storage area. They propose to have 2-4 service pickup trucks and have 3-6 employees. Hours of operation are to be Monday – Friday, 7 a.m. to 5 p.m. Over 20 parking spaces will be available for employee parking. The existing well is located northwest of the tavern. Applicants intend to utilize the existing bathrooms. The existing septic system is northeast of the tavern. River County Co-op proposes to have a road monument and other signage on their storage tanks, but have not provided any dimensional information relating to signage. The Town of Trimbelle recommended approval of this request on 6-13-2017 without any comments or recommended conditions. PCC § 240-75 requires site plan approval for new construction or additions to existing structures and buildings for commercial uses. The purpose of site plan review is to assure site designs which promote compatibility between land uses, create safe and attractive site layouts and structures, provide proper access to street and transportation, protect property values and contribute to efficient land use in Pierce County. The topography is level throughout the south half of the property. The north half of the property slopes to the north 15 to 60% slopes. There is a row of large pine trees between the tavern and residential property to the west. The agent/buyer proposes minimal modification to current landscaping. Neighboring property to the east is zoned Commercial with a pole shed. Access is off US Hwy 10. In reviewing the site plan, the LMC should consider existing and proposed structures, architectural plans, neighboring uses, use of landscaping and open space, parking areas, driveway location, loading and unloading areas, highway access, traffic generation and circulation, lighting, drainage, water and sewer systems and proposed operations.

Staff Recommendation: Staff recommends the Land Management Committee consider the above and determine whether the proposed use at the proposed location would be contrary to the public interest, or detrimental or injurious to public health, safety or character of the area. If found to be not contrary to the above, and no modifications to the site layout are necessary to achieve efficient traffic flow and circulation, or to mitigate off site impacts, staff recommends that the LMC approve this conditional use permit, including the proposed site plan, with the following conditions:

1. Activities shall be conducted as submitted in the application and as presented to the LMC. If plans are modified, the applicant shall go back to the Town for review and back to the LMC for reconsideration.
2. The security fence be installed to a height of 10 feet above the grade elevation.
3. The applicants shall not encroach on US Hwy 10 right-of-way.
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. Best management practices shall be implemented to prevent off site impacts from ground disturbance activities.
- 6 All signage shall comply with Pierce County Code and applicant shall obtain necessary permits.
7. The proposed project shall be completed within 12 months of CUP approval.
8. Applicant shall contact the Town Building Inspector, All Croix Inspections, to determine if a building permit is required and shall secure any permits determined to be necessary

Chairperson Fetzer opened the hearing to the public. Myrna Melby stated they feel the applicant/agent needs to resurvey the east lot line. On a survey map it shows the ball field, but if you look at the second page of the survey map, it states, “subject to easement over lot 4 for the continued operation and maintenance of a ball field as described in a previous document and to a 10 foot wide easement surrounding the ball field located on lot 3 and 4”. This is a survey that was made up at that time and it shows the fenced in ball field. But when Sheffers surveyed it, he surveyed right around the ball field. But on the second page, it states that there was an easement. In October 1997 a survey was made and it included the ball field, but it doesn’t show the easement. They had a fire in 1998 and then K2 issued a deed to release the easement along the westerly boundary of lot 4 of the CSM. Later they sold the property to Arneson’s. Arneson’s wanted a used car lot, not a ball field. So that easement was released. Andy Pichotta stated that staff did some research into this as well with the help of the interim real property lister, Phyllis Beaström. From our research it appears that some documents were recorded in 1999 which actually created lot 3 and 4 as is shown in the staff report and in the materials that the applicant presented. This may be an issue that may need to be resolved between the two parties; however this doesn’t preclude the committee from considering this request before you today. Myrna Melby stated it would consider it as far as where those tanks would be put. Chairperson Fetzer confirmed with Pichotta that the tanks need to be

at least 10 feet from (east) property lines. So this is an issue that will have to be resolved. David L'Allier stated he is in the dark on this. When he obtained the property from Arneson's he was given a map of the property, now this has changed and that's not our property? Myrna Melby stated when it was sold to Arneson's the easement was released. Chairperson Fetzer asked the current owner if he still wanted to pursue this. David stated of course. Chairperson Fetzer stated the lot line issue is a totally different matter that you are going to have to figure out. It's a civil matter. All they have to worry about is that the tanks are ten feet off the (east) property line. Pichotta suggested a condition to address this issue. The condition would read, "Applicant shall verify lot line locations and shall ensure compliance with applicable setbacks." Chairperson Fetzer stated once everything is figured out, then everybody should be covered. Emily Lund stated she tried calling both the applicant and the agent and she wasn't able to get through to the applicant, but she did explain everything to the agent. Dennis Langer asked if that takes a slice of land away from the lot, is there still adequate space for the tanks? Holst stated yes, there is a considerable amount of space left. Sue Langer asked what the right-of-way is from Hwy 10. Emily Lund stated their lot line goes up to the right-of-way. It is 50 feet from (here) to the center of Hwy 10. Sue Langer stated living on Hwy 10 and hearing the ambulances and helicopters overhead; there are so many accidents and coming up the hill from the west, you are basically blindsided if someone is sitting there. All of a sudden there is a little bit of a dip. With the larger tankers, 10,000 gallons has to be a lot, sitting on the highway. Then having these larger tanks to the front, by looking at the placement, is there a higher risk if there is an accident. Lance stated they are basically taking what is at Pierce Pepin and moving it down the road. For the transportation piece of it, there is going to be the same transportation load they currently have at Pierce Pepin. She is not questioning that or up on that, but her concern is that there is so much chance for a large explosion very close to the highway. If you look where it is at Pierce Pepin right now, you go down and into the lot and away, it is setback more. Lance stated there is NFPA-58 that deals with all propane regulations throughout the US. The county has a greater setback than what the agency requires. So the county setback is what they will follow. Langer's are looking at a lot of the propane facilities around and it seems that all of the smaller tanks are usually to the front rather than the large. Lance stated the smaller tanks are empty. Sue stated so wouldn't that be easier to have to the front of the highway. Lance stated it could be but it depends, you could go back and forth. But as far as the larger storage tanks, NFPA-58, it's 50 feet from the highway. Propane is a very safe product. If you're going to override NFPA-58, you'll have to start looking at a lot of different operations along Hwy 10, if that is the mindset you have. But as far as traffic goes, it is going to be the same as today. Sue stated it is just you're stopping at a spot where cars can't get around you. Lance stated on average, that is one transport a day. Sue stated it is hard when you are living close by; is it something that you necessarily want right next to your property, no. But right now the main thing is, they are very concerned on the security, and the safety. She wishes they would have been given a little more time to look at this. They first got a letter on Wednesday late, did come to the County and the gal was very good about getting a copy of the records so they could read it ahead and look at some things. Sue asked if Land Management had any concerns about the safety, have you spoke to the Department of Transportation. Pichotta stated no we have not spoken to the Department of Transportation. We are aware that there are universal standards in place. Sue stated just for even turning on and off the highway, like when they built, you couldn't just put the driveway where you wanted to. So if it is going to have larger vehicles with propane going in and out, will the DOT hold to the same entrance? Chairperson Fetzer stated there are certain standards if there is enough traffic in and out of there, and then they will have to build an additional lane. Holst stated that traffic flow isn't going to come anywhere close to meeting those standards. We always see the worst case scenario and we can't possibly build everything and protect everybody every minute of the day. Because if we did, we would live in a vacuum and nothing would get done. Sue asked if something happened, is there something that you set up, and maybe you have right now with Pierce Pepin, with the Fire Department, a blast and evacuation area. Lance stated not only do they work with the County, but also with local fire marshals and the EPA. They put plans together for this. This is all driven by not only River Country Co-op, but also different agencies. Sue asked what is the blast and evacuate area. Most facilities have a half mile radius. Lance stated once the property goes through, then River Country Co-op will work with their safety company and they will come in and do a site evaluation for them and a site plan. He would be happy to share that with the Langer's once it is complete. Sue asked if they have one right now. Lance stated no. Each one of their locations has emergency plans. Sue asked if the big tanks are to the

front on their other locations. Lance stated it depends. Sue asked they only have one other location, right? Lance stated there is one in Martell, but they have other locations in Minnesota as well that have propane. Sue asked if they have the large tanks up front. Lance stated yes. As far as the traffic is concerned, there is probably going to be a lot less traffic on a daily bases, and it's going to be traffic that is Monday through Friday, 7 to 5, primarily. Sue asked if there are any odors that you have to worry about from the tanks being vented. Lance stated they do have propane odorized with mercaptan, it smells like a rotten egg. The propane is odorized at the pipeline, at the source where it is pulled from. Sue asked if that was monitored regularly. Lance stated yes. Sue stated there is going to be growth at some point in the area. What happens if there is a need to have more than what is there? Is there any chance for expanding more? Chairperson Fetzer stated if there is intensification or modification of what is happening today, a new CUP would have to be applied for and come through this again. Sue asked if it would be just a notice in the paper. Chairperson Fetzer stated it would be in the paper, yes. Sue stated most of them don't read all those. Dennis Langer stated the verbiage is greater than, there is no less than. Pichotta stated smaller utility facilities are often times exempt. The code allows for certain utility installations that are below grade or slightly above grade, that are small, not to require a conditional use permit, they are a permitted use. If there is intensification or an expansion on what is proposed today, we redo this entire process. Chairperson Fetzer stated it is setup for the three tanks right now. So if they are going to expand, it will have to go through the same thing again. Holst assumes when you look at the property that the three tanks are about all they can fit there. A three tank facility in this part of the country is a pretty big facility. Myrna asked if the electrical feeder line that runs in the back part of that property comes into play. Holst stated if there are any easements on that property for the other utilities, these people have to abide by those setbacks. This property was zoned commercial when the Melbys had it and the zoning is correct for this piece of property and that is probably why it was attractive to the agent and the applicant. They are a highly regulated industry and they are a big player in Minnesota and they are coming over to Wisconsin. They are going to provide a service, and hopefully they will be competitively priced. **Chairperson Fetzer closed the public hearing.**

Snow moved to approve this request seeing it is not contrary to public interest or detrimental or injurious to public health, safety or character of the area along with conditions #1-8 and adding #9-Applicant shall verify lot line locations and shall ensure compliance with applicable setbacks/Holst seconded. All in favor. Motion passed.

Discuss take action on a Resolution approving the updated Comprehensive Plan and recommending adoption by the Pierce County Board of Supervisors.

Staff Report- Andy Pichotta: The LMC, at their June 21, 2017 meeting, held a public hearing to consider adoption of the updated Comprehensive Plan. At that meeting the draft document was approved and a recommendation that the County Board of Supervisors adopt the plan was made. Wisconsin Statute 66.1001 states that a resolution must be adopted by the body that developed the comprehensive plan or update in order for approval to be effective. This requires that the LMC, by a majority vote of all members, adopt a resolution approving the plan and recommending its adoption. The resolution would not be forwarded to Finance and Personnel nor would it go before the County Board for approval. The stand-alone resolution would simply be included in the adopted plan as an addendum as required by statute.

Staff Recommendation: Staff recommends that the LMC approve the proposed resolution as written.

Snow made a motion to adopt the Resolution/Aubart seconded. All in favor. Motion passed.

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

Departmental Update and Future Agenda Items

Public hearing to consider a request for a CUP for a Nursery for Timothy Doose in the Town of Trimbelle,
Public hearing to consider a request for a CUP renewal for Muskie Proppants and a public Hearing to consider a Request for a CUP renewal of Wisconsin Industrial Sand's Maiden Rock facility.

Motion to adjourn at 6:36 pm by Aubart/Holst seconded. All in favor. Motion carried. Respectfully submitted by T. Albrightson

**LAND MANAGEMENT COMMITTEE
MEETING REVISED AGENDA
Wednesday, July 5, 2017 – 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 19 th , August 2 nd & 16 th , all in 2017.	Chair
3	Approve minutes of the June 21, 2017 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for a conditional use permit for a Utility Facility >1,000 sq ft (bulk LP storage) in the Commercial District, pursuant to Pierce County Code Chapter 240-41F, for River Country Cooperative, agent for David L'Allier, owner on property located in part of the NE ¼ of the NW ¼ of Section 21, T26N, R18W, Town of Trimbelle, Pierce County, WI.	Lund
5	Discuss take action on a request for Site Plan Review for a Utility Facility >1,000 sq ft (bulk LP storage) in the Commercial District, pursuant to Pierce County Code Chapter 240-41F, for River Country Cooperative, agent for David L'Allier, owner on property located in part of the NE ¼ of the NW ¼ of Section 21, T26N, R18W, Town of Trimbelle, Pierce County, WI.	Lund
6	Discuss take action on a Resolution approving the updated Comprehensive Plan and recommending adoption by the Pierce County Board of Supervisors	Pichotta
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.

(6/23/17)

- **Revised Agenda June 27, 2017 @ 10:31AM.**

PIERCE COUNTY WISCONSIN
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MINUTES - Pierce County Land Management Committee Meeting, June 21, 2017

Present: Jon Aubart, Jeff Holst, Eric Sanden and Ken Snow

Others: Andy Pichotta and Shari Hartung

Absent: Joe Fetzer

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

Next meeting dates: July 5th & 19th, August 2nd & 16th, all in 2017.

Approve Minutes: **Aubart moved to approve the June 7, 2017 Land Management Committee minutes/Snow seconded. All in favor. Passed.**

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

Staff Report – Andy Pichotta: Pichotta stated that he did not prepare a formal presentation given that he knows the committee is familiar with the process that was utilized and also in that he anticipated low turnout from the public for this hearing. Basically, we took into consideration updated demographic and economic information and went through chapter by chapter. Staff reports and drafts were sent to Town Chairs and posted on the County’s website prior to discussion by the LMC. What he had anticipated was that he would respond to any comments or questions from folks as part of the public hearing.

Chairperson Holst opened the hearing to the public.

Barry Barringer, Trenton Township, asked if there was any survey work done in this effort. Pichotta stated yes, we did an informal survey, we sent out letters to all the Town Boards encouraging them to participate and to encourage others to participate. There was a link on the County’s website and we also put a notice in the Pierce County Herald for a couple of weeks encouraging folks to participate. We didn’t get a huge response but the results are contained in the appendices of the plan. Mr. Barringer asked if there was anything unusual in the survey. Pichotta stated no, nothing really stood out. In fact we held, in this room about a month or so ago, two informational meetings regarding the plan and notified both clerks and chairs of each Town. We had three folks total show up for the two meetings. It is his sense that folks must be comfortable with the plan and the guidance that it provides as well as the frame work that it provides for implementation of the Town’s Comprehensive Plans. Mr. Barringer stated that satisfies his curiosity at this time. **Chairperson Holst closed the public hearing.**

Staff Recommendation: Staff recommends the Land Management Committee consider any public comments relating to the proposed Comp Plan and its update and whether any modifications or additions are necessary. If no substantive changes are necessary, he would recommend that the LMC approve the plan and forward it to Finance and Personnel for review and approval. The plan must be adopted by ordinance, thus requiring two readings by the County Board, with adoption considered at the second reading.

Aubart moved to approve the adoption of the updated Comprehensive Plan and forward to Finance and Personnel Committee for review and approval/Sanden seconded. All in favor. Motion passed.

Discuss take action on a request for screening of a Private Outdoor Recreational Use (Commercial Paintball Playing Field) in the Primary Agriculture District for Aaron Tholey, agent for Timothy & Carolyn Jennings, owners on property located in the NW ¼ of the SW ¼ of Section 5, T27N, R19W,

Town of Clifton, Pierce County, WI. Chairperson Holst invited Timothy Jennings and Aaron Tholey

forward: Mr. Jennings stated he has packets which include correspondence to hand out. Pichotta suggested to Chairperson Holst that it might be helpful for staff to present the staff report for a little background and to capture how we got to where we are at.

Staff Report – Brad Roy: The applicants obtained a conditional use permit (CUP) for a Private Outdoor Recreational Use (Paintball Playing Field) from the LMC on August 4, 2010 and began operations in the fall of 2010. The operation began with approximately 2 acres utilized for paintball with plans to grow to the current size. The Sponsler’s, the nearest neighbor to the paintball park, bought their property on December 17, 2010. Their property was bank owned at the time the CUP authorizing the use was issued. As the business has grown the visual impact to the Sponsler’s has increased. They are primarily concerned with the appearance of the paintball structures, noise, potential future expansion and impacts to their property’s value. Staff first received a complaint from the Sponsler’s in the fall of 2016, just prior to the LMC meeting on November 2, 2016 where the applicant requested a modification to the CUP relating to storage. Mr. Sponsler attended the meeting and briefly discussed his concerns about the operation. The LMC suggested that the applicant and Mr. Sponsler try to come to an agreement regarding screening the paintball fields from the Sponsler property. The two neighbors have had discussions about planting trees and buying land, but no agreement could be reached. Mr. Jennings has concerns about having to screen the business seven years after the permit was issued and whether screening could come up again if another land owner has complaints in the future. Both parties now wish to bring this to the LMC to determine whether screening is needed and if so, to what extent. The paintball business is currently occupying all of the area designated for the business depicted in the original 2010 CUP application. Any expansion to other areas would require a new CUP. The land owner previously indicated that the paintball playing field is located on land that is not best suited for agriculture and that he has no intention of expanding to other areas. The paintball course utilizes inflatable bunkers, recycled electrical spools and collapsible/movable buildings as obstacles. Safety netting is put up for games and later taken down. Equipment is put away before winter in storage containers. The owner indicated that no permanent structures will be built on the playing field. The structures are sunk into the ground to prevent them from blowing over, but there is no permanent foundation and they can be moved around the property. The CUP has been renewed administratively by staff in 2012, 2014 and 2016. Prior to each renewal staff contacted the Town of Clifton Chairperson to inquire about complaints or issues with the operation. Each time, the Chairperson stated that there were not any complaints or concerns about renewing the permit. Pierce County Code §240-31 Landscape buffers is listed in its entirety in the staff report. 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. The paintball field is permitted as a Private Outdoor Recreational Use. As such, it is not technically classified as a “Commercial Use” by Pierce County Code, but it clearly has commercial characteristics, similar to those of a driving range or golf course (other outdoor recreational uses). Although Pierce County Code §240-31 does not specifically require that a landscape buffer be installed for Outdoor Recreational Uses, the LMC can require such mitigation measures as part of a Conditional Use Permit. The Sponsler residence is located on a hill near the south property line and overlooks the Jennings farm field. The Sponsler residence is at an elevation of approximately 922’. The paintball fields have elevations ranging from approximately 910’ – 940’. The agricultural field located between the Sponsler residence and paintball fields is approximately 910’ in elevation. The elevation of the Sponsler residence provides a largely unobstructed view of the playing fields. The paintball field is located approximately 995 feet from the Sponsler property line. The existing vegetation on the south property line does not screen the view from the Sponsler residence. Photos from that property line are included with this report. The existing conditions are listed in the staff report #1 - #9.

1. A Uniform Address Number shall be assigned and located at the driveway entrance off of 1160th Street.
2. Applicant shall be limited to five (5) – 8 ft x 8 ft x 40 ft shipping containers on the site. Containers shall be shielded from public view to the extent practical. Shielding shall be accomplished through placement and/or vegetative screening.
3. Adequate portable satellite waste stations (1 to 50 people) shall be provided.
4. Solid waste dumpsters or waste containers shall be located on-site and maintained.

5. Hours of operation shall be daily 9AM to 9PM, or as otherwise established by LMC.
6. The applicant shall be limited to 10 employees.
7. A copy of any changes or additional liability insurance shall be submitted to the Land Management Department.
8. The CUP shall be renewed every 2 years. Renewal may be completed administratively if no complaints or compliance issues arise.
9. Applicant understands that expansion or intensification of this use may require modification to this CUP, or potentially, the issuance of a new conditional use permit.

Staff Recommendation: Staff recommends the Land Management Committee consider whether screening should be required for this operation and if so to what extent. The LMC should take into consideration the nature of the permitted Outdoor Recreational Use, the distance from the neighboring residence and the practicality of various screening options.

Tim Jennings, along with Aaron Tholey the business operator, were present. Mr. Jennings presented information to the committee which shows the written correspondence that he has had with Mr. Sponsler. He discussed the hydrology report; by having that in a grassland, that comes from the soil conservation office, they have significantly reduced the runoff from that parcel. So that is just one thing where it is an advantage not only to him but it prevents pressure on his driveway. Initially, when this came up they were looking at putting in a garage type structure. We since have figured out that is not an economical endeavor for Mr. Tholey or himself because Mr. Tholey doesn't own the property. He would be investing in capital structures. So the modification of the CUP last fall was to just add storage structures. From Mr. Sponsler's home and up on the hill, you cannot see where those containers went in. They are not visible as of this point. Then there was the letter from Mr. Sponsler to us requesting that we either screen, buy his house for \$500,000.00 or he could purchase some of Mr. Jennings's land for \$5,000.00/acre but not less than 250 feet. Well they reviewed those options and it goes into the letter he wrote after that and it shows Mr. Sponsler's appraisal. One of the concerns was the value of Mr. Sponsler's property. If he had an appraisal at \$500,000.00 for his property and he offered up to us for sale at that money, then he must have been satisfied with the appraisal. The appraisal was done in the summer of 2016. The structures and the entire paintball course were up in its entirety with the exception of the two new storage containers which are not visible. Apparently the appraiser didn't see any devaluation in the property. His offer to buy my land, he can't in good conscience sell farm land. It's part of his business. It doesn't make any sense to him, long term, when he is hoping to turn that over to his kids. If you go over a two generation time period, the lost revenue on up to ten acres would more than offset the \$50,000ish that he was offering to pay for that. We discussed some trees verbally. He has learned since when dealing with neighbors, it's best to have it written down which is why he started sending the letters back and forth. In his letter, he notes that he had paintball there many, many years as a recreational use. They didn't do anything formal with it. It was just a group of guys that went out there and goofed around. St. Croix Paintball came in a little while after that in the mid 90's. Ran a half a business there but they started bringing in old vehicles and junk to play around and that didn't sit well with him, having stuff in his fields like that. So they left and it just so happened that Mr. Tholey was looking for a place. He came in and we discussed it. He laid out his plan and we decided that we would go ahead with that. At that time, he didn't know anything about conditional use permits. Mr. Tholey insisted that we make sure everything was done by the book, hence the application for the initial CUP and the business plan that he had laid out with the initial CUP. How he was going to start out small and expand as any business does, into its existing state. The south boundary of the paintball course, because of the way his fields lay, should not move at all anymore because the field is more productive than the paintball course would let it be. We had verbally agreed on some trees. You can see the quote in the back of the packet that he handed out, \$6,000 and something with Boulder Hills Landscaping. He had tentatively agreed to put up some trees with Mr. Sponsler's help, to his credit. Then he was reading back on the minutes from the Clifton Town Board meeting and Mr. Sponsler went in and told the Town Board that he should be taxed commercially. You can see the new tax assessments where it is going to increase his taxes around \$1400.00. That prohibited him being able to afford trees so that brings us before you. Whatever you decide, that is what we will have to abide by, because we feel we have followed all

the rules thus far, is he correct, Aaron? Mr. Tholey stated yes, everything is on the up and up. Everything has been approved. He can't help but feel a little bit like he is being extorted here. No problems thus far. A guy buys his house to flip it, now he can't sell it, now he wants me to improve his property. We have really gone out of our way to be a positive impact in the local community, whether it be with the high school, with other colleges, with national guard guys. It's been an overwhelming response as far as positivity goes. He feels this kind of out of left field here. A couple notable things on that south side, when we put those bunkers in place, we did make them green to blend into the background there. You can see that on the photo. The other thing is, this guy is three and a half football fields away. He's really far away, not like he is on our boundary line or looking right into our facility. He is three and a half to four football fields away. That is another thing to keep in mind and he purchased his home when the paintball was already there. Now that he wants to sell his home, he wants to improve it and not see my place. Those are just some notable things that he had written down. Mr. Jennings stated they have had contact throughout the seven years that Mr. Sponsler has owned his home. He rents the shed from him and stores his farm machinery in there. So it's not like he hasn't had any contact. So in seven years, six years to the date of the thing, he hadn't heard a thing about it. He stated he had one complaint when his kids were out practicing trap shooting, he was trying to put his baby to sleep and he called me and I forgot he had a baby, the kids were having fun, we lost track of time and we stopped. It's not that he is trying to be out of line and he was willing to work with the trees until he got slapped with extra taxes. He just doesn't see how, when they have followed everything in the books by the conditional use permit when it was inspected, when they initially started they came out and did a walk around, he can't remember who from the office did that, but it was inspected and nothing was indicated at that time. He is sorry they have to be here before the committee but he can't sell part of his farm. I can't afford to pay \$500,000.00 for his house and he would prefer not to put in screening trees. If he puts trees on the south border on the fence row between him and Mr. Sponsler, those trees eventually grow up and that side of the field becomes shaded. The trees suck water out of the ground and that portion of that field becomes less productive. It happens all the time. He has fence rows all over that are his and next to the woods. If he puts trees next to Mr. Tholey's boundary on his south edge of the paintball park, if he ever decides to go or if he ever decides to not have it there anymore, then those trees by convenience would have to come out so that he could farm that field in a convenient manner again rather than splitting it in two. There is just not a good option from his side that isn't going to economically impact him in a very significant way, long term. That is his plea. The only thing they have is that they have followed all the rules to this point and whatever you guys decide we will figure out but we are hoping that we are far enough away and that we have tried to do their due diligence that there won't be anything significant required. Thank you for your time. Catherine Munkittrick, an attorney in River Falls, representing the Sponsler's on this matter. Mr. Sponsler and his wife are not here to try and shut down the paintball operation. What they are asking for is just some reasonable screening of the operation. They live out in the beautiful countryside and this operation is quite different from anything else around it, does not blend into the countryside and they have a clear unobstructed view of just that paintball operation. The paintball operation has expanded significantly since they purchased their property. It is much more visually intrusive. The structures there are up all year round. Whether they are permanent or not they are there all year round. So that's what he looks at. He has tried to reach an agreement. He came to Mr. Pichotta with his concerns and Mr. Pichotta suggested they try to reach an agreement. They have tried for several months now. They offered to purchase a portion of his land at \$5,000.00 an acre. That was rejected. He offered to have trees put up closer to his property and pay half the cost of the trees and that was rejected. There needs to be some resolution to this. He has tried; they have made offers. She misspoke, it wasn't rejected. It was accepted but then it was Mr. Jennings retracted that acceptance after his taxes changed. She will say it's up to the assessor to decide how to appropriately classify tax property. That's not a decision anybody else makes but the assessor and the Town Board approves it. The paintball operation is visible not only from the Sponsler's residence but from the street, 1160th and 840th. During the time of year when there is no foliage, it's also visible from County Rd F. Again this is a rural, agricultural, very beautiful area and it's obviously very different, the paintball operation that you see. She handed out a photo from the Sponsler's driveway of the structures. She was out there and their house is on a hill and it's a two-story house and once you get up to the second story it's very visible and because it's higher up, you can really see the structures and what's going on

over there. Ms Munkittrick stated Mr. Jennings was given a CUP, the paintball operation was a lot smaller at that point. It has expanded over the years. The CUP ordinance does allow for putting conditions on CUP's to mitigate adverse circumstances and adverse impacts on neighboring properties. That is what they are asking the committee to do here. It's obviously a very different type of operation than the surrounding area. It does adversely affect property value, particularly Mr. Sponsler's. She is going through the conditional use factors now. Again, this operation and the scope of it is different from when the CUP was originally issued. He was given permission for that area, but the area and the structures in that area have expanded significantly. The area hasn't expanded but the structures have. Another factor to consider under your ordinance is whether the buildings contribute to visual harmony. They just absolutely don't. It's something totally different within the rolling, rural countryside. Does it adversely affect the natural beauty of the area, yes. So those are the factors under your ordinance which you can decide are conditions appropriate to mitigate. Screening is a very common and easy thing to do to mitigate those adverse impacts. What we are asking for is screening along the southern boundary of the paintball park; two rows of conifer trees that would screen the area not only from Mr. Sponsler's property but also from the roads that she mentioned. Holst asked if they want screening on three sides now. Ms Munkittrick stated no, just screening on that southern boundary of the paintball park would do it. Again they are not trying to shut down the operation. They just want some reasonable accommodation for the visual impact. It just is a stark change from the rest of the countryside in that area. It will preserve property values. It will preserve just the scenic and aesthetically beautiful area. That is something that is reasonable under your ordinance. It is consistent with your comprehensive plan of maintaining rural character, encouraging preservation of aesthetically beautiful areas, minimizing incompatibility with neighboring land uses, all those things are in your comprehensive plan and that is exactly what Mr. Sponsler is asking for. It is unfortunate that we have to be here but the parties have tried for months to come to an agreement. Mr. Sponsler has made several offers and they have not been able to reach a resolution. What we ask the committee to do is to require screening using conifer trees along the southern boundary of the paintball park. They should be trees of at least seven feet tall that would help with that screening. Snow asked how many trees would that be? Mr. Sponsler stated he doesn't know the exact length of that south border, maybe 800 feet. Ms Munkittrick stated the rows would be offset, she thinks that was suggested. The two rows of conifer trees was suggested in conversations that Mr. Sponsler had with Mr. Pichotta. Snow stated he isn't a farmer Mr. Chair but would two rows of trees through that prime ag, is there any way you could put a dollar amount on what that would cost Mr. Jennings in loss of productivity? Chairperson Holst stated he knows what he does with a tree on farmland, he takes the bulldozer to it. He also knows this is a recreational use in an ag district and we have promoted that type of thing. Ms Munkittrick stated she understands that and also you have promoted aesthetics and preserving scenic views and scenic areas. This is a situation where you can do both. This operation can continue but the scenic area can be preserved by requiring some type of screening of the operation. It's not an all or nothing situation here. She thinks you have an opportunity to both preserve those property values and the area not just for Mr. Sponsler but other property owners and people who may choose to develop there and continue the operation of the paintball park. Chairperson Holst stated he is more concerned about the continuation of an agricultural field because the agricultural field is the neighbor to Mr. Sponsler. The paintball park is a distant neighbor to Mr. Sponsler, in his opinion. We will talk about it as a committee. Sanden asked in the original offer, Reed, you mentioned purchasing a strip of land not more narrow than 250ft. Why the 250ft, it seems like all you would need would be a strip wide enough to put in a row of trees. Mr. Sponsler stated he wanted, up at the top of the hill the berm kind of rises as it goes away from his place and he wanted to put them out there. Sanden asked if the land he wanted to purchase was adjacent to his property. Mr. Sponsler stated yes, just north, a strip the length of the 40, that way he could block it from when he enters his driveway so he doesn't have to look at it. Sanden stated maybe he is misreading it. So you wanted the 250ft strip long, not deep. Mr. Sponsler stated no, 250ft deep the length of the 40. Sanden stated he can see the reticence of giving up that much farmland but if it was one small strip to put in a row of trees, that might be something he would be a bit more easy to accommodate. It seems to me that at this point, it's your property that is really being affected; it would just make a lot more sense to put a very small strip of trees on your northern border than to put a much longer strip along the entire southern border of his property. He knows you have been in negotiations between the two of you and it just seems whether or

not you pay for all of it, pay for half of it or the other party pays for all of it, it just seems like it would be a lot more efficient, a lot more cheaper and would accomplish the same goal. He understands without being privy to all of your negotiations back and forth and he doesn't know where the negotiations broke down, but it would just seem in everyone's best interest to just put a strip of trees along your northern border. Part of it looks like there already is some partial screening with some trees up there. Mr. Sponsler stated yeah, in his backyard there is. Sanden stated another 100ft maximum. Mr. Sponsler stated the agreement that they had reached that fell apart, the last agreement was the row of 250ft in length, one row planted on the field on the dividing line between me and Mr. Jennings and one row planted in his field and he was going to pay for half of the trees, at that time. The Town caught wind that it is a commercial paintball park so they taxed him commercial and then he told me there would no longer be any trees planted. At that point, he offered to pay for half of them now he is not offering to pay for half of them now but that would be acceptable. Ms Munkittrick stated the location. Mr. Sponsler stated the location of the trees by his house. The concern is that if they planted along the southern border of the park, then you can't see it from the road and who knows what will happen in the future with other properties around there. Snow stated he has a question for Mr. Pichotta, he lives in Spring Valley and we have commercial businesses right in the middle of agricultural property and residential property. He understands that we can issue CUP's on a case by case basis. Does this not lead us down a slippery slope of someone across the road from that convenience store stated, you know what, I want that screened. Pichotta stated what is important to remember is that screening isn't intended to or expected to render something invisible. It's to provide a broken up view. Snow stated that business is not there on a CUP, he understands that, but do we go down that slope. Pichotta stated a conditional use permit is a discretionary decision by the committee and it's based on a proposed use at a proposed location and so technically it ought not be precedential but certainly one could argue that if you required something in one case then something similar comes before you and somebody reads the minutes, they surely could come in and say you did it for them, I would like that same treatment. Sanden stated a few years back down on Hwy 10, near County Rd J, that was somewhat similar to this. That was a commercial use that abutted next to residential and it was after the CUP that we did go back and have them put in those trees because it was seen as a visual blight. Does that have any relevance to this particular issue. Pichotta stated there are some similarities to the situations given that that particular residence was up on a hill and it did look down. Chairperson Holst stated the distance was considerably less. Pichotta agreed. The district that the implement dealer was located in, he believes is zoned commercial. So there are some similarities but there are also some differences. Snow asked Mr. Jennings, I would assume you plant corn in this field? Mr. Jennings stated it's a rotation, corn, soybeans. We have started shifting a little bit into some no till because of the erosion factors. He is obviously concerned about that with the hydrology report. We've got over a mile of waterways on the east side of 1160th Street where they have put in 36ft wide over the last couple of years, that the soil conservation office told him he didn't need. Then when they had the seven year rain storm and they came out and said "Oh my God, we've got to do something". He stated they needed to do something four years ago when he asked them to do it the first time. The primary use for him, right now, is that it is helping him to preserve his topsoil. If you want to stretch it out, the Kinnikinnic, the St. Croix and the Mississippi Delta, every ton of topsoil that comes off his farm eventually makes it down to Louisiana. He happened to be lucky enough to find a secondary use for his property where he can still make some income because the farm economy is horrible anyway. Mr. Tholey and he talked about it, his attendance is down for his traffic and hence the extra taxes and whatever, he couldn't do the trees anymore, at that scope anyway. But they will respect whatever your decision is because they have abided by the rules thus far. They have no reason to not do it anymore. Trees on the south side will shade that field and he will lose a certain amount of production. He could go take pictures of the existing trees on the fence row and show you the soybeans this year. Show you the soybeans out in the middle of the field are this tall and the ones next to the tree row are barely squeaking by. He doesn't want to be a bad neighbor. He is just a business guy trying to feed his family. Ms Munkittrick stated this is a use that is significantly different from all the surrounding area. You have the ordinance that gives you the tools to minimize the impact. This is a commercial, money-making operation. She would also remind the committee of Belle Vinez. It is similar, it's in this same area and she thinks in that situation it was a different operation from the surrounding uses, primarily residential that the committee did require berms and vegetative screening. We aren't asking for berms but

vegetative screening would help minimize the impact his operation has on the surrounding property. Mr. Sponsler has said he would be willing to consider screening just on his property with a row on one side of the fence and a row on the other side on the northern. Mr. Sponsler stated one row on the fence line and one row in the field. Ms Munkittrick stated to basically screen where his home is. She thinks the committee should really consider that, it's quite an accommodation and it would help preserve property values and just enjoyment of living in that area. Thank you. Mr. Jennings stated Belle Vinez was granted their conditional use, Belle Vinez serves alcohol, we don't Belle Vinez has an exhaust fan for their kitchen and whatever, they have lights, Chairperson Holst stated he doesn't think it's fair to compare the two and yours is the application in front of us. Mr. Jennings stated she compared them. Ms Munkittrick stated she compared them in response to the question of whether it's been done before and it has in the same area. Sanden asked Andy if he could be kept in line if he proposes something that really shouldn't be done. He does this at his discretion, given the different options in front of us, would it be agreeable to both parties to delay this decision until the next meeting and you two can get back together, it's either going to be putting in a lot of trees on your southern boundary or a couple trees on his property. If you guys can get together and I would hope that paying 50% of a few trees on Mr. Sponsler's property might be a cheaper solution. Is that something that we can do? Pichotta stated it's certainly within your discretion to request that. Sanden stated that he hates to put a financial burden on them to put in two rows of trees 800ft long, where it might just be a dozen trees or less on Mr. Sponsler's property. Would you see that as being a reason to go back to the negotiation table and work out something like that? Mr. Jennings stated that as you can see from the bid he obviously had pursued that when Mr. Sponsler and he had verbally agreed. He had told me that he had expected me to keep all the trees alive and that on the south boundary but he doesn't have access to any water up there. He wants seven foot trees now by what they are asking for. You try and put seven foot trees in there with the prevailing winds that come through there, they are going to tip right over. Seven foot trees won't work. He isn't saying that because he's trying to get out of it. He is telling them seven foot trees won't work. Mr. Tholey has safety netting on his north edge to prevent any stray paintballs from getting into the parking area or his observation area. The winds shred that net. Shorter trees would be fine. They would grow up over time but they wouldn't be an immediate fix. Over time on that south border, the taller they get, the more they shade my field. Chairperson Holst stated if you took that picture with the rocks and stuff there, you ain't going to give up a lot of yield along that south border. Mr. Jennings stated it's actually better than you think it is. Chairperson Holst stated he would go to continuous corn and tell him to stick it but he's not my neighbor and I'm here in a different capacity. Mr. Jennings stated he doesn't want to go that way. Chairperson Holst stated that he would suggest the two come to a conclusion that is fair and amicable to everybody. He does think that if we give you a month to come up with something, he seems willing to do something, you seem willing to do something. He can understand you being pissed off about getting your agricultural to commercial taxation wise but that's got nothing to do with us. That is something out of the picture. He even doubts if it has anything to do with Mr. Sponsler. Sometimes things seem different than they are. He hates to go down this road because pretty quick someone will come in and say "you know that farm yard over there, he has three more cows than he used to have" and it's in an ag district, you know where I'm going with this. I don't want to go there. Snow stated as he looks at this photo and if there were 50 calf huts out there and 125 beehives and a building used to cook maple syrup, he doesn't know what the difference would be in how it looks but that's just his opinion. Sanden the argument to be made is that those are agricultural buildings and that is what you would expect to see in a rural area. He agrees that they look the same from the outside but you look at that like something to be expected. He just wishes you guys would come to an agreement, a few more trees on the north border of Mr. Sponsler's property. He just thinks that would solve everything. Ms Munkittrick asked if you are saying you would just postpone your decision and if the parties can't come to an agreement you will put it on the agenda for the next meeting? Sanden stated he knows that is the reason that you are here right now because you have tried to do that once and it failed so now we're here. That is what he is proposing. Mr. Sponsler would be amenable to that but also it may, if they can't reach their solution she would urge the committee to come out to the property and actually see it because photographs and actually seeing it are two different things. That might help you just see it from the Sponsler property so you can see what it's exactly like. With that a little more time to try to resolve it and if it can't be resolved if you would come out for a site visit and then put it on the agenda.

We would accept that. Mr. Jennings stated if you are going to come out for a site visit, come out on a weekend when they are playing so you can see Mom reading her book and while the kids are playing paintball. Mr. Tholey stated or come play yourself. Ms Munkittrick stated they are not asking for the operation to be closed down, all that will continue if screening were put up. Chairperson Holst stated that he believes ag land in Clifton Township is probably under valued at \$5,000.00 an acre. That offer he doesn't think was quite enough but he also understands that things are different here. He truly hopes they come to an agreement. You have \$641 on this one sheet you gave us, is that the difference in tax value. Mr. Jennings stated that is the increase in tax value, in tax base. \$1442 is the total, \$801.00 and \$641.00 are the two differences. Chairperson Holst asked what's the difference in the actual taxation? Mr. Jennings stated that is the actual. They went to the County Clerk with the difference in assessment and she gave them those numbers on the two parcels. Ms Munkittrick stated that's a function of using it for a commercial purpose. Chairperson Holst stated it's also a function that they could go to the Board of Review and get it reversed too. That is their option and they could and should take that option if they feel they are being taxed or classified in the wrong district. Pichotta suggested a motion: **Motion to defer action until a future date to give the applicant and neighbor an opportunity to attempt to resolve this on their own with the expectation that if they are unable to do so, it will be placed on a future agenda for the committee's consideration/Sanden moved/Snow seconded. All in favor. Motion passed.** Mr. Jennings asked if we have a date as to when we will revisit this. Pichotta stated not specifically, probably a month or so, does that seem reasonable? The committee meets the first and third Wednesday of each month. He doesn't expect the committee to make a field trip out there together because our county attorney actually frowns upon such things - so what we would do is encourage them to go individually so there wouldn't be quorum issues. So if you are unable to reach any kind of an agreement, he will inform the committee members of that in a letter which he will copy to you folks and encourage them to view the site and to call each of you prior to visiting the site. Ms Munkittrick stated the Sponsler's really want and encourage that. Pichotta cautioned against ex parte communication. Ms Munkittrick stated correct. Chairperson Holst stated that it would be beneficial to all parties if you can come to an agreement.

Chairperson Holst stated agenda item #6 has been pulled by the applicant.

Agenda #7 Committee to convene into closed session pursuant to WI §19.85(1)(c) considering employment, promotion, compensation or performance evaluation data of any public employee over which the government body has jurisdiction or exercises responsibility; to-wit; performance evaluation of Land Management Director. Aubart moved to convene into closed session at 6:55pm /Snow seconded. Roll call vote: Sanden – yes, Holst – yes, Aubart – yes, Snow – yes. All in favor. Motion passed.

Snow moved to reconvene into open session at 7:22pm and take action on closed session item/Aubart seconded. Roll call vote: Sanden – yes, Holst – yes, Aubart – yes, Snow – yes. Snow moved to grant a favorable performance evaluation for Land Management Director, Andy Pichotta and to grant a step increase if eligible/Aubart seconded. All in favor. Motion passed.

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

Departmental Update and Future Agenda Items

Public hearing for a conditional use permit for a Utility Facility >1,000sq ft for bulk LP storage in the Town of Trimble and Site Plan Review.

There may be a status report on the Holst/Total Excavating mine in Diamond Bluff.

Motion to adjourn at 7:24pm by Snow/Aubart seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING REVISED AGENDA
Wednesday, June 21, 2017 – 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 5 th & 19 th , August 2 nd & 16 th , all in 2017.	Chair
3	Approve minutes of the June 7, 2017 Land Management Committee meeting.	Chair
4	Public hearing to consider adoption of the updated Pierce County Comprehensive Plan.	Pichotta
5	Discuss take action on a request for screening of a Private Outdoor Recreational Use (Commercial Paintball Playing Field) in the Primary Agriculture District for Aaron Tholey, agent for Timothy & Carolyn Jennings, owners on property located in the NW ¼ of the SW ¼ of Section 5, T27N, R19W, Town of Clifton, Pierce County, WI.	Roy
6	Discuss take action on a request for renewal of a conditional use permit for Nonmetallic Mining in the Primary Agriculture District, pursuant to Pierce County Code Chapter 240-37A, by John Rohl, agent for John C. Rohl, Jr and John C. & Alva-Jeanne Rohl Life Estate, owners on property located in the NW ¼ of the SW ¼ of Section 28, T27N, R19W, Town of Clifton, Pierce County, WI.	Roy
7	Committee to convene into closed session pursuant to WI §19.85(1)(c) considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility; to-wit; performance evaluation of Land Management Director.	Chair
8	Committee to reconvene into open session and take action on closed session item, if required.	Chair
9	Discuss take action on Travel/Training Requests.	Pichotta
10	Future agenda items.	Pichotta
11	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.

(6/9/17)

- **Revised June 13, 2017 @ 2:39pm. Changed the order of the agenda items.**

PIERCE COUNTY WISCONSIN
DEPARTMENT OF LAND MANAGEMENT & RECORDS
PLANNING, ZONING, SURVEYING & GIS
414 W. Main Street P.O. BOX 647
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MINUTES - Pierce County Land Management Committee Meeting, June 7, 2017

Present: Jon Aubart, Joe Fetzer, Jeff Holst, Eric Sanden and Ken Snow

Others: Andy Pichotta and Shari Hartung

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

Next meeting dates: June 21st, July 5th & 19th, August 2nd & 16th, all in 2017.

Approve Minutes: **Snow moved to approve the May 17, 2017 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 an Accessory Residence in the General Rural Flexible 8 District pursuant to Pierce County Code 240-40A, for James & Mary Ashbach, owners on property located in the SW ¼ of the SW ¼ of Section 15, T27N, R19W, Town of Clifton, Pierce County, WI. Chairperson Fetzer invited Mr. Ashbach forward:

Staff Report – Andy Pichotta: The applicants' have an 8 acre parcel located in Section 15, Town of Clifton and is zoned General Rural Flexible 8. Pierce County Code (PCC) 240-40A allows accessory residences which are accessory to single-family residences in the General Rural Flexible 8 District with the issuance of a CUP. PCC 240-88 defines Accessory Residence as:

A. A dwelling unit that is accessory to a nonresidential use on the same lot, is the only dwelling unit on the lot and provides living quarters for the owner, proprietor, commercial tenant, employee or caretaker of the nonresidential use.

B. A dwelling unit located in an accessory building located on a residential parcel.

PCC 240-88 defines Accessory Building as, "building, not attached to a principal building by means of a common wall, common roof or an aboveground roofed passageway, which is:

A. Subordinate to and serves a principal structure or a principal use.

B. Located on the same lot as the principal structure or use served.

C. Customarily incidental to the principal structure or use.

The applicants own 8 acres with 1 home, 1 shed, 1 well and 1 septic system currently located on the site. The principal residence is 3,654 sq ft (basement plus 1st story) and excludes the attached garage (24'x31'). The conventional septic system was permitted in 1968. The applicants propose to build a 40' x 70' shed with a 1 bedroom accessory residence (40'x21') and attached porch (8'x21'). The accessory residence will be used by the applicant's father. The applicants propose to hire a plumber to install a holding tank for the accessory residence. PCC Ch 115 Numbering of Buildings and Roads states that all properties or parcels and principal buildings shall be assigned an address based on the uniform numbering system. The Clifton Town Board recommended approval of this request on 2-7-17 without any concerns or recommended conditions. The Town did not reference its Comprehensive Plan. No renewal of this request will be necessary provided the use is established within 12 months of approval.

Staff Recommendation: Staff recommends the Land Management Committee determine whether the request is contrary to the public interest and whether it would be detrimental or injurious to public health, public safety or the character of the surrounding area. If found to be not contrary to the above, staff recommends the Land

Management Committee approve this conditional use permit for an accessory residence with the following conditions:

1. The applicant shall hire a Wisconsin Licensed Master Plumber to obtain a sanitary permit and the plumber shall install a septic system for the accessory residence.
2. The applicant shall work with the Town Building Inspector, Todd Dolan, to determine whether a permit from the town is needed and to ensure compliance with the Uniform Dwelling Code (UDC) requirements.
3. The applicant shall obtain a separate uniform address number for the accessory residence.

Chairperson Fetzer opened the hearing to the public. No public comment. **Chairperson Fetzer closed the public hearing.** Sanden asked Andy if they need to have a kitchen facility in order for it to be a dwelling unit or is access to the main kitchen facility in the main house is enough. Pichotta stated that would be enough, you could simply put in; it could be a bedroom and a bathroom. Sanden stated he sees the bathroom, he doesn't know if he saw the kitchen. Holst stated he has a microwave so he doesn't know how much more you need to cook with. Sanden stated he was just wondering what is the legal definition of building units. Usually require kitchen access and bathrooms and he is assuming the main house kitchen is available. Holst stated it has a microwave and a refrigerator. Sanden stated his eyes are really bad. Now he sees it. Holst stated on the second drawing. Nick Ashbach stated his culinary skills aren't very good so it won't be very much, somebody mentioned microwave and can opener. Chairperson Fetzer stated welcome to the club.

Sanden moved to approve the conditional use permit for an Accessory Residence for James & Mary Ashbach with conditions #1 - #3 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/Holst seconded. All in favor. Motion passed.

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

Departmental Update and Future Agenda Items

Public hearing to consider adoption of the updated Comp Plan.

Rohl pit which was renewed for 60 days a few meetings back will be back for consideration.

Discuss take action on a request for screening for a private outdoor recreational use, commercial paintball playing field in the Town of Clifton. That issue came up a little bit when we did the renewal and we had hoped the neighbors could come up with some sort of a solution, they could not so we're bringing it back for your consideration.

Performance Evaluation of Land Management Director.

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

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, June 7, 2017 – 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: June 21 st , July 5 th & 19 th , August 2 nd & 16 th , all in 2017.	Chair
3	Approve minutes of the May 17, 2017 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for a conditional use permit for an Accessory Residence in the General Rural Flexible 8 District pursuant to Pierce County Code Chapter 240-40A, for James and Mary Ashbach, owners on property located in the SW ¼ of the SW ¼ of Section 15, 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.

(5/26/17)

PIERCE COUNTY WISCONSIN
DEPARTMENT OF LAND MANAGEMENT & RECORDS
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MINUTES - Pierce County Land Management Committee Meeting, May 17, 2017

Present: Jon Aubart, Joe Fetzer, Jeff Holst, Eric Sanden and Ken Snow

Others: Andy Pichotta, Ryan Bechel and Shari Hartung

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

Next meeting dates: June 7th & 21st, July 5th & 19th, all in 2017.

Approve Minutes: **Aubart moved to approve the May 3, 2017 Land Management Committee minutes/Sanden seconded. All in favor. Passed with Snow not voting because of his absence at the last meeting.**

Public hearing to consider and take action on a request for a conditional use permit for an Accessory Residence in the Rural Residential 20 District pursuant to Pierce County Code 240-40A, for Leanne Abbas, owner on property located in the SE ¼ of the SE ¼ of Section 34, T25N, R18W, Town of Trenton, Pierce County, WI. Chairperson Fetzer invited Ms. Abbas forward: Ms. Abbas stated she is applying for a conditional use permit for a secondary residence to make it legal and right. She bought into it and it wasn't set up right. So she is trying to make it right.

Staff Report – Ryan Bechel: The applicant purchased the property in November, 2016 The previous owner converted an existing accessory building into a second dwelling without obtaining proper permits. When the applicant acquired the property, it was being processed by Land Management staff for violation of PCC §240-40A, which requires issuance of a CUP to establish more than one dwelling on a single lot. The applicants are now requesting a conditional use permit to enable the existing accessory building to be legally used as an accessory residence. The primary residence is occupied by the applicant's son, and the accessory residence is to be occupied by the applicant. The 0.48 acre property is located in the Town of Trenton and is zoned Rural Residential 20. Pierce County Code §240-40A allows accessory residences which are accessory to single-family residences in the Rural Residential 20 District with the issuance of a CUP. Pierce County Code 240-88 defines Accessory Residences and Accessory Buildings. The property consists of a mobile home with a 30ft x 28ft detached garage and an accessory building. The 3 bedroom mobile home was placed on the site prior to permits being required. The structure measures approximately 10ft x 70ft and includes 10ft x 18ft and 16ft x 30ft permitted additions (1360ft² total). The single story accessory structure was also apparently established prior to permits being required and measures 40ft x 28ft (1120ft²), and is proposed to have one bedroom. The principal residence (mobile home) and accessory residence share an existing conventional septic system and well. No records exist on file for the existing septic system. The accessory structure is an existing non-conforming structure due to it not adhering to established setback requirements to CTH K (100 feet from centerline) and CTH VV (110 feet from centerline). PCC §240-66(D) allows for the establishment of new uses in existing non-conforming structures provided that the proposed use is permitted in the zoning district in which it is located. Access to the lot is provided off of CTH K. The existing address is W8112 CTH K. PCC Ch 115 Numbering of Buildings and Roads states that all properties or parcels and principal buildings shall be assigned an address based on the uniform numbering system. The Trenton Town Board recommended approval of this request on 4/18/2017 listing the following concerns/suggested conditions:

“That Pierce County have the sewer inspected and that it meets all requirements for the second dwelling on the property. The \$50.00 CUP fee is paid. There will be a 60 day notification to Trenton Town Board before two year renewal.”

Conditional Use Permits for accessory residences do not typically require renewal provided the use is established within 12 months of approval.

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 an accessory residence with the following conditions:

1. The applicant shall work with the Town Building Inspector (Galen Seipel) to determine whether permits from the town are needed to ensure compliance with the Uniform Dwelling Code (UDC) requirements.
2. The applicant shall obtain a separate uniform address number for the accessory residence.
3. The applicant shall have the POWTS system evaluated by a licensed professional to ensure compliance with state sanitation regulations and shall obtain any necessary permits.

Chairperson Fetzer opened the hearing to the public. Jim Coughlin stated he is in favor of it. The applicant noted that is her father. Harlen Grant, Town of Trenton, stated he knows who used to own it and they said that when it was sold as is, one had to be removed or replaced. It was in the writing in the papers. He doesn't know how Jay sold it because he knows him too. Ms. Abbas (the applicant) stated it said just that the new owner has to obtain a CUP. Chairperson Fetzer asked Mr. Grant if he is a neighbor. Mr. Grant stated yes. Chairperson Fetzer asked how many years has the secondary residence been there? Mr. Grant stated the trailer wasn't worth fixing when they did it was at the most five years ago, they converted that one and were going to get rid of the trailer. I guess it didn't go that far. They did say, even at that time, that you could either have one or the other. You could not rent it out. You had to live in either the apartment or the trailer. If you lived in the trailer, which would have to be a double-wide or obviously what you are doing right now. Holst asked who “they” are. Mr. Grant stated this is from Alan & Jeanette Nelson who used to own it. They did all the work to it, someone that was licensed, he doesn't know who did the work but it was a licensed contractor that did the work on the apartment. They said that the trailer wasn't worth fixing. They would have more money into the trailer than it was worth to convert it. It was either one or the other. Ms Abbas stated she was told you could have the two residences as long as you get the permit. The trailer is definitely worth fixing. Do you just not want the house there? Do you want it torn down? Mr. Grant stated he isn't saying that. He is just stating what he was told. He even looked at buying it. Ms Abbas stated you have to go through the hoops, which she is doing. It seemed like a shame to tear down affordable housing in Pierce County. We've got a dog food plant and a strip bar close by. She is asking to keep a house. Holst noted that it's where the viaduct used to be.

Chairperson Fetzer closed the public hearing. Holst stated as long as she is going about this the right way and making this thing legal, the past is the past, if it meets the criteria. Chairperson Fetzer stated he would have to agree. Ms Abbas stated Mary Jo Huppert is coming next week to do the soil test. Then we will comply with whatever she finds.

Holst moved to approve the conditional use permit for an Accessory Residence for Leanne Abbas with conditions #1 - #3 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/Snow seconded. All in favor. Motion passed.

Discuss take action on Site Plan Review in the Primary Agriculture District, pursuant to Pierce County Code Chapter 240-75, by Town of Martell (Town Shop), owner on property located in the NE ¼ of the NW ¼ of Section 14, T27N, R17W, Town of Martell, Pierce County, WI. Chairperson Fetzer invited David Daleiden (Cleary Building Corp) forward: Mr. Daleiden explained that Martell Township plans to store their plow trucks, town equipment to do maintenance around the roads. That is what they are using it for. It will have a restroom in it. They have five employees listed. Maximum five employees, they only have one working there currently. They just need a place to store their grader. A new shop, because the one they have is

currently beat down and needs work. It's going to be a basic box building on a four foot frost wall, pretty simple building.

Staff Report – Andy Pichotta: This is a request by the Town of Martell. They are seeking site plan approval for the construction of a new Town Shop. They have one employee. No oil changes or truck maintenance will be performed in this proposed building. Pierce County Code §240-75 requires site plan review for new construction for institutional uses. The purpose is to assure site designs that promote compatibility between land uses, create safe and attractive site layouts and structures, provide proper access to streets and transportation, protect property values and contribute to efficient land use in Pierce County. The 1.7 acre parcel is in Section 14 in the Town of Martell and is zoned Primary Agriculture. The property is bordered by agriculture, residential and institutional (Town Hall & Cemetery) uses. All adjacent properties are in Primary Agriculture zoning districts. The applicant proposes to construct a 48ft x 72ft storage shed that is 26ft in height. The shop will have running water, a concrete floor, a floor drain for snow melt and a holding tank septic system. Setbacks are laid out and met. Information is in the staff report regarding the Vision Clearance Triangle. The proposed structure is located outside of the Vision Clearance Triangle. The proposed driveway access is 122 feet wide and located north of Unnamed Town Rd/Church Lane. The first time he reviewed this, this did not jump out at him but Pierce County Code 240-57 Access to Public or Private Roads stipulates that maximum driveway width can be only 35 feet. They could have two 35 foot driveways but they can't have one that is 122 foot. Holst asked if they could have two that touched one another. Chairperson Fetzer stated if it had a centerline in between. Pichotta stated that is a interesting question that he is not prepared to answer off the top of his head. Mr. Daleiden stated he talked to the excavator and he said they will do anything. Two 35 footers work. He doesn't know what the parameters are for how wide they have to be apart from each other. They will probably make a loop in and make it easier. Pichotta stated there are no existing structures on the property. The applicants are proposing to install exterior security lighting. They propose a wall sign displaying the Town name sometime in the future. The proposed construction is exempt from Landscape Buffer requirements per Pierce County Code §240-31B. A total of 4 parking spaces are proposed, with one being ADA compliant. PCC §240-54A does not list a specific parking requirement for this use. Staff believes the plans submitted have sufficient parking based on similar uses.

Staff Recommendation: Staff recommends the Land Management Committee review the proposed site plan and determine if any changes or modifications are necessary. The LMC should consider proposed structures, architectural plans, neighboring uses, use of landscaping and open space, parking areas, driveway location, loading and unloading areas, highway access, traffic generation and circulation, lighting, drainage, water and sewer systems, as well as proposed operations.

The LMC may impose time schedules for completion of buildings, parking areas, open space uses, drainage and erosion control systems and landscaping and may require appropriate sureties to guarantee that requirements will be completed on schedule.

If no changes or modifications are determined to be necessary, staff recommends that the LMC approve the Site Plan as proposed with the following conditions:

1. The applicant shall obtain a State Sanitary Permit for the holding tank prior to other permits.
2. Uniform street numbering sign numbered 800th Avenue shall be required at the intersections with US Hwy 63 and County Rd Y and shall be installed by the applicant.
3. The applicant shall obtain a new uniform address sign for the new Town Shop.
4. Applicants shall follow all conditions and receive all necessary permits from WI DNR, DSPS and other agencies as required.
5. Prior to installation of a wall sign, the applicant shall submit information regarding the proposed sign so the Department can verify code compliance.
6. Applicants shall obtain a Land Use Permit for this and any future structures.
7. Applicant shall contact the Town Building Inspector, All Croix Inspections, to determine if a building permit is required and shall secure any permits determined to be necessary.

8. Driveway widths shall not exceed 35 feet.

Holst stated we added number 8 because he figured out you couldn't have 122 feet but you could have numerous 35 foot ones. **Holst moved to approve the Site Plan Review for Town of Martell (Town Shop) with conditions #1 - #8/Sanden seconded.** Holst asked do you expect to get this done in relatively decent time frame? Mr. Daleiden stated the plan is they will start the excavation the end of June. That will be done by Leonard's Excavating. Plummer Concrete comes to start the project probably the second week in July. Build time they expect probably right around a month timeframe. Holst asked about stabilizing the site, are they going to put up silt fences because he doesn't want that stuff running down into the Rush. Mr. Daleiden said they have silt fences so don't worry about that. Plan around a month build time between subs and subcontract work with Walter's Electric. Mr. Daleiden stated they are good guys and they have to have it done for sure because of a late penalty clause and have to be complete by October. Holst stated then we don't need any surety on this. **All in favor. Motion passed.**

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

Departmental Update and Future Agenda Items

Public hearing for a CUP for an accessory residence in the Town of Clifton.

Motion to adjourn at 6:22pm by Snow/Holst seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, May 17, 2017 – 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: June 7 th & 21 st , July 5 th & 19 th , all in 2017.	Chair
3	Approve minutes of the May 3, 2017 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for a conditional use permit for an Accessory Residence in the Rural Residential 20 District pursuant to Pierce County Code Chapter 240-40A, for Leanne Abbas, owner on property located in the SE ¼ of the SE ¼ of Section 34, T25N, R18W, Town of Trenton, Pierce County, WI.	Bechel
5	Discuss take action on Site Plan Review in the Primary Agriculture District, pursuant to Pierce County Code Chapter 240-75, by Town of Martell (Town Shop), owner on property located in the NE ¼ of the NW ¼ of Section 14, T27N, R17W, Town of Martell, Pierce County, WI.	Lund
6	Discuss take action on Travel/Training Requests.	Pichotta
7	Future agenda items.	Pichotta
8	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.

(5/5/17)

PIERCE COUNTY WISCONSIN
DEPARTMENT OF LAND MANAGEMENT & RECORDS
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MINUTES - Pierce County Land Management Committee Meeting, May 3, 2017

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

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

Absent: Ken Snow

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

Next meeting dates: May 17th, June 7th & 21st, July 5th & 19th, all in 2017.

Approve Minutes: **Sanden moved to approve the April 5, 2017 Land Management Committee minutes/Aubart seconded. All in favor. Passed with Holst not voting because of absence at the last meeting.**

Public hearing to consider and take action on a request for a conditional use permit for Expansion of a Nonconforming Structure in the Commercial District pursuant to Pierce County Code 240-67A(2), and Site Plan Review per Pierce County Code Chapter 240-75, for Skogen Enterprises LLC, John Skogen, owner on property located in the SW ¼ of the NE ¼ of Section 35, T26N, R15W, Town of Rock Elm, Pierce County, WI. Chairperson Fetzer invited Mr. Skogen forward: Mr. Skogen stated he would like to build a deck on the end of the existing structure.

Staff Report – Emily Lund: The applicant owns a tavern on a 1-acre corner lot at the intersection of Cty Rd S and Cty Rd X. He also owns a 2-acre baseball field located west of the tavern and across Cty Rd S. The applicant is requesting to expand the existing nonconforming structure. The existing structure is located in the vision clearance triangle, is 48 ft from the center line of Cty Rd S and is 58 ft from the centerline of Cty Rd X. The proposed expansion is an 8 ft x 29 ft open-sided deck with an overhang roof attached to the north end of the existing tavern. The deck would align with the east and west walls of the current structure. The expansion would be partially in the vision clearance triangle and also be 48 ft from the centerline of Cty Rd S. The expansion would satisfy all other setback requirements. A variance and land use permit were issued in 1994 for a 20 ft x 24 ft north addition. An old garage was removed as per a variance condition. The tavern has an existing living quarters upstairs and an existing open-sided porch with roof overhang along the entire west side of the building. Site Plan review is required for the construction or expansion of commercial structures and given that the issues reviewed when considering issuance of a CUP are the same as those considered for site plan review, both actions are being presented as a single agenda item. The parcel is located in Section 35 in the Town of Rock Elm. The property is in the Commercial Zoning District. PCC §240-67A(2) states, “Additions to or extensions of nonconforming structures are permitted, provided such additions or extensions comply with all the provisions of this chapter or a conditional use permit is granted as provided in §240-76.” Setbacks distances are described in the staff report regarding the setbacks from County Highways and Vision Clearance Triangle. The tavern is located entirely within the Vision Clearance Triangle area of Cty Rd S and Cty Rd X. As noted above, the placement of structures within the Vision Clearance Triangle area is typically prohibited. However, this structure was constructed prior to the enactment of current restrictions. Access to the facility is off both Cty Rd S and Cty Rd X. Approximately 20 parking spaces are available. Two existing septic systems are located to the north of the property, with one for the upstairs apartment and the other for the tavern. It’s pretty level property. Land uses surrounding the property is agricultural. The nearest dwelling located 400 ft to the south of

the tavern. The proposed expansion area is currently used as open space and the proposed expansion should not negatively impact the functionality of the site. The Department of Public Health is working with tavern licensing and inspection. The Town of Rock Elm recommended approval of this request on 4-10-2017. The Town did not reference its Comprehensive Plan, so it is assumed that the plan is silent on this request. PCC §240-75 requires site plan approval for new construction or additions to existing structures and buildings for commercial uses. The purpose of site plan review is to assure site designs which promote compatibility between land uses, create safe and attractive site layouts and structures, provide proper access to street and transportation, protect property values and contribute to efficient land use in Pierce County. In reviewing the site plan, the LMC should consider existing and proposed structures, architectural plans, neighboring uses, use of landscaping and open space, parking areas, driveway location, loading and unloading areas, highway access, traffic generation and circulation, lighting, drainage, water and sewer systems and proposed operation. The LMC may impose time schedules for completion of buildings, parking areas, open space uses, drainage and erosion control systems and landscaping and may require appropriate sureties to guarantee that requirements will be completed on schedule.

Staff Recommendation: Staff recommends the Land Management Committee consider the above and determine whether the proposed expansion would be contrary to the public interest, detrimental or injurious to the public health, public safety or character of the surrounding area. If found to be not contrary to the above, and no modifications to the site layout are necessary to achieve efficient traffic flow and circulation, or to mitigate off site impacts, staff recommends the LMC approve this conditional use permit and the proposed site plan with the following conditions:

1. Activities shall be conducted as submitted in the application and as presented to the LMC. If plans are modified, the applicant shall go back to the Town for review and back to the LMC for reconsideration.
2. The applicants shall maintain the 48 ft setback from the centerline of County Road S.
3. The proposed expansion shall not be located within the County Road X right-of-way.
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 proposed expansion shall be completed within 12 months of CUP approval.
6. Applicant shall contact the Town Building Inspector, All Croix Inspections, to determine if a building permit is required and shall secure any permits determined to be necessary.

Chairperson Fetzer opened the hearing to the public. No public comment. **Chairperson Fetzer closed the public hearing.**

Sanden moved to approve the conditional use permit for Expansion of a Nonconforming Structure and Site Plan Review for Skogen Enterprises LLC, John Skogen with conditions #1 - #6 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/Holst seconded. All in favor. Motion passed.

Discuss take action on renewal of a conditional use permit for Nonmetallic Mining in the Primary Agriculture District, pursuant to Pierce County Code Chapter 240-37A, by John Rohl, agent for John C. Rohl, Jr and John C. & Alva-Jeanne Rohl Life Estate, owners on property located in the NW ¼ of the SW ¼ of Section 28, T27N, R19W, Town of Clifton, Pierce County, WI. Chairperson Fetzer asked if the applicants are here. Roy stated no one is here. They are asking for a 60 day renewal.

Staff Report – Brad Roy: This permit was originally issued on May 6, 2015. Nonmetallic mining had previously been permitted on this parcel, with Milestone Material as the operator. However, the conditional use permit expired and the use ceased for more than 12 months. 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. The property is subject to a conservation easement with the Kinnickinnic River Land Trust (KRLT). The easement required the mine to be reclaimed in 2010. The property owners and the KRLT came to an agreement to allow mining for a limited term and then have the site reclaimed. However, the mine operator could not accomplish sufficient mining within the agreed timeframe and chose not to submit financial assurance to allow for continued mining of the site. Limited extraction was completed since the issuance of the CUP. Rumpca Excavating operates the

mine on the neighboring property and is interested in mining the site. They are aware of the easement with the KRLT and are submitting plans to extract material and reclaim the site. Their initial plans are for the two mines to be combined. This will allow for the material to be mined on the Rohl site but stored on the Rumpca site for a timely reclamation of the Rohl site. A policy exception to the 100' mining setbacks will be needed for this to occur. The Land Trust and Rohl's are working on a new agreement and timeframe. Both asked for the 60 day renewal in order to get a plan from Rumpca. The existing conditions are listed in the staff report. Sanden asked if this is renewal of the existing conditional use permit or the expired conditional use permit. Roy stated this is a renewal from the 2015 conditional use permit. He doesn't know off hand when the permit issued to Milestone expired.

Staff Recommendation: Staff recommends the Land Management Committee consider the above and if the current conditions sufficiently protect the public health, public safety or the surrounding area, renew this Cup with the following conditions, as well as any additional conditions deemed appropriate:

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, MSA 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. Any plans to deviate from 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 and potentially a rezone depending on the intensity of the use.
11. New Financial Assurance consistent with the Reclamation Plan shall be submitted by the new operator prior to any mining activities taking place and kept current.

Roy stated that the applicants and the land trust are asking for a 60 day renewal to enable an agreement to be reached.

Aubart moved to approve the renewal of the conditional use permit for Nonmetallic Mining for John Rohl, agent for John C. Rohl, Jr and John C. & Alva-Jeanne Rohl Life Estate with conditions #1 - #11, modifying condition #9 to read "This CUP renewal shall expire in 60 days." /Sanden seconded. All in favor. Motion passed.

Discuss take action on a status report 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 & 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. Chairperson Fetzer invited Mr. Zimmerman forward. Mr. Zimmerman gave an update. They are very active in the community. They were nominated for the Small Business for the Chamber in River Falls. They continue to support an array of different charities and fundraisers both on premises and in the community. They are trying to do their part there as well. That is the whole purpose of this business is that it is integrated into the local fabric and the area. He also wants to take a minute because over the past year he has had an opportunity to do a few new things in his life as well and heed access to different periods of information. When the committee first approved them, it came with a little bit of challenge. There were some concerns of course and he hopes that they have demonstrated themselves in a way that has met and filled those expectations. But he thinks it's important to know a few things about what's happening in the winery industry. In 2015, from an ag tourism standpoint, we crested \$150,000,000 in revenue to the state, all wineries in. What that means, based on the velocity, this is a category of ag tourism that is getting substantial

attraction and he doesn't think we will be the last ones you see coming through the doors. Just FYI on that. Where 1300 jobs are now sustained on a full-time basis across the State and the total number of wineries as of end-of-year 2015 is 200 and we know this year it is substantially higher. He raises those points so you are aware of what's happening in the industry but also because he thinks Pierce County did the right thing. He is personally biased when he makes that statement. You took a chance on us and hopefully we are doing right by you but this is also a good growing industry for the State of Wisconsin. For their small part, some of the totals are as expected, they did see a rise in their customer volume in 2016 versus 2015 by over 40%. Over 10,000 people that entered their doors during the 2016 period. He hopes that trend continues. He doesn't want to stop there. They want to keep going. They haven't had any issues. Maybe on two occasions, of their 26 conditions, one of them requires no parking on the roadway, 875th. He thinks there was only two occasions where the parking lot filled up and what they did was begin to direct guests to their back lot. The other condition they are required to report on has to do with the wine sales being the dominant percentage of their revenue. There was only a slight modification from the last time they were here, wine sales now account for 69% of all revenue in the business. Non wine sales that includes food, they also sell some types of retail stuff, winery sort of stuff as well. That 69%, and he thinks it was Dr. Sanden last time that asked that question, but just to clarify, that does not account for wine sold in Hudson at the liquor store or in River Falls. That is the wine sold on the premises. Just to make sure that you know that in terms of the revenue coming in there. Looking ahead this coming year, Angel is telling him that they are forecasting an up year because their reservations and events planned look to be on the rise. So they won't change anything. They are still operating with the conditions and that's called free market. They like that and want to see businesses grow and flourish. That is going to happen. They are contemplating going back to the township, asking for an additional malt beverage license which would allow them to also serve beer. You have cleared that in the CUP the last time we were here. We did not ask the township at the time. Partly, they didn't ask because of the heightened sensitivity around what the heck this place was going to be, going to have the sheriff there all the time and kids are going to get hurt. None of that has proven true. So recently also the Wisconsin Department of Justice had a ruling in the favor of wineries now expanding into beer as well. Just to be clear on this, it is not in any way, shape or form, we're not going to come back here and say it's a tavern. It would be for some of the guys that are at the winery, they are there with a group and they don't drink wine. They may do that, they have not completely decided. They will have to decide in the month of May. He does have one neighbor who issued some complaints with the Wisconsin Department of Revenue, Alcohol & Tobacco Enforcement group. Agents arrived on July 12, 2016, they conducted a full inspection and everything was clear. So there were no issues. That's it. Roy stated that was pretty thorough, does the LMC want me to read the staff report? Roy noted that no formal action is needed. Chairperson Fetzer asked about any other complaints. Roy stated no, there hasn't been any other complaints, just the ones about the personal use of the facility by the applicant which we have discussed before and don't deem that as any violation. Chairperson Fetzer stated he doesn't feel you need to read the staff report. Zimmerman's report was as thorough as anything you would have presented. Sanden asked about the reservation log, how many of these people are from outside the immediate area? He would suspect someone coming from a further distance might have a greater positive impact on the local economy buy either staying overnight in River Falls or shopping in River Falls. What percentage come from outside the region? Mr. Zimmerman stated you could not have asked him a better question because this is something he is advocating strongly for, state wide now at this point and time. We want Minnesota revenue coming into this state and offsetting our tax obligation. They use Square, their point and tracking system. It does track your zip codes if you use a credit card so that shouldn't shock anybody. It's pretty common. They do have greater than 50% of their customer base is most often Minnesota. They are surprised Minneapolis is a big driver out of there. They believe they haven't quantified this but working with the River Falls Chamber that they certainly are creating a broader ripple impact on hotel stays. People will go shop the downtown area, whatever the case may be. He would like to see that number increase. He is still surprised that there are a lot of people in River Falls and Hudson that still don't know we're there. We'll keep working on that and working on bringing people over to spend their money here in Wisconsin. The addition of Cracked Barrel Winery, just up Highway 35 between River Falls and Hudson, they are becoming much more promoted as well. So you have four wineries in a tight concentration between Hudson and River

Falls. Two in Hudson, one outside; 65 Vines, Cracked Barrel, Belle Vinez and Madison Spirits downtown. He would like to see more people spend the entire day in our community. Holst, it is nice when an applicant comes in and says what he is going to do and then does it. We appreciate your business and all the work you have put in to make your winery a first class establishment. Thank you. Mr. Zimmerman stated he appreciates the committee dealing with all the stuff you did, photographs of homes and a packed room to deal with this and he is grateful and that is why he wanted to share the broader impact to the state because he thinks Pierce County, he has talked to some people in other counties and there are people fighting right now just to open a business. You said yes, we did, we honored what we said we would do and he is grateful to the committee. Sanden asked about conditions #20 & 21 of 2016 with the berm, vegetative cover and visual screen, has that all been covered to your satisfaction. Roy stated yes. No action necessary.

Discuss take action on a status report 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 Wisconsin Industrial Sand Company, agent for William McCusker, MOAP LLC, Troll King LLC, WTW Properties, Helen Holst Revocable Living Trust, William F. Holst III, William F. Holst IV, Big Acres Inc, Nancy Beeler and Leon W. & Donna L. Nesbitt, owners on property located in Sections 1, 2, 3, 4, 10, 11 and 12, all in T25N, R19W, Town of Diamond Bluff and Sections 25, 33, 34, 35 and 36, All in T26N, R19W, Town of Oak Grove, Pierce County, WI. Chairperson Fetzer invited WISC forward: Mr. Budinger introduced the team with him: Aaron Scott, Director of Mining Operations in Wisconsin, Minnesota and Missouri, Texas as well, he has quite a few mining operations under his management, Mike Melton, Corporate Director of Environmental for Fairmont, Michelle Maxson, Regional Environmental Coordinator. Mr. Budinger thanked the committee and stated this is an annual report for Diamond Bluff and Oak Grove mining operation and the next agenda item is the wet plant CUP. Their report covers both so however the committee wants to cover both through the transition, he'll leave that up to the committee but he will speak to both of those at the same time, identifying what has been going on in the last year. He stated they came before the committee this time in 2016. He won't take Brad's thunder away because he did a great job in identifying all the details here. This is a one year update and they are looking forward to interacting with the committee, answering any questions, talking about what they have been doing the last year and what their plans are within the next year. Regionally there was an industry downturn within industrial sand mining across the state. It not only affected WISC and Fairmont as a whole in Wisconsin but also several other mining operations. He thinks there were only a few operations out of the several dozen that continued to operate through that downturn. They feel as an industrial that they are seeing an uptick. The price of oil reflects that. The downturn started back in 2014, continued through 2016 and then early in 2017 they started seeing the uptick. Oil right now in the upper 40's, it's been as high as 54/55 in the last few months which has really stimulated a lot of reissuance of employees, rehiring of employees and also starting up of several mines that had been idle for a period of time. Maiden Rock, Hager City, Bay City, as well as the Menomonie operation are the three active Wisconsin sand mines. Maiden Rock they did start back up late in January, early February. They have 35 employees on site right now and they are actively hiring another 30 to come and work a 24-7 schedule similar to what they were doing back in 2015 and early 2016. They ended up idling that facility and still remaining active in a certain level of readiness as they have continued to do at Hager City and Bay City. They are actively producing sand products and shipping sand products out of Maiden Rocky right now. Menomonie also started in late 2016 and continues to run at its full capacity which is 24-6 day capacity that they are shipping not only to Cardinal Glass in Menomonie but also frac sand products into the oil and gas industry. They are very optimistic about the next several months. Although he does not have plans for Diamond Bluff mining at this point, he will discuss the activity that they have been doing and they will be doing that will hopefully lead to the mining activity in the near future. Bay City continues to be active but not actively producing sand products out of the mine there as well.

Staff Report – Brad Roy: In 2012, WISC obtained a Conditional Use Permit for a new underground mining operation in the Town of Diamond Bluff. On May 21, 2014 a Conditional Use Permit was obtained to expand the mine into the Town of Oak Grove. The mining process will be consistent with that utilized at the Maiden

Rock and Bay City mines. The mined materials will be screened, trucked and conveyed in the tunnels. The sand will either be washed at a new proposed plant at the mine entrance in Diamond Bluff or at the proposed plant expansion at the existing Hager City processing plant. The washed sand will be dried and further processed in Hager City. The mining permit encompasses 59 parcels totaling 1,867 acres in Diamond Bluff and 27 parcels totaling approximately 985 acres in Oak Grove. Activities on the site will include blasting and screening underground as well as stockpiling and loading on the surface. The LMC, at the required 1 year status report on August 7, 2013 by WISC, found that “action” had commenced at the Diamond Bluff site within 12 months and that the “use” had been established. The permit was renewed on April 6, 2016. Access to the mine entrance site is off of 1005th St, WisDOT recommends that the intersection be upgraded to the B1 class. 1005th St will also need significant upgrades. A road agreement has been reached with the Town of Diamond Bluff, but a copy has not been submitted to staff. The Wind River runs through the mine entrance site and the eastern edge of the site is in the General Floodplain District. A CUP for Filling and Grading in the Shoreland area was granted on May 21, 2014. This permit has expired and a new permit will need to be obtained. The entire mining process will take place underground using room and pillar mining. The sandstone will be mined in parallel tunnels approximately 30-feet wide separated by 70-foot wide sandstone pillars. The mining is accomplished by drilling and blasting. The applicant is proposing to operate the facility 24 hours a day, seven days a week with up to 22 employees. The mining operation is required to develop and implement a Storm Water Pollution Prevention Plan and a Spill Pollution Control and Countermeasures Plan. Waste materials will be placed back in the mine tunnels. A Fugitive Dust Plan has been developed for the operation. The plan details the measure to be taken to reduce roadway dust from stockpiles and roadways during periods of dry or windy conditions. There has been limited activity on the site since the expansion permit was received. Activities since the 2016 renewal are they have obtained a high capacity well permit, retained GZA for storm water design to avoid wetlands and to work on the permitting. Started the process for permits with the DNR, wetland evaluation, Rich will speak to these and then there is also planned activities for the upcoming year. Staff has not received any concerns or complaints regarding this operation since the 2016 renewal. The existing conditions are listed #1 - #33. One condition of note is #27, “Prior to beginning any mining activity within the Town of Oak Grove the applicant shall request to be placed on the agenda of the Oak Grove Town Board to review uses occurring in proximity to parcels authorized for mining. Concerns raised by the Town shall be presented to the LMC for review and potential CUP modification. Mr. Budinger stated where they are at right now with the wetland evaluation, that has been completed. What their intention is right now, the primary activities, their intent is to construct a storm water pond on site. Essentially it is one of two ponds that would cover us if he wanted to go in and make a major disturbance for any kind of storm water erosion control. The pond location itself is adjacent to the wetland perimeter, the line that has been established by the DNR for the Wind River. So they had a consultant do a wetland evaluation. That evaluation was completed so their next step is to finalize the design which will happen soon if not already and their intent is to submit a new application for Filling and Grading and will be going through the Town of Diamond Bluff and eventually with their recommendation, ending up here for that CUP prior to the excavation or any activity on site for that storm water pond. Also within that activity, condition #11, formal Road Agreement for 1005th, Town of Diamond Bluff, shall be established provided to the Zoning Office prior to any site disturbance. Their intention is to finalize that document. They will be requesting probably both of those topics within the next available agenda for the Town of Diamond Bluff. They have an agreement. It’s at a point where they just need to finalize the signatures. He thinks there has been some administrative challenges with getting that document. They know it was signed but they don’t have a copy. Part of the idling of the facility and losing several employees, Jeff Himes, and management staff that was leading that initiative created a problem where they just can’t find the signed copy for the road agreement. They will work with the Town of Diamond Bluff and hit the redo on that process and make sure they have that established before they have a disturbance of the excavation of a storm water pond. Those are the two main projects that are underway right now. Several other things need to happen before they can break ground. They have a request for quotes out for three excavating companies that have submitted quotes for the activity. The dollar amount is in the budget this year. They are acting in good faith to get the pond in before the end of the season so they could actually have some grass growing and soil stabilization on the edge of the pond. That is their intent. The next

time we meet, this time next year for the renewal of the conditional use permit, we will be able to give an additional update on that activity. That is the highlights, the bullet points. Looking at the rest of the activity and what's been going on, a lot of it has to do with the storm water project and also continuing to improve the property. Like he said, due to the economic downturn and also the industry and overall markets, they are seeing an upturn so they are expecting this mine will be developed in the near future. He just can't tell exactly when they will be breaking ground for portal construction. They are actively spending a significant amount of time and resources. The pond itself is going to be right around \$50,000 is what they are anticipating. The cost of the project, bringing some dollars into the local economy even though they are not actually producing sand there, they are still creating a positive impact to the economy in the area. That's where they are right now. There has been a lot of other activity going on to continue to improve the property. He wishes he could tell the committee when they would be cutting a box into the side of the hill and developing the portals, he just can't do that at this point and time. Chairperson Fetzer asked staff if the committee needs to act on this. Pichotta stated that formal action is not required.

Discuss take action on a status report for a Heavy Industrial Use (Wash Plant) in the Industrial District pursuant to Pierce County Code Chapter 240-37E, for Wisconsin Industrial Sand Company, owner on property located on the West 10 acres of the SE ¼ of the NW ¼ of Section 12, T25N, R19W, Town of Diamond Bluff, Pierce County, WI.

Staff Report – Brad Roy: In 2014, the applicant modified their mining plan and obtained a CUP to construct a wash plant to wash sand from the mine. The washed sand will be trucked to the WISC dry plant in Hager City. The proposal includes the construction of a wash plant building, conveyors and a new load out tank building. The application also stated that a temporary wash plant may be constructed for use during the construction of the permanent wash plant or the material may be trucked offsite and brought back for processing after the plant is operational. The mining application detailed the conversion of the existing residence into an office and construction of a maintenance building. The proposed hours of operation of the plant are 24 hours per day, seven days per week. Front end loaders, trucks, mining equipment and conveyors will be routinely operated outside of the mine. The site plan for the plant was approved by the LMC on June 18, 2014. The Wind River runs through the mine entrance site and the eastern edge of the site is in the General Floodplain District. A CUP for Filling and Grading was granted on May 21, 2014. As previously noted the permit expired and a new permit will be needed. On January 7, 2015, the LMC approved an expansion of the existing WISC processing facility in Hager City, which, it was stated at that time, would remove the need for the proposed wash plant in Diamond Bluff. The LMC may want to request further explanation regarding WISC's future plans as there are currently multiple permits issued to fulfill what would appear to be the same processing need. Ideally, conditional use permits that will not be utilized within a reasonable timeframe would be rescinded and reconsidered should the need again arise. The wash plant will remove clays and fine material from the sand. Flocculants will be used to remove the clays and fines and will remain in the material which will be placed in the tunnels. The wash sand is conveyed to storage bins. Trucks will be loaded inside a new load out tank building. The process, when fully implemented, has been designed so that the sand will not be exposed to the open-air. Two high capacity wells will be needed for the wash plant. The WDNR permits high capacity wells. The proposed system will reuse 90-95% of the water. A Fugitive Dust Plan has been developed for the operation. There may be some temporary storage of mined sand as the adits to the mine are being constructed. Once mining operations are in full production outside storage will not be needed. Access to the mine and processing facility site entrance is off of 1005th St. As previously discussed, a road agreement is needed. The list of activities within the last year and upcoming are listed, which Rich has discussed. He can offer further details on that. Staff has not received any concerns or complaints since the 2016 renewal. The existing conditions are listed #1 - #11 in the staff report. Chairperson Fetzer asked Mr. Budinger about this where it said they wouldn't be needing it. Mr. Budinger explained there are two wet plants and they think they will only use one. Both wet plants, both business methods of operation are viable. The one concern that they have right now is the Hager wet plant, the Diamond Bluff wet plant, you have cost, quality and some other issues that they haven't discovered yet. One of the main concerns is quality. Quality when he means Bay City, the Hager expansion; the method of operation is that half

the volume comes from Bay City and half the volume comes from Diamond Bluff to be put into the wet plant at Hager City, which is one of the wet plants that is permitted and then it goes into the dry plant. One of the concerns is that there are different varying qualities between the two and therefore we may need to keep the processes separate. That's when the wet plant at Diamond Bluff and the wet plant at Hager City work well together. Not sure if that is going to be the case, also cost, being able to develop a business model where they are hauling waste sand from Diamond Bluff to Hager and the raw sand from clays and rocks oversize, non-sand products and then hauling them back. The business model of having a wet plant at Diamond Bluff is attractive when it comes to the cost minimizing waste handling. Keep your waste at Diamond Bluff. They do that right now at Bay City, they have an underground wet plant. They aren't able to take advantage of efficiencies and technologies. They are looking forward to a new wet plant at Bay City. This would be the one at Hager City, raw sand from Bay City into Hager. There are pluses and minuses. Making sure that they have flexibility in their business model. Investment of all the consulting and permitting they went through to get to the point where they had a conditional use permit is valuable to them as an asset. Overall, it's a definition of flexibility is the way they see it. When they do get into development, he doesn't see two wet plants running unless they run into a major quality issue. He would think one or the other would prove itself making sure that they are running efficiently is a concern; an efficient operation minimizing their waste handling and that sort of thing. They haven't truly determined which one is best yet, they do feel that both those options are viable. The activity for the wet plant specifically, there is overlap with the two with the mine. They did obtain the high capacity well permit which would feed fresh water into a wet plant at Diamond Bluff. So that is the one thing that is significant to the CUP. Sanden thanked Budinger and his team. These are controversial issues, as you well know, without your due diligence, he thinks it would not have gone nearly as smoothly, thanks for dotting the I's and crossing the T's. Pichotta stated we do have a couple folks from Oak Grove and they may have a question or two. Debra McClure, Oak Grove Supervisor, asked for clarification on the permit that was issued in 2016. Was that for two or three years? Pichotta stated two years as required by our code. Ms McClure stated because it does say in here that it expires in two years, if it was issued in 2016 it would expire in one year? Because in both of these reports it says it will expire in two years. Roy stated those are the conditions from when it was issued. Ms McClure asked from 2012 or 2014. Roy stated 2016, when it was renewed. Ms McClure stated these will be updated? Roy stated that these are the conditions of that permit and that permit date is 2016. Ms McClure stated so 2018 is when it will expire. Roy stated we are just listing the conditions as they are on the permit. Holst stated this is just a one year status report on a two year permit. Holst informed WISC that they are on the Diamond Bluff agenda for the road agreement for this month. Chairperson Fetzer thanked WISC for being very forth coming and open with their information, it makes things flow a little bit better. No formal action taken.

Discuss take action on Travel/Training Requests. Pichotta stated he has one travel/training request for Emily Lund to attend a FEMA Floodplain Map Correction discussion being hosted by the Regional Planning Commission at Rice Lake on May 11, 2017. **Aubart moved to approve the Travel/Training request for Emily Lund/Holst seconded. All in favor. Motion passed.**

Departmental Update and Future Agenda Items

Public hearing for a CUP for an accessory residence in the Rural Residential 20 District for Leanne Abbas in the Town of Trenton.

Site Plan Review for Town of Martell for a new Town Shop.

Roy noted that the Rohl Pit could come whenever they get an agreement reached.

Motion to adjourn at 7:00pm by Holst/Aubart seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, May 3, 2017 – 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: May 17 th , June 7 th & 21 st , July 5 th & 19 th , all in 2017.	Chair
3	Approve minutes of the April 5, 2017 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 Commercial District pursuant to Pierce County Code Chapter 240-67A(2), and Site Plan Review per Pierce County Code Chapter 240-75, for Skogen Enterprises LLC, John Skogen, owner on property located in the SW ¼ of the NE ¼ of Section 35, T26N, R15W, Town of Rock Elm, Pierce County, WI.	Lund
5	Discuss take action on renewal of a conditional use permit for Nonmetallic Mining in the Primary Agriculture District, pursuant to Pierce County Code Chapter 240-37A, by John Rohl, agent for John C. Rohl, Jr and John C. & Alva-Jeanne Rohl Life Estate, owners on property located in the NW ¼ of the SW ¼ of Section 28, T27N, R19W, Town of Clifton, Pierce County, WI.	Roy
6	Discuss take action on a status report 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 & 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
7	Discuss take action on a status report for a Nonmetallic Mining Operation in the General Rural Flexible 8, Agriculture Residential and Industrial Districts, pursuant to Piece County Code Chapter 240-37A for Wisconsin Industrial Sand Company, agent for William McCusker, MOAP LLC, Troll King LLC, WTW Properties, Helen Holst Revocable Living Trust, William F Holst III, William F. Holst IV, Big Acres Inc, Nancy Beeler and Leon W. & Donna L. Nesbitt, owners on property located in Sections 1, 2, 3, 4, 10, 11 and 12, all in T25N, R19W, Town of Diamond Bluff and Sections 25, 33, 34, 35 and 36, All in T26N, R19W, Town of Oak Grove, Pierce County, WI.	Roy
8	Discuss take action on a status report for a Heavy Industrial Use (Wash Plant) in the Industrial District Pursuant to Pierce County Code Chapter 240-37E, for Wisconsin Industrial Sand Company, owner on property located on the West 10 acres of the SE ¼ of the NW ¼ of Section 12, T25N, R19W, Town of Diamond Bluff,	Roy

	Pierce County, WI.	
9	Discuss take action on Travel/Training Requests.	Pichotta
10	Future agenda items.	Pichotta
11	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.

(4/21/17)

PIERCE COUNTY WISCONSIN
DEPARTMENT OF LAND MANAGEMENT & RECORDS
PLANNING, ZONING, SURVEYING & GIS
414 W. Main Street P.O. BOX 647
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MINUTES - Pierce County Land Management Committee Meeting, April 5, 2017

Present: Jon Aubart, Eric Sanden and Ken Snow

Others: Andy Pichotta, Emily Lund, Ryan Bechel and Shari Hartung

Absent: Joe Fetzer and Jeff Holst

Acting Chairperson Aubart called the Pierce County Land Management Committee meeting to order at 6:00 pm in the County Board Room, Ellsworth, Wisconsin. He stated the first order of business is agenda item #8 will be struck from the agenda tonight.

Next meeting dates: April 19th, May 3rd & 17th, all in 2017.

Approve Minutes: **Sanden moved to approve the March 15, 2017 Land Management Committee minutes/Snow 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 a Gunsmith and Gun Sales Business in the Agriculture Residential District pursuant to Pierce County Code 240-36D by John Carlson, owner on property located in the NE ¼ of the NE ¼ of Section 22, T25N, R15W, Town of Union, Pierce County, WI. Chairperson Aubart invited Mr. & Mrs. Carlson forward:

Staff Report – Ryan Bechel: The applicant is requesting a Conditional Use Permit to operate a gunsmith shop at his residence in the Town of Union. The shop will provide parts and repair services for firearms (shotguns, rifles, pistols and muzzleloaders) as well as retail sale of new and used firearms, ammunition and firearm accessories (scopes, magazines, holders, etc). Additionally, the applicant is proposing to sell fishing poles and equipment, live and manufactured baits and hunting/camping gear. The applicant has applied for a type 1 Federal Firearms License (FFL) to enable him to engage in the commercial sale and transfer of firearms. Per Federal Gun Control Act regulations, persons who are engaged in the business of dealing in firearms must receive an FFL license from the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). Retail activities involving the sale of consumer goods produced off-site and not accessory to any on-site produced goods require a CUP for a Farm & Home Based Business in Pierce County's agricultural zoning districts. The 39 acre property is located in the Town of Union and zoned Agriculture Residential. Pierce County Code 240-36D permits farm and home based businesses accessory to permitted single-family residences upon issuance of a conditional use permit. In ag districts, subject to the following:

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

The property is the applicant's primary residence. The business will be located inside a 30ft x 24ft (720 sq ft) existing garage. No new structures are proposed with this request. The applicant anticipates approximately 288 sq ft (12ft x 24ft) will be designated retail floor area. The business will be operated by the applicant and his

wife. No additional employees are anticipated. Adjacent zoning districts are Agriculture Residential to the north, east and south; Light Industrial to the west. Adjacent land uses are agriculture and low density residential. Lot access is located off of 280th Ave on the north side of the property. Typical equipment utilized for this business includes a gun safe(s), hand tools, personal computer, filing cabinets and general office supplies. Primary on-site activities include the retail sale of firearms and related sporting goods items and repair/cleaning of firearms. The applicant utilizes a gun safe for storage of retail firearms. Exterior security lighting, security cameras and dead-bolted doors will provide additional security for the business. Hours of operation are proposed to be year-round from 10:00AM to 6:00PM, Tuesday through Saturday, additional hours by appointment only. Pierce County Code §240-54 specifies minimum parking provisions shall be one parking space for every 200 square feet of primary floor area for retail stores and personal services establishments. A minimum of 3 off-street parking spaces is required for this facility. The plans submitted show ample parking area to fulfill this requirement. The applicant is proposing to provide a satellite toilet on site for customer use. Solid waste disposal bins and removal services will be locally provided. Any potential hazardous materials/wastes produced on site will be disposed of through Pierce County Solid Waste & Recycling. PCC §240-61C addresses freestanding and projecting signage and states signs shall not exceed 24 square feet in sign face area in Agriculture Residential zoning districts without the issuance of a CUP. Such signs shall be limited to two per parcel. The applicant is proposing to erect one 2ft x 4ft free standing exterior sign. The applicant has existing exterior lighting installed to provide security lighting for the garage and parking areas. No additional lighting is proposed. The Union Town Board recommended approval of this request on 3/4/2016. The Town did not specify any concerns or suggested conditions in their recommendation. 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." We did receive concerns from the neighbor to the north of the property. He didn't want to see a gun range on the premises. He had some security concerns and also some questions concerning the liability of the business.

Staff Recommendation: Staff recommends the Land Management Committee determine whether the proposed use at the proposed location would be contrary to the public interest, detrimental or injurious to the public health, public safety or character of the surrounding area. If found to be not contrary to the above, staff recommends the LMC approve the proposed Farm & Home Based Business with the following conditions:

1. Activities shall be conducted as presented in the application unless modified by a condition of this CUP.
2. The business shall be conducted by the owner of the dwelling unit.
3. There shall be at least 3 off-street customer parking spaces. A minimum of one parking stall shall be ADA compliant.
4. Applicant shall provide adequate sanitary facilities for customer use.
5. The applicant shall secure and maintain all necessary federal and state firearm dealers' licenses.
6. Hours of operation shall be year-round from 10:00AM – 6:00PM, Tuesday through Saturday; additional hours by appointment only.
7. Applicant understands that expansion or intensification of this use will require issuance of a new conditional use permit. If applicant has questions as to what constitutes expansion or intensification, Land Management staff should be contacted.
8. This conditional use permit shall be renewed every 2 years. Permit may be renewed administratively if no compliance issues arise.
9. Applicant shall secure a Land Use Permit for any future signage, if required.

Mr. Carlson asked if after two years there is an additional fee for renewal? Pichotta stated that there is no renewal fee the only fee required has already been paid. Mr. Carlson asked about one of the neighbors asking about a firing range. Bechel stated yes, they would not like to see a firing range on the site. Chairperson Aubart stated we could do that during the public hearing. Mr. Carlson stated he really doesn't need a firing range. He will be doing everything with the scopes for laser inside and have a shooting box inside. **Chairperson Aubart opened the hearing to the public.** No public comment. **Chairperson Aubart closed the public hearing.** Sanden asked if discharge of the firearms outdoors is going to be a regular part of your business? Mr. Carlson

stated no. Sanden asked how delivery and shipping is handled. Is it done by your own vehicle, UPS? Mr. Carlson stated UPS and for firearms, he doesn't know if UPS or Postal service does that. Sanden stated we aren't talking tractor/trailer deliveries. Mr. Carlson stated not heavy traffic, no. It's just a small home based business and he is doing this word-of-mouth basically. He has his hands full already before he got his license. **Sanden moved to approve the conditional use permit for a Farm and Home Based Business for a Gunsmith and Gun Sales Business for John Carlson with conditions #1 - #9 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/Snow seconded. All in favor. Motion passed.**

Public hearing to consider and take action on a request for a conditional use permit for an Accessory Residence in the General Rural Flexible District, pursuant to Pierce County Code Chapter 240-40A, for Cosme and Lacey Perez Traynor, owners on property located in the NW ¼ of the SW ¼ of Section 6, T25N, R17W, Town of Hartland, Pierce County, WI. Chairperson Aubart invited Ms Perez Traynor forward:

Staff Report – Emily Lund: In 2007, the previous owners of the applicants' property obtained a land use permit to build a new dwelling and the existing older home was to be converted to storage and not inhabited. The new house was built and staff verified that the older home was no longer habitable. In 2016, the applicants purchased the property and made improvements to the older home making it habitable again. That structure (older home) is currently being occupied by relatives of the applicant. Staff received an inquiry regarding the status of the older home from an appraiser and investigated the situation. Staff determined that a CUP would be needed to enable its use as an accessory residence. The applicants are now requesting a conditional use permit to enable the older home to be legally used as an accessory residence. The property is located in Section 6, Town of Hartland and is zoned General Rural Flexible. Pierce County Code (PCC) §240-40A allows accessory residences which are accessory to single-family residences in the General Rural Flexible District with the issuance of a CUP. Accessory Residence is defined in PCC §240-88. PCC §240-88 defines Accessory Building as, "building, not attached to a principal building by means of a common wall, common roof, or an aboveground roofed passageway, which is:

- A. Subordinate to and serves a principal structure or a principal use.
- B. Located on the same lot as the principal structure or use served.
- C. Customarily incidental to the principal structure or use.

The applicants own 15.153 acres with 2 homes, 1 barn, 2 wells and 2 septic systems. The original residence was constructed prior to permits being required. Staff has estimated that it is a 34ft x 32ft, 1.5 story structure. The new residence is 65ft x 42ft, two-story structure. The principal residence (new home) has an existing conventional septic system, sized for 4 bedrooms. The accessory residence has its own existing septic system and well. PCC Ch. 115 Numbering of Buildings and Roads: states that all properties or parcels and principal buildings shall be assigned an address based on the uniform numbering system. The applicants indicated they are renting the accessory residence to a relative and requested a separate address. The Hartland Town Board recommended approval of this request on 3-14-17 without any concerns or recommended conditions (attached). The Town did not reference its Comprehensive Plan. No renewal of this request will be necessary provided the use is established within 12 months of approval.

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

1. The applicant shall work with the Town building inspector, Todd Dolan, to determine whether a permit from the town is needed and to ensure compliance with the Uniform Dwelling Code (UDC) requirements.
2. The applicant shall obtain a separate uniform address number for the accessory residence.

Ms Perez Traynor stated she did contact Todd Dolan's office yesterday and spoke with Vicki. She stated she didn't think they needed any additional permits and she would contact Ms Perez Traynor if there was.

Chairperson Aubart opened the hearing to the public. Maria Gallardo Johnson, owns two parcels that abut their property. She is wondering that since people are living there has it been inspected to meet all codes now? Pichotta stated that is what the condition referring to Todd Dolan, the Uniform Dwelling Code Inspector, would address. Ms Gallardo Johnson stated it sounded like at the end you called up and maybe you don't need any other additional things. Ms Perez Traynor stated they didn't have to build anything it was just the cabinets so there was nothing structurally that they had to alter. Ms Gallardo Johnson stated when they have asked before, they have been told that because they have two different 15 acre parcels that only one home can be on each parcel. She is not understanding why somebody can have two homes on the same parcel. Chairperson Aubart stated that is why we are here tonight to meet those conditions for the conditional use permit and also the inspector will take care of making sure, if this is successful, that the house is up to code. Ms Gallardo Johnson asked if it would set a precedence of other lands of that size around us could also then start multiple homes. Pichotta stated they already can do that, you could do that. Ms Gallardo Johnson stated they were told they could not. Pichotta asked by whom? Ms Gallardo Johnson stated they went down to get building permits and were told not on that size property. So she is curious, they don't want around them to become more dense. Pichotta stated he isn't sure who you talked to because the reality is anyone in an agricultural district could apply for an accessory residence as long as it was customarily subordinate and incidental to the principal residence. So he isn't sure who you talked to but that wasn't quite right. Ms Gallardo Johnson stated OK. We got permits for everything that they built and then when they had asked to have like an in-law area, they were told no. Chairperson Aubart suggested that is a separate matter than what we are dealing with right now, he suggests you contact Mr. Pichotta's office he can help walk you through that process. But for tonight we're going to deal with Ms Traynor. Ms Gallardo Johnson stated she understands that but is still concerned with how dense areas can be that are so close together. How many houses can be on a property? Lund stated she would be willing to meet with her since she helps people with land divisions and maybe we can help you with the land division and these different uses. Pichotta stated you can only have one accessory residence per parcel so there is not the potential for her to build five houses. Ms Gallardo Johnson stated that was her question and concern, she is worried about density happening within there. Ms Perez Traynor stated it's for my sister. Chairperson Aubart asked for any other public comment. **Chairperson Aubart closed the public hearing.** Sanden asked so the sequencing of the buildings when one was built versus the other, that is irrelevant to whether one is an accessory to the other one. Pichotta stated in this case yes. **Sanden moved to approve the conditional use permit for an accessory residence for Cosme & Lacey Perez Traynor with conditions #1 - #2, due to the fact this is not found to be contrary to the public interest, nor detrimental or injurious to the public health, public safety or the character of the surrounding area/Snow seconded. All in favor. Motion passed.**

Discuss take action on a deferred request for a Map Amendment (Rezone) from General Rural to General Rural Flexible, for Jerrod & Danette Faber, owners on property located in the NW ¼ of the NW ¼ of Section 10, T27N, R16W, Town of Gilman, Pierce County, WI. Chairperson Aubart invited Mr. Faber forward. Staff report - Emily Lund: The LMC held a public hearing for this request on 3-1-17 and after discussion, referred it back to the Town of Gilman to reconsider the justification used to recommend approval. The applicants are requesting to rezone an 11.01 acre parcel in order to split the lot into two parcels. With the current zoning district and acreage, the parcel does not have enough density to allow the split and the property owners don't want to purchase more land from adjoining property owners. The property is located in Lot 1, CSM V8, P166 in Section 10, in the Town of Gilman. Current land use is residential with a dwelling, multiple accessory structures and undeveloped. The proposed use on the proposed lot is residential with a new dwelling. Adjacent land uses are agricultural, residential and undeveloped. This parcel and adjacent zoning is General Rural. The value of land for agricultural use according to the USDA Web Soil Survey is listed in the staff report. Pierce County Zoning Code §240-15 Discusses General Rural and General Rural Flexible Purpose and Intent of Zoning Districts. 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 Gilman again recommended approval of this request on 3/15/17 stating: “Our primary justification for supporting this rezone is found in the [Gilman] Comprehensive Plan in the following places: Page 10.C. Goals, Objectives & Recommendations. Goal 1: Encourage and support a variety of affordable housing choices in the Town of Gilman. Objectives: 1. Support affordable housing options to attract future residents and first time home buyers. Because of the nature of this property and location on 850th and County Road BB, we believe this rezone is appropriate and consistent with the objectives of the Comprehensive Plan.”

Staff Recommendation: Given that the Gilman Town Board determined that this proposed map amendment (rezone) of 11.01 acres from General Rural to General Rural Flexible 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.

Sanden thanked the applicant for his patience and stated it helps us to not set an undue precedence.

Snow moved to approve the Map Amendment (Rezone) from General Rural to General Rural Flexible for Jerrod & Danette Faber, and forward a recommendation to the Pierce County Board of Supervisors/Sanden seconded. All in favor. Motion passed

Discuss take action on a deferred request for a Map Amendment (Rezone) from Rural Residential 12 to General Rural Flexible 8 by Bailey Webster, owner on property located in part of the NE ¼ of the SE ¼ of Section 19, T26N, R19W, Town of Oak Grove, Pierce County, WI. Chairperson Aubart invited Ms Webster forward:

Staff Report – Ryan Bechel: The applicant is requesting to rezone a total of 1.00 acres in the Town of Oak Grove. The applicant is requesting the rezone in order to obtain appropriate permits to sustain operation of a Direct Market Agriculture business on the premises. The business consists of the production and sale of fresh produce and nursery items. Pierce County Code does not permit Direct Market Agriculture operations in districts zoned residential. The applicant appeared before the Land Management Committee on November 16th, 2016 for this rezone request. After holding a public hearing, the request was referred back to the town of Oak Grove for further consideration and clarification of the recommended condition. 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). The Town of Oak Grove recommended approval of this request on July 18th, 2016. The Town referenced the following supporting objective under “Economic Development Goal #1” of their adopted town comprehensive plan:

Objective 1: ‘Promote ag-based businesses.’

The town removed the following concerns/suggested condition from their original recommendation after further consideration:

1. “Combine 1 acre lot with adjacent 5 acre GRF8 lot.”

Staff Recommendation: Given the Oak Grove Town Board of Supervisors has determined that this proposed rezone of 1.00 acre from Rural Residential 12 to General Rural Flexible 8 is consistent with their comprehensive plan, staff recommends that the LMC approve this rezone request and forward a recommendation to the County Board of Supervisors.

Sanden asked Ms Webster if she could clarify what the business involves since he is not familiar with the Direct Market Agriculture. Ms Webster stated it’s a farm stand, just a vegetable stand, a 3ft x 6ft shed structure.

Snow moved to approve the Map Amendment (Rezone) from Rural Residential 12 to General Rural Flexible 8 for Bailey Webster and forward a recommendation to the Pierce County Board of Supervisors/Sanden seconded. All in favor. Motion 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 Jeffrey 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. Chairperson Aubart invited Mr. Willgrubs forward:

Staff Report – Ryan Bechel: 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 with the option to add four additional sites upon campsite layout approval by Land Management staff. The 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 property is located in the Town of Trenton and is zoned General Rural Flexible. In 2013 this parcel and an additional adjacent parcel, were rezoned from Rural Residential 20 to General Rural Flexible. The campground is not commercially operating at this time. The applicant anticipates the campground will be operational beginning in May of this year. 7 of 16 originally delineated camping sites have been installed. The applicant anticipates the 9 remaining delineated camping sites will be completed within the next year. A holding tank dump station for the collection of waste from recreational vehicles camping on-site has been partially installed. The applicant stated that his plumber (Darrell Hubbell) will be completing the installation this spring. Staff contacted the Town of Trenton regarding this CUP renewal. No issues or concerns were reported. A status report was required (condition 9) within one year of the initial CUP issuance. The applicant inadvertently failed to contact the Land Management Department to be placed on an agenda. The existing conditions are listed #1 through #9 in the staff report.

Staff Recommendation: Staff recommends the Land Management Committee consider whether existing conditions remain adequate to protect public health, public safety and the character of the surrounding area. If no additions or changes to the established conditions are determined to be necessary, staff recommends that Land Management Committee renew this conditional use permit for a campground with the following conditions:

1. Total number of campsites present shall not exceed 20 individual sites. If additional campsites beyond the 16 currently delineated are to be established, the layout shall be presented to Land Management staff to verify side yard setbacks, minimum campsite dimension requirements and the location of campsites in relation to the floodplain, prior to use.
2. Internal roads, camping pads and sanitary improvements shall be completed prior to the operation of the campground. Staff shall be contacted to verify improvements prior to commercial use.
3. Any campground advertising signage shall comply with Pierce County zoning standards.
4. 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. Pierce County Subdivision Code, Department of Safety & Professional Services (DSPA), Department of Health-DHS standards etc.).
5. 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.
6. The campground shall comply with all items listed under Section 240-39 of the Pierce County Code.
7. Any additional filling and grading shall be verified by staff to determine if a conditional use permit is needed.
8. Owner and manager contact information shall be prominently posted on site.
9. This conditional use permit shall expire in two years. A status review shall be presented to the LMC within 1 year.

Snow asked if all the sites will be seasonal. Mr. Willgrubs stated for the most part. Sanden asked what is the anticipated timeframe. Mr. Willgrubs stated we are going on nine years now. The plumber is supposed to be

down in two weeks to finish up the septic. Then Emily can come out and do an inspection on that. He was down there yesterday wiring the site. He would say we would probably get the 16 sites in by the first of May depending on the plumber. Sanden asked staff if the conditions are identical to the original. Bechel stated yes. **Sanden moved to approve the renewal of the conditional use permit for a Campground for Chris Willgrubs, agent for Jeffery Kessler, with conditions #1 - #9/Snow seconded.** Barry Barringer asked the chairman if we are in a public hearing now. Chairperson Aubart stated no. Mr. Barringer stated he is a member of the Trenton Planning Commission and this is all new to them as far as he is concerned. He is just wondering, you are renewing a conditional use permit and it states that at one point in time the applicant inadvertently failed to contact Land Management Department to get placed on the agenda. Where does that put this? Pichotta stated we typically do status reports, it's not good that he forgot that but in this particular case, it's probably not a big deal since he hasn't fully established the use. He has been working toward it. As far as your suggestion that this is new to you, this is not new to you, this has been before your planning commission and your town board and your town board chair was contacted regarding this particular renewal and he said that there was no issues that he was aware of. Chairperson Aubart stated that sounds like an internal communication issue within the town. Motion is on the floor. Any other discussion? **All in favor. Motion passed.**

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 only have one agenda item and that is Shannon Zimmerman Status Report for Belle Vinez Winery. We were thinking of not holding a meeting just for that and to get him on the next available meeting that meets his availability.

Committee consensus to cancel the April 19th meeting. Sanden asked if there have been any complaints. Pichotta stated not to his knowledge.

Motion to adjourn at 6:38pm by Sanden/Snow seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA**

**Wednesday, April 5, 2017 – 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: April 19 th , May 3 rd & 17 th , all in 2017.	Chair
3	Approve minutes of the March 15, 2017 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for a conditional use permit for a Farm and Home Based Business for a Gunsmith and Gun Sales Business by John Carlson, owner on property located in the NE ¼ of the NE ¼ of Section 22, T25N, R15W, Town of Union, Pierce County, WI.	Bechel
5	Public hearing to consider and take action on a request for a conditional use permit for an Accessory Residence in the General Rural Flexible District, pursuant to Pierce County Code Chapter 240-40A, for Cosme and Lacey Perez Traynor, owners on property located in the NW ¼ of the SW ¼ of Section 6, T25N, R17W, Town of Hartland, Pierce County, WI.	Lund
6	Discuss take action on a deferred request for a Map Amendment (Rezone) from General Rural to General Rural Flexible, for Jerrod & Danette Faber, owners on property located in the NW ¼ of the NW ¼ of Section 10, T27N, R16W, Town of Gilman, Pierce County, WI.	Lund
7	Discuss take action on a deferred request for a Map Amendment (Rezone) from Rural Residential 12 to General Rural Flexible 8 by Bailey Webster, owner on property located in part of the NE ¼ of the SE ¼ of Section 19, T26N, R19W, Town of Oak Grove, Pierce County, WI.	Bechel
8	Discuss take action on a request for renewal of a conditional use permit for a Utility Facility >1000 Square Feet (Load Out Facility) in the General Rural Flexible and Industrial District for William F. Holst III, owner on property located in most of the NE ¼ of Section 33 and part of the NW ¼ of Section 34, and part of the SE ¼ of Section 28, All in T25N, R18W, Town of Trenton, Pierce County, WI.	Bechel
9	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.	Bechel
10	Discuss take action on Travel/Training Requests.	Pichotta
11	Future agenda items.	Pichotta
12	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.

(3/24/17)

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, March 15, 2017

Present: Jon Aubart, Jeff Holst, Eric Sanden and Ken Snow

Others: Andy Pichotta and Shari Hartung

Absent: Joe Fetzer

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

Next meeting dates: April 5th & 19th, May 3rd & 17th, all in 2017.

Approve Minutes: **Snow moved to approve the March 1, 2017 Land Management Committee minutes/Aubart seconded. All in favor. Passed.**

Public hearing to consider and take action on a request for a Map Amendment (Rezone) from Rural Residential 20 to General Rural Flexible, for Town of Trenton, owner on 5.5 acres located in the SW ¼ of the SE ¼ and the SE ¼ of the SE ¼ of Section 33, T25N, R18W, Town of Trenton, Pierce County, WI.

Chairperson Holst invited Brian Berg forward: Mr. Berg, Town of Trenton Chair, stated the reason for the request is they are looking into doing managed camping in that area. At this time, they have no agreements with anybody. They are just getting started in the process. They figured it would offer more recreational activities for the community. Snow stated at one time there were some problems down there with some people camping and littering. Are you still experiencing some issues? Mr. Berg stated no, not right now but they have an ordinance in place. That has done a good job of taking care of that. What they are going to do is modify their ordinance so that it will only apply to managed camping. So it's the only thing allowed. There is no other overnight camping allowed on any of the island properties. That has kept the problem at bay.

Staff Report – Andy Pichotta: The Town of Trenton is requesting to rezone 5.5 acres, consisting of a 2 acre parcel and an adjacent 3.5 acre parcel located in Section 33 of the Town of Trenton. This rezone request is intended to enable the applicant to obtain a conditional use permit for managed camping and outdoor recreation. Pierce County Code does not permit the establishment of campgrounds in a Rural Residential zoning districts. It's located in Section 33, Town of Trenton. It does have a street address and is accessed off of 860th Street. Current land use is undeveloped. The adjacent land uses are commercial, residential and undeveloped. There parcels and the adjacent parcels are currently zoned Rural Residential 20. The soils information is provided in the staff report. The purpose and intent of the various zoning districts is listed. Basically, the reason for the rezone request is campgrounds are allowable in an agricultural district and not allowable in a rural residential district. Much of Trenton Island and the Shoreland there is Rural Residential 20 which is intended for residential development which is not allowable in a floodplain. 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. The Town of Trenton recommended approval of this request on February 14, 2017. They cited portions of their comprehensive plan relating to Utilities and Community Facilities – The goal that they cited was Goal #1. Provide adequate, good quality and varied park and recreation facilities to meet the needs of all community residents;" and Objective #2: To provide passive and active park and recreational facilities to meet the needs of all age groups."

Staff Recommendation: Given the Trenton Town Board determined that this proposed rezone of 5.5 acres from Rural Residential 20 to General Rural Flexible is consistent with their comprehensive plan, staff

recommends that the LMC approve this rezone request and forward a recommendation to the County Board of Supervisors.

Chairperson Holst opened the hearing to the public. Tim Huppert, lives within a block or two blocks of this and their concern is it was already floodplain and moved the campground, Evert's Resort, out of there at one time. Why all of a sudden now does it have to be reopened as another campground? Pichotta stated that this doesn't actually create a campground. What this does is create an opportunity for the Town of Trenton to seek a conditional use permit to establish that sort of a use. He is not familiar with what was on the site prior, given that predated his time of being here. Mr. Huppert stated at one time there were two Evert brother's that owned it, Rollie and Irv. Irv had the one that is now this and he chose to sell it out for the floodplain deal and Rollie kept his which is his campground. We had to pay for it once and now we are going to have to pay for it again, basically or give it back to them? It just doesn't make any sense. Pichotta reiterated that this doesn't actually create a campground. There is a whole separate process that will be required in order to establish a campground. In order to establish a campground, it will need to go through the Town Planning Commission. The Town Board, back here, another public hearing would be held and also FEMA and State Hazard Mitigation have to sign off on it as well. There are a lot of steps left. Mr. Huppert stated in their neighborhood, since they have closed it down they have also closed down a stretch of road on 174th Avenue which is shutdown so a local person could put two houses in there. Now on 174th Avenue, they have a lot of traffic. He has lost several mailboxes. So you are asking now to double that amount of traffic going down there. It's just going to be more confusion and more traffic than what they have now. **Chairperson Holst closed the public hearing.**

Chairperson Holst stated we are talking about a rezone here today. The future use is another time. His opinion is you have some land there that is zoned Rural Residential 20 in the floodplain that shouldn't be zoned Rural Residential 20. It's probably a better rezone choice of what you are doing here and maybe you want to look at a more comprehensive rezone for other areas of your township. That being said, there are a lot of steps to go through yet, at some of which you will have a great deal of input. They will also need to get permission from the State and Federal Government to use it for their projected use, which might be a hard thing to get accomplished. Chairperson asked if Mr. Huppert knows some history, is there a pond on that property and it used to be a fish holding facility or what? Mr. Huppert stated yes there is.

Aubart moved to approve the rezone from Rural Residential 20 to General Rural Flexible for the Town of Trenton given that it is consistent with the Towns comprehensive plan and forward a recommendation to the County Board of Supervisors/Sanden seconded. All in favor. Motion passed.

Discuss take action on a request for renewal of a conditional use permit for a Utility Facility >1000 Square Feet (Load Out Facility) in the General Rural Flexible and Industrial District for William F. Holst III, owner on property located in most of the NE ¼ of Section 33 and part of the NW ¼ of Section 34, and part of the SE ¼ of Section 28, All in T25N, R18W, Town of Trenton, Pierce County, WI. Pichotta stated that this is a request for renewal of a CUP. It's a two year renewal and there is a one year status report. The deadline for renewal is coming up and the applicant is not able to attend tonight's meeting so what we are requesting is that you approve it with the same conditions - but modifying #2 to state that the CUP shall expire in 60 days - which will give the applicant time to come and present the status and discuss the progress he has made toward the establishment of that use. **Chairperson Holst recused himself from voting and discussion due to possible conflict of interest. Aubart takes over as Acting Chairperson. Snow moved to approve the renewal of the conditional use permit for 60 days for William F. Holst III with existing conditions #1 - #4, modifying condition #2/Sanden seconded. All in favor. Passed with Holst not voting.**

Discuss take action on Travel/Training Requests. Pichotta stated he has one travel/training request for your consideration. It's a half day workshop for ArcGIS Mobile Apps in St. Paul on March 22nd for Kevin Etherton, our GIS Mapping Specialist. **Snow moved to approve the travel/training request for Kevin Etherton/Aubart seconded. All in favor. Passed.**

Departmental Update and Future Agenda Items

Public hearing to consider a request for a CUP for Home Based Business for Gunsmith and Gun Sales by a guy in the Town of Union.

Request for renewal of a CUP for a campground in the General Rural Flexible District in the Town of Trenton for Chris Willgrubs.

We expect to see Mr. Faber from the Town of Gilman back for that rezone.

We will likely see Mr. Holst back for this request for renewal of a conditional use permit for a Utility Facility >1000 Square Feet in the Town of Trenton.

Motion to adjourn at 6:15 pm by Snow/Aubart seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, March 15, 2017 – 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: April 5 th & 19 th , May 3 rd & 17 th , all in 2017.	Chair
3	Approve minutes of the March 1, 2017 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for a Map Amendment (Rezone) from Rural Residential 20 to General Rural Flexible, for Town of Trenton, owner on 5.5 acres located in the SW ¼ of the SE ¼ and the SE ¼ of the SE ¼ of Section 33, T25N, R18W, Town of Trenton, Pierce County, WI.	Lund
5	Discuss take action on a request for renewal of a conditional use permit for a Utility Facility >1000 Square Feet (Load Out Facility) in the General Rural Flexible and Industrial District for William F. Holst III, owner on property located in most of the NE ¼ of Section 33 and part of the NW ¼ of Section 34, and part of the SE ¼ of Section 28, All in T25N, R18W, Town of Trenton, Pierce County, WI.	Bechel
6	Discuss take action on Travel/Training Requests.	Pichotta
7	Future agenda items.	Pichotta
8	Adjourn	Members
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A quorum of County Board supervisors may be present.

(3/3/17)

PIERCE COUNTY WISCONSIN
DEPARTMENT OF LAND MANAGEMENT & RECORDS
PLANNING, ZONING, SURVEYING & GIS
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MINUTES - Pierce County Land Management Committee Meeting, March 1, 2017

Present: Jon Aubart, Joe Fetzer, Jeff Holst, Eric Sanden and Ken Snow

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

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

Next meeting dates: March 15th, April 5th & 19th, all in 2017.

Approve Minutes: **Snow moved to approve the February 15, 2017 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 to General Rural Flexible, for Jerrod & Danette Faber, owners on property located in the NW ¼ of the NW ¼ of Section 10, T27N, R16W, Town of Gilman, Pierce County, WI. Chairperson Fetzer invited Mr. Faber forward: Mr. Faber stated he had nothing to add at this time.

Staff Report – Emily Lund: The applicants are requesting to rezone an 11.01 acre parcel in order to split the lot into two parcels. With the current zoning district and acreage, the parcel does not have enough density to allow the split and the property owners don't want to purchase more land from adjoining property owners. The property is in Section 10, Town of Gilman. Current land use is residential with a dwelling, multiple accessory structures and undeveloped. The proposed use on the proposed lot is residential with a new dwelling. Adjacent land uses are agricultural, residential and undeveloped. This parcel and adjacent zoning is General Rural. Pierce County Zoning Code states:

General Rural is established to maintain and enhance agricultural operations in the county. The district also provides for low-density residential development which is consistent with a generally rural environment and allows for nonresidential uses which require relatively large land areas and/or are compatible with surrounding rural land.

General Rural Flexible is established to achieve the same objectives as the General Rural (GR) District but to allow a greater density of residential development with the approval of the town board.

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 Gilman recommended approval of this request on February 8, 2017. They justified the approval "from [the] Gilman Comprehensive Plan, pg 10, Goal #2, Objective #3; pg 11 [Policies and Recommendations] #1, 2, 3, 5a, 5b and 6; pg 47 D; pg 48 Goal #2 and Objectives (attached)." The Town Board stated, "Overall the proposal meets our plan by avoiding prime farmland and maintaining reasonable housing density. The Town grants this Rezone approval as a unique exception applying to this parcel, at this location at this time, as it meets our Comprehensive Plan. Any new Rezone requests will be judged on their own particular merits. Soils information is listed in the staff report. The New USDA Web Soil Survey states that 23% of the area is Prime Farmland, if drained, 51% of the area is Prime Farmland and the remaining 26% is Farmland of Statewide Importance. The important farmlands are prime, unique, farmland of statewide or local importance. The Old USDA Pierce County Soil Survey that was

published in 1968 states that 77.5% of the area is Prime Farmland. Soil capability units in the old book, ranked the farmland's value based on that capability unit and there was a policy, kind of an unwritten policy, that states that capability units mentioned above unit I & II were Prime Farmland. The Town of Gilman's recommended approval of this rezone relies primarily on Comprehensive Plan language that relates to the preservation and maintenance of agricultural lands. It is not clear to staff how a rezone intended to increase residential density would result in the preservation of agricultural land. Staff also suggests that such a determination establishes a precedence that would make future rezone requests to increase residential density difficult for the Town to deny. Given this, requesting additional information and/or clarification from the Town of Gilman may be warranted. A town representative plans to be in attendance at the meeting to provide additional information.

Staff Recommendations: Staff recommends the Land Management Committee consider whether additional information or clarification regarding the Town's rationale is necessary. If determined to be necessary this issue should be referred back to the Town of Gilman for additional consideration. When additional information is submitted the item would be placed on the LMC's agenda as a "discuss take action" item.

If the LMC determines that additional information is not necessary, and given that the Town of Gilman has determined that the proposed rezone is consistent with their adopted comprehensive plan, staff recommends the LMC approve the rezone of 11.01 acres from General Rural to General Rural Flexible and forward a recommendation to the County Board of Supervisors.

Chairperson Fetzer opened the hearing to the public. Tom Manley, Chair of the Town Planning Commission and with him is Phil Verges, the new Board Chair and he is also on the Planning Commission. They are here for a couple reasons; they don't want to do anything to unnecessarily get in somebodies way and also to look for some clarification on how this process works. If he is going to be fulfilling this role going forward, he wants to understand how the Town and County's relationship works and to explain why they came to these conclusions. The way they worded their approval, they really do think this is a unique situation. If you are familiar with the Township and this particular spot in the Township, he thinks you would understand why they think it's consistent with their comprehensive plan. That corner is right on County Road BB and 850th. 850th is probably the most traveled road in the township. It goes straight from the Village heading east and west, it crosses County Road BB and then ultimately goes to Hwy 63 and runs straight into Hwy 29. It is a road that is heavily traveled. He doesn't think that any of them are looking for increased densities in their township but if you read their comprehensive plan they talk about how we are looking for residential development along major trunk roads. He thinks this is an intersection of two major trunk roads, County Road BB and 850th. It is a corridor that people are using to get to Hwy 63 and commute out of the area. The other argument about it being less than Prime Farmland, he absolutely thinks that that holds and Phil can attest to that because his family farmed the land for a very long time. So he knows what is there and what is possible on that parcel. He thought it would be helpful to explain their rationale and he would like some clarification why it is you feel this sets a precedent and why the Town Planning Commission would not have the discretion, going forward, to deny similar requests that don't fit the comprehensive plan like we believe this one does. Phil Verges, Town of Gilman Supervisor, to address the Prime Farmland part, they did not have any soil maps in front of them when they sat at the plan commission to approve this. His father and him, personally farmed this from 1977 to 2000 or 2001 when that farm was broken down to multiple lots. That's the last that that particular land that Mr. Faber has, has been farmed. To call it Prime Farmland, first of all he didn't know there was Prime Farmland in Gilman period, this was the lower portion of some very wet farmland. He was kind of shocked as he looked at the soil classifications. He doesn't know if the classification doesn't count the 8 feet of red clay that's underneath the silt loam. The 8 inches of silt loam or what but he finds it very hard to qualify or categorize that as Prime Farmland. Even if it was Prime Farmland, it hasn't been farmed for 15 years or more and it's growing up into Box Elders and Prickly Ash. To have this portion developed, he thinks would be a plus for the township, the community as well. He is disputing the soil maps a little bit and again it hasn't been farmed in 15 years or more. They would have to clear that land again from the shrubs, brush and trees that are growing up. For someone to farm an acre and a half or two acres or so of land there is unrealistic. Holst asked Dr. Sanden if he would want to explain by the soil how they came to the conclusion that it's Prime Farmland. Sanden stated it's all based on soil type. Holst, yeah but the depth of the soil, see that was a question he asked that didn't take into

consideration the 8 ft of clay underneath it. Sanden stated that's true if the soil cap has been degraded or eroded, what was once prime soil may become nonprime. Holst asked but the depth of the prime soil, what numbers do they use? Sanden stated he doesn't have that information and it's on a soil type by soil type basis. Holst stated he believes they don't take into consideration the soil under the topsoil, they go to a certain depth and that's it. He does agree with Mr. Verges on the question of any Prime Farmland in Gilman. **Chairperson Fetzer Closed the public hearing.** Chairperson Fetzer said he thinks the concern we have with setting a precedence is if this gets approved here, anyone coming in and saying we want to switch things over from the General Rural to General Rural Flexible and increasing the densities. With this happening in one place is the next person coming and saying they want to do that too. Pichotta stated there are two things; one is in our comp plan we state that the appropriateness of a given rezone is based on consistency with a town's comprehensive plan. From staff's perspective, he still doesn't see how this preserves ag land exactly. He thinks there are other goals, objectives and policies in your town plan that could have been cited that wouldn't have this question. The soil data is the soil data. What he doesn't really want to do is show up in front of the County Board and try and explain how what looks to be a good piece of ground on paper, how a rezone that increases the density on it would somehow preserve ag land. The second concern from a precedential standpoint, your discussion about judging a rezone requests on its individual merits, that's how we judge conditional use permits based on the proposed use at the proposed location. There is some variability depending on the surroundings, etc. But for a rezone in order to not be considered a spot zone, any similarly situated property would need to be able to expect the same treatment. Given this property on paper looks like it's great ag land, whether it is or isn't, the fact that you are doubling the density, would make it very difficult for you guys in the future if someone came in and you didn't want to support it. This would probably give them grounds to appeal your decision. You have to treat everybody who is similarly situated the same way. He has absolutely no issue with the town supporting rezones, he just wants to make sure the rationale is sound and easily defensible and is something that when he presents it to the County Board, makes sense. Sanden asked if the fact that they mentioned the location, intersections of two major roads, does that give them any cover in the future if someone says they want to be treated the same way. They could say you are not equally situated. Is that enough, do you think? Pichotta stated Goal #1 which is encourage and support a variety of affordable housing choices in the Town of Gilman, that goal actually supports this better. He chatted with the folks from the town and they didn't want to amend anything without bringing it back to the committee, which he totally understands. Sanden asked could they use the rationale that by rezoning this piece that is along the major highways is an increase in density there along a heavily used thoroughfare - is that protecting prime ag land elsewhere that may be more contiguous and currently in use by absorbing some of that growth pressure in these locations? Pichotta stated that he asked that same question and was told that is not what they were saying. Holst stated from an outsider looking in, when you see the housing density along that road, he would strongly suggest to you that you come back with a rezone proposal for all of that. You have seven residences on that 40 already. Mr. Faber stated there are two on that 40. Holst stated you must have a section that you have seven on then. Mr. Faber stated right now with the way it is zoned currently there isn't anybody on that 40 acres that owns enough to build another house. Holst stated that is why he would rezone it. When you look at the ag production capacity of the land in Gilman Township, he believes you are zoning either for General Rural or Primary Agriculture is a stretch. How that was developed, now you've come to realize we are close to the interstate and our township is going to grow. Maybe it's time to take a little different look. When you developed your plan, it was intended to be modified every few years. Maybe now is the time to take a more global look at your plan and change the way you are doing business. He would suggest that it goes back and you guys come up with a plan. We aren't opposed to helping you achieve your goal, we actually would like to help you achieve your goal but we want to do it when we come to town we've got 17 people here and a lot of them live in the city and they don't look at anything other than the soil map. We do get grouched quite heavily from time to time. You haven't been before us, that he can remember, and this is a new learning experience. We have to help you learn in order for this to work. We have other townships that have come here quite often and actually some were quite belligerent to start with but once we explain and get it started, your plan can be very, very helpful to you. Pichotta stated years ago, you were entirely Primary Agriculture. There was a rezone process, a comprehensive rezone where you guys brought in the General Rural District. You could do

something similar if you wanted to bring in the General Rural Flexible. You could put it in along intersections or along those state roads or trunk highways. Or you could consider doing all the General Rural to General Rural Flexible. The reality is there is kind of a line in the county where there is General Rural; Spring Lake, you guys have General Rural, Salem does and that's the line. Everybody to the west of that has General Rural Flexible or General Rural Flexible 8. It wouldn't be surprising if the General Rural Flexible crept further east. If that is what you want to do, that's just fine but we have to kind of set the stage for that to happen and as far as this gentleman, if the committee is comfortable with your rationale I guess we would move it forward. If they are not comfortable with your rationale, what we would do is bump it back to the town and what he would suggest is using a goal like Goal #1. As soon as you react to it, we can get it back on an agenda here. It all depends on what the committee wants to do. Aubart asked what kind of timeframe would that be if the township were to do that? Pichotta stated he doesn't know if it would go to the full board or the planning commission and the board, as soon as they get it out of the town level, we would get it on our next agenda. We meet the 1st and 3rd Wednesday of each month. This gentleman would have to wait a little longer to get his rezone done but he would be much more comfortable presenting a different rationale to the County Board. This looks on paper perhaps a lot different than it does on the ground. Sanden stated he hates to complicate this, just so he is clear, when you are saying go back and take another look at it, are you proposing they go back and initiate a new rezone for the entire township or could they through their comprehensive plan and update that and identify growth corridors where along here we could justify rezoning it when the time comes. Pichotta stated that there are actually a couple different issues, this gentleman needs to be dealt with sooner than later, so he would encourage you to act on his request now - even if you are going to look at doing something comprehensive. You could simply amend your comprehensive plan to say we will support higher density rezones in this specific area. Then when requests come, you have the language to support them. Or you could amend your plan and initiate a comprehensive revision and rezone a bunch of land. It would be all depending on how the town wants to do it. If you need help with this, he would certainly be happy to do so. He was very involved the last time your town did a comprehensive revision and he would be happy to do so again. Mr. Verges stated one of their justifications is page 11, #6 which is kind of that housing corridor that you were talking about. Maybe it's not worded quite as strongly as you were mentioning. Number 6 on page 11, encourage housing developments to be located along Hwy 29 and on trunk roads near Hwy 63. There again, do you need more specific language? Mr. Manly stated he wants to be clear also, you would recommend either spelling it out clearly in our comprehensive plan where we wish for higher density development to occur and then identify those roads and places in the township, or to just simply go ahead and rezone those places preemptively. Pichotta stated you would need to base any request for a rezone on your comp plan. He suggested that, from his perspective, some of this language, including the policy you cited is kind of a strange to have under Support subdivision practices that maintain the town's agricultural and natural resources. It seems like it would be a more appropriate policy under Goal #1. It doesn't necessarily correlate directly to the preservation of ag. But it does lend itself to the providing of choices. Mr. Manley stated that we want to encourage smart development but we don't want densities that are not consistent with what our township is. Mr. Verges asked another question of Andy, you mentioned Goal #1 on page 10, if we had cited that as a part of our justification that would perhaps be enough in this case. He is trying to think of how they can do this in a timely enough manner to help Mr. Faber, because to amend the comprehensive plan they have a 30 day public hearing. Pichotta stated he doesn't think they need to amend their plan to support Mr. Faber's rezone. Lund suggested that it may be good to remove the statement regarding avoiding Prime Farmland in their rationale, just to remove that. Pichotta and Chairperson Fetzer both stated right. Pichotta stated he thinks the rationale that Dr. Sanden suggested, you could make the argument you are preserving ag land by allowing density in an appropriate spot so it doesn't pop up or want to pop up in active ag. That's legitimate but when we talked about it you said that wasn't what you were saying. Mr. Verges stated probably not in this unique circumstance it was because it was not active farmland anyway. Aubart stated this is very frustrating to him because Mr. Faber is caught in a spot he doesn't need to be caught in. He thinks that we can move this forward. They have stated here publicly, on the record, that the Town is in support, I know it's not in the written justification but it is still part of the record. We could support Mr. Faber and the rezone and Town of Gilman can move forward to fix the problem which would take care of the

precedent. That would be a commitment that the Town of Gilman would have to make to fix the problem that wouldn't put us in this situation again.

Aubart moved to approve the rezone from General Rural to General Rural Flexible for Jerrod and Danette Faber and forward a recommendation to the County Board of Supervisors/Snow seconded. Holst asked if the motion intends that the town drop some of their reasoning and just go with what they talked about here today, Goal #1. Aubart stated yes. Chairperson Fetzer asked Andy if that is passable with him. Lund asked if we could request something in writing from the town. Pichotta stated I think we are depending on the oral record here versus what they submitted. Basically they augmented their recommendation. Holst stated but we have gotten caught with our pants down where one member of the town board says something and the town board comes back and says something different. We have a policy in place where it has to be in writing from the clerk. Mr. Faber asked if there is something if we take a little more time, it's my time that we are taking up, if we take a little more time and we get something back from them in writing is that better to approve and go forward with. Pichotta stated from his perspective, yes. Mr. Snow asked if he had the time. Mr. Faber stated he would rather take the time now and make sure that we move forward in the proper manner. Aubart stated he appreciates that. Chairperson Fetzer stated he very much appreciates Mr. Faber's input on that. We have a motion on the table. Aubart stated he is fine with that. Mr. Faber stated he very much appreciates that. Mr. Verges said for the plan commission there wouldn't be time to get things lined up for the March meeting so we would be looking at board approval the second Wednesday of April. Lund asked if it has to go back to the planning commission? Pichotta stated it would be up to the town board, it wouldn't have to. It all depends on how the town board wants to run their town. Mr. Verges stated they could possibly get it done in the March meeting. It might be pushing things a little bit. The way he is understanding it, if they just switch their justification to Goal #1 on page 10 and take off protecting prime farmland part, we are probably good to go for this case. We could probably squeeze that in and get that approved in the March meeting. He would be back here in early April, he is assuming. Pichotta stated if you get it done in March we could get you on the April 5th meeting. Holst stated April and May it would be voted on in the May meeting at the County Board. He noted that his statement was not a reflection upon the Town of Gilman at all, but about getting the recommendation in writing. We adopted that policy because we got burned and he would hate to deviate from that then other townships will come in and say you did it for Gilman why didn't you do it for us. He thinks we need some consistency at this level. Mr. Verges stated we have been burned in Gilman on situations too and it changes our policies so he understands exactly what you are saying. **Aubart withdrew his motion. Holst moved to send the rezone for Mr. Faber back to the Town of Gilman for clarification/Aubart seconded.** Chairperson Fetzer thanked everyone for their willingness to work with us. **All in favor. Motion passed.** Chairperson Fetzer stated we will see you back here soon and at that time it will not be a public hearing, it will be a quick Discuss/take action.

Discuss take action on a request for renewal of a conditional use permit for Nonmetallic Mining in the Industrial District for Monarch Paving, owner on property located in the NE ¼ of the SW ¼ of Section 28, T25N, R18W, Town of Trenton, Pierce County, WI. Chairperson Fetzer invited Candy Anderson forward:

Staff Report – Brad Roy: The operation was originally permitted for nonmetallic mining in 2001 and is currently the storage site for dredge materials taken from Corps Island on the Mississippi River near Diamond Bluff. There is no longer active deposition of dredged materials taking place at the site. The dredge material was originally used for "interim reclamation" and is now being utilized by the operator for other projects as needed. This site is internally drained. The floor of the pit is at 690 feet above mean sea level. Surface water is directed to the northwest, near the pit entrance. Permitted hours of operation are 6:00am to 6:00pm Monday through Friday and 8:00am to 6:00pm on Saturday during the construction season. The haul route for commercial trucks travels from the pit entrance on County Road K to Hwy 35 towards the Monarch Paving Asphalt Plant. The haul road was paved to address airborne dust concerns. A groundwater response plan was prepared and presented to the LMC on May 19, 2010 and approved. Groundwater and surface water monitoring was completed at the site and at nearby residential wells in 2012. The county has received no complaints about this operation since the

last renewal. The Chairman of the Town of Trenton was reached for comment regarding this operation; he saw no issues with the renewal of this conditional use permit. The existing conditions are listed #1 - #12 in the staff report.

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 other additions or modifications are deemed necessary, staff recommends this CUP be renewed with the following conditions:

1. Applicant shall follow all recommendations and receive all necessary permits from other agencies.
2. Hours of operation are from 6:00am to 6:00pm Monday through Friday and 8:00am to 6:00pm on Saturday during the construction season.
3. The haul route for commercial trucks is from the pit entrance on County Road K to Hwy 35.
4. Reclamation financial assurance information shall be reviewed and approved by Corporation Counsel and kept current.
5. A 50ft setback shall be maintained from all property lines for all mining activities.
6. The applicant shall notify the Zoning Office if groundwater is encountered.
7. Applicant shall comply with PCC Chapter 241 Nonmetallic Mining Reclamation.
8. Reclamation shall be according to submitted plans.
9. Applicant agrees that any unforeseen erosion issues shall be addressed to the satisfaction of the county.
10. The approved Groundwater Response Plan shall be adhered to.
11. This CUP shall be reviewed for renewal in two years.
12. Any future use of this site for hydraulic dredge material placement shall not be allowed until such time as information is presented that demonstrates, to the satisfaction of the LM C, that the impacts of said placement will not be contrary to the public interest, nor detrimental or injurious to public health, public safety or the character of the surrounding area.

Holst moved to approve the renewal of the conditional use permit for Monarch Paving with conditions #1 - #12/Snow seconded. All in favor. Passed.

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

Departmental Update and Future Agenda Items

Public hearing to consider a Map Amendment (Rezone) in the Town of Trenton, 5.5 acres for the Town of Trenton, former Barb's Dam Property they are seeking to rezone it from Rural Residential 20 to General Rural to enable them to create a campground.

Request for renewal of a conditional use permit for a Utility Facility (Loadout Facility) for Bill Holst in the Town of Trenton.

Motion to adjourn at 6:45 pm by Aubart/Snow seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, March 1, 2017 – 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 15 th , April 5 th & 19 th , all in 2017.	Chair
3	Approve minutes of the February 15, 2017 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for a Map Amendment (Rezone) from General Rural to General Rural Flexible, for Jerrod & Danette Faber, owners on property located in the NW ¼ of the NW ¼ of Section 10, T27N, R16W, Town of Gilman, Pierce County, WI.	Lund
5	Discuss take action on a request for renewal of a conditional use permit for Nonmetallic Mining in the Industrial District for Monarch Paving, owner on property located in the NE ¼ of the SW ¼ of Section 28, T25N, R18W, Town of Trenton, Pierce County, WI.	Roy
6	Discuss take action on Travel/Training Requests.	Pichotta
7	Future agenda items.	Pichotta
8	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.

(2/17/17)

PIERCE COUNTY WISCONSIN
DEPARTMENT OF LAND MANAGEMENT & RECORDS
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MINUTES - Pierce County Land Management Committee Meeting, February 15, 2017

Present: Jon Aubart, Joe Fetzer, Jeff Holst, Eric Sanden and Ken Snow

Others: Andy Pichotta, Brad Roy and Shari Hartung

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

Next meeting dates: March 1st & 15th, April 5th & 19th, all in 2017.

Approve Minutes: **Sanden moved to approve the January 18, 2017 Land Management Committee minutes/Snow seconded. All in favor. Passed.**

Chairperson Fetzer asked everyone to shut off or silence their cellphones. As we get into this public hearing, we have a lot of people who want to talk tonight, he would like people to limit their comments and if you have a common view of someone that has already talked, just say you echo that comment. We will go with a three minute time limit so be succinct with your comments.

Public hearing to consider and take action on a request for a conditional use permit for Private Outdoor Recreation for a Trap Shooting Range in the General Rural Flexible 8 District, pursuant to Pierce County Code Chapter 240-39E, by Prescott Sportsmans Club Inc, owner on property located in the SE ¼ of the NW ¼ of Section 6, T26N, R19W, Town of Oak Grove, Pierce County, WI. Chairperson Fetzer invited Eric Penk and Chris Patraw forward: Mr. Patraw explained he is one of the members and the head coach of the Prescott High School and Middle School Trap Shooting Team. The range is being developed primarily for the High School and Middle School Trap Team. Last year they had 20 kids, this year they have 65 shooting. The range is going to include three trap houses, three stations on the northern part of the land. The time they will be shooting for the High School/Middle School is from March to June on Mondays, Tuesdays and Thursdays from 3:30pm to sunset. The sportsman's club shoots March to June on weekends from 10:00am – 4:00pm and July through September they shoot weekends, same time plus Tuesdays and Thursdays, 3:30pm to sunset. The range would be closed October, November, December, January & February. The range is strictly a trap shooting range, there is no other shooting allowed on the range. There will be a driveway coming in that will be locked. When there is no shooting going on. There will be fences blocking off the shooting areas. The trap houses will also be locked and only opened by a Range Safety Officer. There will be a Range Safety Officer on site for all shooting that occurs at the range or there can be no shooting occurring at the range. All the recommendations that were brought up in the letter, the sportsman's club agree with. We have no issue with any of the recommendations that were brought up. He passed out a map to the committee for the fall area for the lead. Basically what it shows is the swale of the land. They will make it a flat area where the lead goes and berm it up on the other side where the wash way comes down through to hold the water in place so none of the lead would move off the site. Another issue that was brought up from the Town is the entrance to the range would come off of 1170th St, not off of 620th Ave because that was a blind entrance and unsafe to enter from. That would be the entrance off of Hwy 29 and Hwy 10. A couple things that were brought up in the letter that they want to review: there are other ranges in Pierce County and St. Croix County. All the ranges, outside of Prescott, have houses especially the Hudson range has houses that adjoin the property. They are right next to the shooting range. In a quarter mile, all the other ranges Ellsworth, Elmwood and River Falls have newer houses

that were built after the range was there. One other point brought up was lead; their range will be built through the EPA Standards. They are required. He introduced Jeff Nass, for reviewing some of the lead issues brought up by the County. Mr. Nass explained the EPA came up with this because there were issues in the past where they were shooting directly into swamps and into water. In Wisconsin there were trap ranges that had trap houses directly on the river banks. There is one in Peshtigo that they discontinued that they actually did all their shooting, all the birds and all the lead landed in the river. The EPA designed this to help ranges upgrade. This is a very unique situation because it's totally new, it's farmland and can be excavated exactly what will work the best not only for the club but for the environment. It will be easily recyclable. All the materials there, it will be landscaped in such a way to facilitate that recycling along with not allowing any runoff much less not shooting into water bodies to start with. The reason he is involved is to give advice on doing things the proper way and following the EPA guidelines on doing that. Again the book helps a lot of clubs. There is a lot of existing clubs that slowly are upgrading to these standards. This range will start out following all them right from the very beginning. It's a very unique property in that case because it will be set the right way from the get-go. Mr. Patraw stated they wanted to make sure they presented the facts about the range and what they are doing. Prescott started a trap team last year. All the neighboring towns in Pierce County and St Croix County have trap teams. The trap teams have boys and girls shoot together on the teams. There is no girls teams, boys teams, it's a lettering sport recognized in Prescott. In the spring they had girls letter last year in the sport. They opened it up to the middle school in Prescott just like Hudson, River Falls, New Richmond. Their middle schools also shoot. It's one of those sports where kids can letter in high school and don't have to be athletic, big, strong, fast. Everyone can shoot. Girls shoot the same. All the schools shoot equally. There are no divisions in trap shooting. We shoot against Hudson and outside of our conference if we are playing any other sport. It's a lot of responsibility to give to the kids, having to use a gun. It's the fastest growing sport in the country. Trap shooting is a high school sport. It's the safest sport in high school. The big thing is right now we shoot at the Hudson Range which is 24 miles from the high school. It would definitely be nicer to shoot two miles from the school.

Staff Report – Brad Roy: The applicant is proposing to establish a trap shooting range. The range will include three trap houses with shooting stations and storage shed. The main users of the site will be the Prescott High School and Middle School Trap Teams. The Prescott Sportsmans Club will also have open trap shooting and leagues that will be open to the public at the site. The property is located in Section 6 in Oak Grove. It is zoned General Rural Flexible 8. Access to the site is off of 620th Ave.

Chapter 240-15, Purpose and Intent of Zoning Districts are included in the staff report.

The definition of "Private Outdoor Recreation" is: Land uses which offer recreation activities primarily outdoors, including such uses as private parks, sportsmen's clubs, golf courses and ski hills and which are operated for members or on a commercial basis for members of the public and may include multiple related uses managed as one operation.

The site is currently characterized by agriculture and woodlands. The surrounding land uses are agriculture, low-density residential and undeveloped land. The City of Prescott compost site is located on the neighboring property to the west. A nonmetallic mine is located to the north. The applicants are proposing to construct three trap houses on the east side of the property, 180' from the east property line. There will be 100 feet between the trap houses. Shots will be directed west over the range area. The range area extends 300 yards west of the trap houses and 320 feet north and south. The two end trap houses will be 30 feet from the north and south edges of the range area. A driveway will be constructed, using an existing farm access. The driveway will be approximately 220 feet from the east property line and extend approximately 380 feet north to a parking area. The driveway will have a locked gate. The parking area will be approximately 210 feet from the east property line. Dimensions and capacity of the parking area was not provided, but the site allows for abundant options. A fence with signs stating "Shooting Area" will be installed along the north and west property lines. Portable toilets will be placed onsite and serviced weekly. Ammunition used will be shotgun rounds of 7.5, 8 and 9 shot. This will be monitored by every member, Range Safety Officer and user. Trap field shot fall zone is generally 375 feet to 450 feet with the maximum range of approximately 670 feet from the proposed firing line. The west property line will be approximately 1100 feet from the proposed firing line. The range will be built following EPA guidelines. The shot fall area will be kept to a minimum area allowing for easier maintenance. The fall

zone will be contoured and seeded with yard grass to slow runoff. The trap houses will be locked when the site is closed. The Prescott High School and Middle School trap teams seasons run from March to June. Shooting takes place on Mondays, Tuesdays and Thursdays after school from 3:30pm to sunset. The Prescott Sportsmans Club will have open trap shooting and leagues that will be open to the public and will operate separately from the school shoots. The hours are proposed as Tuesdays and Thursdays from 3:30pm until sunset, July to October 1, as well as on weekends from 10:00am to 4:00pm from February 15 until October 1. The range will be closed to all trap shooting from October 1 until February 15. EPA guidelines suggest that lead be recycled after 250,000 to 1,000,000 targets shot. Due to the economic value, the applicant expects to recycle at a lower range, if not before, minimum targets are shot. The applicant will work with a private company to collect and recycle the shot lead. Members will have keys to the gate at the driveway. The Range Safety Officer will have keys to open the trap houses. One Range Safety Officer will be present at all times when the range is open. The site has moderate slopes. The total elevation change from the south of the property to the north is approximately 90 feet. The highest point is near the road access and the lowest by the west half of the north property line. There are no mapped wetlands or wetland soil indicators on the site. Two waterways run through the range area. There is no navigable water on the site, but an intermittent stream runs through the northern portion of the property. The intermittent stream carries enough water that the floodplain also extends onto the property. The east half of the range area has slopes that span 3%-5% towards the intermittent stream. Pierce County Land Conservation Department provided drainage calculations for the site. The waterways on the site have a drainage area of approximately 27.5 acres. The watershed slope is 7%. Based on the model in the USDA-NRCS Engineering field manual, a 10 year rain event would create a peak discharge of 59.1 cubic feet per second from the site. Lead is generally stable in the environment, but can become soluble in water under certain conditions. Once soluble, lead becomes mobile and can be transported vertically through the soil column. Soil type, soil pH and rainfall rates affect the potential for lead migration at a given site. Lead becomes soluble when soil pH is <6.5 and >8.5. Highly permeable soil (sands, sandy loams) provide quick avenues for soluble lead to migrate down the soil column towards groundwater. Permeable soils with high or low pH would have an increased potential for lead migration. Lead has a strong tendency to bind to clay particles and organic matter in soil. Therefore, heavy soils (clays and clay loams) with neutral pH tend to decrease the potential for vertical lead migration by preventing lead from becoming soluble and hindering mobility. The site is composed of two main soil series – Kasson Silt Loam and Vlasaty Silt Loam. These soils generally have a clay content of 20% to 28% and a sand content of 25% to 45%. Both are categorized as “moderately well drained.” pH data is not available, but the applicants have indicated that they have tested the site and the results showed pH7. The more rainfall, the greater the likelihood the soil will become saturated, increasing the potential for lead corrosion. Acidic rain can accelerate the corrosion process. The risk of lead migration to groundwater becomes greater when the corrosion rate is high and depth to groundwater is shallow. The applicants are proposing to construct two berms extending east-west, actually the new drawing we received tonight is different from the original submittal. In general any berm placed would have the potential to hold water on site which could create additional concerns. We, as staff, would still request additional information regarding the placement and design of any berms, whether there is a liner or not a liner. The groundwater is mapped at approximately 780 feet on the site, approximately 100 feet below the surface. EPA recommends four steps for an environmentally protective outdoor range and Best Management Practices (BMPs):

1. Control and contain lead bullets and bullet fragments. Applicable BMP for the proposed site is to reduce the shot fall zone. Concentrating the lead shot in a smaller area by modifying the shooting direction facilities lead management by providing a smaller and more dense area of lead to both manage in-place and reclaim.
2. Prevent migration of lead to the subsurface and surrounding surface water bodies. BMPs include:
 - » Monitoring and adjusting soil pH. It is recommended to monitor soil pH annually. Lime spreading can be done to adjust pH, if needed.
 - » Immobilizing lead. Phosphate spreading can be done to bind the lead particles to limit vertical transport to groundwater.

- » Controlling runoff. Planting vegetative ground cover will minimize the amount of lead that will runoff during heavy rainfall. It will also absorb rainwater which reduces the amount of water that is in contact with the lead. Also, the ground cover will divert and slow down surface water runoff. Mulches and composts can also be used but may impact the pH of the soil. Ground contouring can also be used to reduce the velocity of the runoff. Engineered controls of filter beds, containment traps, dams and dikes can also be installed.
- 3. Remove the lead from the range and recycle. Periodic lead removal activities should be planned for and conducted. Frequency of removal is dependent on number of rounds fired, soil pH, precipitation, soil type and depth to groundwater.
- 4. Documenting activities and keeping records. Owners/operator should document all activities done at the range with respect to BMPs and recycling of lead. Records should be kept on when services were provided and who provided them.

The EPA states that the most important site selection criteria to consider when selecting a new range include: topography, surface water flow patterns and depth to groundwater. If possible, ranges should be developed on flat terrain, as it facilitates reclamation and reduces the chance of off-site migration due to surface water runoff as compared with highly sloped terrain. Staff has significant concerns about the ability to contain lead on this site due to the terrain and volume of stormwater runoff. The presence of an intermittent stream on the site provides an opportunity for any uncontained lead to travel offsite and create serious environmental issues for properties in the area. Staff has received numerous concerns from area residents regarding this proposal. The concerns include the following topics:

- » Traffic. The applicants' website, <http://www.prescottsportsmansclub.com/>, states that the club has 35 members. The application states that there are 65 total students on the teams. No information was provided about expected daily member usage or student transportation. The applicants should provide additional information regarding traffic.
- » Noise. No information was provided about expected daily member usage or student usage in regard to the number of shots expected to be fired.
- » Lead. Lead was discussed previously.
- » Potential expansion. The applicants' website states that the club is looking to acquire land for a learning and activities center. This application is only for the trap shooting range, three trap houses, parking lot and shed.
- » Limits on the ability to regulate. Wisconsin statutes provide limits on the ability to regulate a shooting range.
- » Property values. Many of the nearby property owners are concerned about impacts to their property values if the proposal is approved. Multiple articles are available on line about a potential decrease in property values when in proximity to certain uses. However, as we have found with many other proposed uses, definitive determinations regarding impacts to property values are difficult to make.

Wisconsin Statutes impose certain limitations and restrictions on the regulation of "Sport Shooting Range Activities" (§895.527) and "Local Regulation of Weapons" (§66.1409).

Restrictions imposed include:

- "A person who owns or operates a sport shooting range is not subject to an action for nuisance or to state or local zoning conditions related to noise."
- "A city, village, town or county may regulate the hours between 11:00pm and 6:00am that an outdoor sport shooting range may operate, except that such a regulation may not apply to a law enforcement office...."
- "An owner or operator of a sport shooting range... and any user of a sport shooting range is immune from civil liability in any action commenced by the state or its political subdivisions, or by a special purpose district, related to the use, release, placement, deposition or accumulation of any projectiles on or under the sport shooting range or other contiguous real property over which the owner or operator of a sport shooting range has an easement, leasehold or other legal right to use."

Statutory restrictions appear to impact the LMC's ability to place certain conditions on this conditionally permitted use. The Town of Oak Grove recommended denial of this request on November 21, 2016. The Town Recommendation is attached. The recommendation is primarily based on the Oak Grove Comprehensive Plan, Chapter 9 – All Conditional Uses:

Goal 1, "To carry out the Town vision and planning goals stated in this Comprehensive Plan when considering all conditional use permit applications."

Objective 1, "Ensure decision making is consistent with the Town's Comprehensive Plan."

Policy 1, "Consider recommending approval of conditional use permits only when the proposed conditional uses will not conflict with or negatively impact the use and enjoyment of nearby or surrounding properties and land uses; will not negatively impact property values; will not harm the public health and safety; and will be consistent with the Town vision, planning goals and goals, objectives, policies programs and actions in this Plan."

The Town, in their recommendation, states that the proposed use "would result in a noise nuisance of a level that would negatively impact the use and enjoyment of nearby properties to an extent that is not acceptable. The sound of repetitive gun shots would take away the way of life for nearby property owners and because of the nature of gunshots, it would affect those beyond those with adjacent lots."

It is also noted that "While trap shooting would naturally be recognized as a rural activity, in this particular location it is not compatible with surrounding rural uses (such as large herds of cattle that could be affected by the sounds and residents who are accustomed to being able to enjoy their property peacefully)."

Additionally, the Town identifies policy language regarding the need to protect the Town's surface and subsurface water quality and notes that these are of concern due to the quantity of lead generated by a trap shooting range. Also noted is language regarding the need to protect property values.

Pierce County has, through its adopted comprehensive plan, acknowledged that the responsibility for accomplishing planning objectives set forth in comprehensive plans developed by towns subject to county zoning lies jointly with the Town and Pierce County. The County further establishes "that it will seek to further each Town's planning goals and objectives when considering the establishment of conditionally permitted uses." The County's plan states that "***the county will consider adherence to the goals, objectives and policies of an adopted or amended comprehensive plan to be consistent with the public interest for decisions relating to that governmental unit or municipality.***" (Pierce County Comprehensive Plan page 13)

Staff has reviewed the Town of Oak Grove's amended Comprehensive Plan and is of the position that the language contained in their plan supports their recommendation and that the LMC should view consistency with the cited policy to be akin to the public interest.

Staff Recommendations: Staff recommends the LMC 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.

Staff suggests that particular attention should be paid to public health risks and issues with consistency to the Public Interest as it relates to the Town of Oak Grove.

If found to be not contrary to the above and additional information is not necessary to make a determination, staff recommends the following conditions be placed on any approval of this request:

1. Activities and structures shall be limited to those presented in the application, unless altered by another condition of this permit.
2. A Range Safety Officer shall be present at all times when shooting is to occur.
3. Additional information regarding the vegetative planting of the range area, size and layout of any potential berms, potential ponding onsite, potential pond liners and lead containment measures shall be submitted to the Land Management Department for review and approval prior to any use.
4. Allowable hours of operation shall be 6:00am to 11:00pm as established by State Statutes.
5. pH Testing shall be completed twice each year with the results and any remedial actions intended to adjust the pH provided to the Land Management Department.
6. Records shall be kept detailing all activities done at the range with respect to BMPs and recycling of lead. Records should be kept on when services were provided and who provided them.

7. Applicants shall obtain a driveway permit and Uniform Address Number.
8. Plans for a parking area shall be submitted to Land Management Department staff for review and approval.

Chairperson Fetzer stated before he opens this up to public comment, he would like a three minute limit on time for talking into the microphone. Please no repetitive statements, state your name and whether you are for or against the issue and if your position was already stated as far as you feel. Please use the podium, state your name and where you are from for the record.

Chairperson Fetzer opened the hearing to the public. Bruce King, Oak Grove Township, two miles from school for some of you but in my neighborhood for me, it might be beneficial to some of you but it's not to those who live in that area. We live there, pay taxes and wish to maintain our quality of life and the resale value of our homes. He doesn't care if it's kids or Prescott Nursing Home, the issue isn't who is going to do it but what will be done. What will be done is noise pollution and we would just as soon not have it in our neighborhood. Fifty rounds, twenty-five students, that is 1,250 rounds. That might be more than that depending on how many kids are out there at times, weekends included. And the club is growing. You need a different place. I hope you can find one but not in Oak Grove. Tom Nelson, lives in Oak Grove Township and he is opposed to it. He read a statement: The Township of Oak Grove has unanimously spoken declaring this shooting range inappropriate for the people of the town and in effect declaring it as a nuisance that will decrease the enjoyment of our property rights and reduce property values. There are no overriding County concerns that would justify approval. This is essentially the request of hobbyists whether students or clubs to impose the ill effects of their hobbies on nearby land owners regardless of how it may destroy property values, impair livelihoods and blast away the quiet enjoyment of rural life. You are asking all of us to take the risks that what they claim about noise or about property values is true. If it isn't true, and you grant this approval, we will suffer, not them. It is not appropriate to place that burden of proof on us. It is not our risk that what we believe to be the case will happen which is that property values will plummet and good people here will not be able to enjoy their property. As a result, should the County vote to approve the proposed shooting range, two consequences necessarily follow: first by excluding preexisting gun ranges from nuisance suits, our legislature has created a presumption that they are nuisances. The township concurs and nearby property owners now before you vehemently agree. Approval of this nuisance would constitute a taking of adjacent property rights without just compensation which is prohibited by the Fifth Amendment of the Constitution. If this proposal is approved, the County must institute proceedings to ensure affected owners are properly compensated. Second because the approval of this proposed nuisance will result in the immediate reduction of nearby property values, it is incumbent on the County to immediately conduct a study to determine how much to reduce property valuation and to have the tax assessor immediately act upon the study to reduce the taxes on affected properties. In either case, if the County does not reduce taxes or compensate owners whose property is being unlawfully taken. The courts may be called in to ensure our rights are protected with all the expense and administrative hassle that entails. Tricia Huber, lives in Oak Grove Township, right on Hwy 10, about a mile as the crow flies, where this is going to take place. We have worked really hard in the last 30 years to build their home and enjoy the country. There is wildlife coming into their backyard. They love to sit outside and enjoy it. If this is what they are going to have to listen to on weekends and at night, it's just not fair to those that own their property and chose to live out in the country because of this. I hope you will take that into consideration for all the people that live in that area. Darold Oswald, lives in Newport, MN, they have a gun range across the river from me, been there forever, South St Paul, everybody's heard of it. Everybody's used it. It's been there a long time. He began pounding on the desk to demonstrate what he hears in his home from the range. He cannot sit out on his deck and enjoy his family, anybody. His neighbors, he yells at them, that is what he hears. Every single day of the week by 3:00pm. All the people that live in this area are going to hear this, all day long and it's going to be ten times as bad because there is going to be 15 or 20 people at a time. This is voted down by the locals already, what it is doing here is beyond him. Krista Claude, Oak Grove Township, she was given a statement by Amy Jo Most, she would like to read it, she is out of town and couldn't be here. She lives just across Hwy 29 so she is in Trimble. My name is Amy Jo Most and I'm a Pierce County resident. I'm writing to provide information to the Land Management Committee regarding the impact the proposed shooting range would have on my current

Home Based Business, Pampered Pets. My home and business is located at W11980 State Rd 29, which is approximately one-quarter mile northwest from the proposed shooting range location. I have lived here for twenty years and have also owned and solely operated a Home Based Business called Pampered Pets. This was initially a part-time business that offered dog grooming both at my home and at my customer's homes. In July 2016, I decided to dedicate myself to the business full-time and Pampered Pets is now my household's sole source of income. To make Pampered Pets work as a full-time business with sustainable profit margins, I invested \$8,000.00 into my business in 2006 and also switched to offering only onsite grooming at her home for new customers as that is more profitable. The percent of customers that bring their pets to my home for grooming is currently at 40% and continues to rise. I work five days a week for eight to ten hours a day grooming twenty-five to thirty dogs a week. With this close proximity, the gunfire from the proposed shooting range would be clearly audible at her home and business. Most dogs are extremely sensitive to the noise of gunfire and the anxiety this causes would make it impossible to maintain grooming services in my home. This would cause my full-time business to fail as my business model requires that I increase these higher profit margin onsite services. I strongly encourage the Land Management Committee to deny the proposed conditional use permit. Not only would the proposed shooting range negatively impact the quality of life of local residents, it would also have significant and dire consequences for home based businesses. Dean Rogge, lives in Oak Grove, NRA life member, trap shooter but he prefers not to have a trap range in his backyard. He understands the situation with the kids and he contacted the president of the 3M Trap League who said there is a possibility that they could be fit in there. There is no guarantee on that but he thinks it's something they should check on. Tracy Claude, lives a quarter mile straight west of the proposed shooting range. He agrees that it is difficult to quantify how much this is going to depreciate our property values. To that affect, he set out to see if he could do that and could come up with some examples. What the Hudson Gun Range has done to some properties and he even found one in River Falls that just sold in January. He spoke to a realtor in Hudson that has been a realtor for twenty years. He's a resident for forty years and has sold multiple homes around the gun range. One thing he said is your homes will not appreciate in value anymore. When you put that in you will not increase the value of your homes. He found a home on 745 Summit Lane, which is a quarter mile from the Hudson Gun Range, it was built in 1991 for \$900,000.00, a big home, and it's been on and off the market now for five years, they are currently trying to get \$599,000.00. That's a 33% loss. It depreciated 33%. Hudson's not a great comparison to what we would have because it's urban, there are houses there, traffic all the time, there's noise that we don't have in the country. River Falls is a better example of what it would do to our properties. There is a property in River Falls that just closed. It is on 1126th Rifle Range Rd, right next to the rifle range. It was appraised for \$252,000.00 and the bank just sold it for \$172,000.00. It was on the market for sixty days. The purchaser was the River Falls Gun Club. Basically I think they realized no one else would want it. That was a 32% decrease in value from the appraisal. He had his home appraised and he said it would sell for \$575,000.00. If he gives us 32% of that he loses \$185,000.00. We have 60 acres and he was hoping to build five or six homes on that. Its floodplain, it's rolling hills, it's really quite nice for that. If he can't put in the ten lots that he could build in there, or even six or seven, I stand to lose close to half a million dollars just because kids want to shoot trap closer to home. We aren't stopping them. We just don't want them right there. It's hard to quantify, you go on the internet and its apples to oranges and every place is different. But he thinks those are two good examples of how it's affected property values. Trent Huber, Oak Grove Township, he and his family live very close to the proposed site. His wife and he have five children and well aware of the commitments that are undertaken when your child signs up for a sport or extracurricular activity. For us, driving 20, 30, 40 minutes for soccer, gymnastics, lacrosse was a very common weekly occurrence. You have school districts in the area that share sport teams; Elmwood/Plum City, Spring Valley/Elmwood share a wrestling team, Pepin/Alma. They are driving weekly to practices to other communities. It's just something that is understood as being a part of the responsibility of being out for that team or that sport. Since this process began, he has spoken to pretty much all of his neighbors, everyone in the area and almost everyone is opposed to this range. Almost everyone is included in the 250 approximately signatures that they have on the petition opposed to this range. There is concerns based on what will happen long term if this range is to go in. If they would look to expand it or if there were new legislation passed to further the protections for shooting ranges. There was a real concern for a lot of

his neighbors that the first they were hearing about the range was coming from that initial conversation that we had not from anyone doing proper due diligence before they actually purchased the land. Eric Penk, Prescott Sportsmans Club, resident of Prescott. He is hearing about everybody's rights, the board also has to realize our rights too. Property valuation, it was brought up about River Falls along the gun range. The reason that property didn't sell, it was full of mold, no one wanted to buy it. That's why the gun range bought it. The one in Hudson, he can't tell you much about that one, maybe no one can afford that big a house, \$900,000.00 house is a big house. He just wants to put out that they have the rights too with their property. Mary Bolin, resident of Oak Grove Township, she thinks it's good that they can have a trap team. It's been here and established without being in Oak Grove. The residents of Oak Grove who are here have opposed this and our township and planning commission have approved that they do not want this here. All the people that are here, there are a lot of people supporting the trap shoot thing but they are not residents of our township. They aren't going to be directly impacted. The people that are going to be directly impacted are here and they have asked you not to approve it and I would hope that you would not approve it. She does sell real estate and she has seen articles that do show that things like this do negatively affect the value. She doesn't have any exact numbers but she has seen a few. It will affect their property values. Gordy Dalman, Prescott/Clifton Township, a member of the sportsmans club. So he has attended a couple of the previous meetings on this issue and everything he heard at those meetings, all the opposition and including everything we've heard tonight is all noise related. He wants to point out that there are other things that create noise in our County. It doesn't seem like every time somebody builds something that makes noise that the citizens should have a right of objecting to that or getting in the way of that. As an example he had a corn dryer built a couple hundred yards from his house a few years ago. He would not have expected to have the right to say no to that or to have a vote in that and he didn't. Seems like we would be setting a precedent here tonight where noise related issues could become an issue that citizens could object to and get in the way of progress. Jon Anfinson, lives in Oak Grove, he is for the trap range. He doesn't recall you ever asking him or anyone else that lives in Oak Grove if they enjoy it. There are a number of people in the club that do live in Oak Grove and they are sitting here patiently listening. He appreciates everything everybody has to say but he would appreciate it if they didn't speak on his behalf. Michelle Huber and her front door is approximately one third of a mile from the proposed site. It doesn't take a rocket scientist to see and anyone who tries to fight the idea of this, try to say that this is a normal amount of noise, something that people could accept. They are not being honest. She hopes you see that. Her husband and her, as well as some of her neighbors, have gone door to door and she doesn't know where you live but she thought they had covered every property within one mile. They kept a map, went on the Pierce County website and kept a list and went door to door to what she thought was almost every property. There were a few that they weren't able to get to but they were able to collect 246 signatures. Some of those being family members, like her son who visits them from Austin, TX. You were given the names and see all the people who live in Oak Grove and signed the petition. She apologized that they didn't make it to their house. They would have welcomed any comments. She just wanted to say that for the record. She believes that they have a very large group out in the hallway to demonstrate that she thinks there are the majority in Oak Grove that are opposed to this. She would like to ask that the committee deny this conditional use permit. Her husband and her work very hard for the place that they live, and his family for several generations, she doesn't think she could live with this but she would fight this. We aren't going anywhere and they aren't giving up their home. They love where they live. They will continue to fight this. Aaron Marshall, Oak Grove resident and he supports the trap houses. No, he was never approached either by anybody nor asked any questions. Like Gordy said, he lives just 100 feet right off the highway and this property sits right between Hwy 29 and Hwy 10 and there is jake brakes, motorcycles, all day every day and all night long too. When he first moved in, he thought he would never be able to live there but within a month that noise is gone and it's just part of what your life is. So he supports the trap team. Dave Serres, he would like to speak for Hilton Fiedler who lives in Oak Grove Township. His property butts up against the gun range. Hilton Fiedler is the hardworking farmer. He's old school. He's tough as pig iron and he is getting to the point where he is getting ready to retire. With a gun range right up against his yard/his field, there will not be any peaceful nights sitting out into enjoy what he has worked his entire life for. He is one of the best people that he has had the honor to know. He will help anybody. But he is definitely against this and the affect it will have on his

quality of life and his livestock and his neighbors. On his behalf, he beseeches that this get denied. Mike Lubich, he is for the gun club, he thinks it's a great thing that someone is doing for the youth in this area. He grew up hunting. He still lives in Prescott. He was able, at that time to walk right out his back door and hunt. Now it's all developed and hunting has moved. All this property they are talking about, he grew up hunting in this area. They trap shot, his parents sponsored two trap teams, they did a lot of shooting growing up. But they got out of it because of the inconvenience of having to go to different areas. They started at 63; they originally shot at the Gaslight and they ended up moving to River Falls. So these people putting in the time and effort to make it localized for the community is a good thing. A lot of these complaints about noise, he understands. He's not sure he would want it in his backyard but being a hunter all his life and a trap shooter, he guessed he would OK it. He hunts in that area and noise is noise. He stated that he doesn't even hunt in certain areas out there anymore because of the traffic. There are buses, motorcycles, there is stuff going by but people get used to it. He often times talks to people in town with the trains going by, asking "how can you stand that?" They say they don't even hear it anymore. So you do get used to that stuff. As far as the other places and complaining about the noise; it depends on what they are shooting. He does a lot of shooting himself. He went out to a housing development this fall to sight in a rifle at his nephew's. Houses all around, they are shooting rifles, shotguns, pistols right in the middle of the development. He asked don't people ever complain? His nephew stated, no that's what we moved out into the country for so we had the right to shoot. We don't have to go to club or a range. He has also been to several stag parties where people go out in the backyard of the farm where you've got 10 – 15 guys shoot all day long. He asked doesn't anybody complain, don't you run the cattle off. The nephew stated, no, never heard a word. It's not every day but it happens. Back in the day you couldn't go to any gravel pit or anything without being littered with shotgun shells. Kids went to shoot wherever they could so it would be really nice to get things localized and controlled to eliminate a lot of that. As far as he knows, you can go out in your backyard and shoot whatever you want and it's not an issue. You drive around the country and there are targets set up all over. People are sighting in their rifles. Yes, this is an inconvenience to some sense but it's also not as bad as people are blowing it out to be. Crystal Zeverino, lives right across the street from the Huber's, not that far from the proposed shooting range. This first got a unanimous vote against it by the Planning Commission, then the Town Board, that's eleven people right now that were totally against it on top of not all the residents. We know the few that we did not go to because we knew that they were not in our favor so we chose not to go to certain neighbors. It's going to be a big noise thing and she doesn't want to hear anyone that says oh, you will get used to it because she lived in Newport her entire life up until three years ago. She married her husband a year ago and they wanted to make this farm, on top of, Dad's farm, Grandpa's farm, it's ours now. We wanted to be out in the country. She laughed at him when he said you are going to be from a city girl to a country girl. She thought no way, she's never going to get used to it, but she fell in love with it. Do you think she really wants to go back to a city life now? That's what's going to end up happening if this goes in. They are not going to have the quietness, the freedom, the eagles that fly over their place. Half of them are going to be dead because they feed off the birds. Anything that eats the lead is going to end up killing our eagles and don't say that little bit ain't going to hurt them because it only takes a little pencil tip to kill an eagle. On top of the noise, the negative impact on our property, there are traffic concerns for our children that sit out at a bus stop every day and get dropped off. We're on a bad corner and there is going to be no way of telling these high school kids or middle school kids you can't go down 620th. You have to go down to 1170th. There is no way kids are going to listen. We were all there at one time too. Nobody listens to their parents or higher authority. She grew up listening to this every day, even the trains, it got old, sickening, annoying every day. They eliminated all that in New Port. You can't blow your train horns, nothing down in New Port. The residents complained enough, they stopped that from happening. There is nothing they can do about the shooting range because it was there before most of those homes were there. We were here first. We should have a right to say that we do not want this. Debbie McClure, Town of Oak Grove, having sat on all of the meetings where we have had these conversations, and read through a large amount of material and talked to a lot of residents of Oak Grove, she can say for herself that the one main thing that she had to take into consideration when we talk about noise, first of all this is new noise, not a highway that people chose to buy their house next to. Also had to look at what the maximum amount of noise is, knowing the regulations and restrictions put on by the State of

Wisconsin, there was the need for us to look at the maximum number of students and the requirements that those students are shooting fifty rounds a piece each time they are out there. She thinks Crystal and her father mentioned it too, when we talk about 1,000+ rounds, we are not talking about in a day or on a Saturday, we're talking potentially per hour during the hours that they are open. Again that will be dependent on the number of students or public people that are out there shooting but conceivably 1,000+ rounds per hour during the times that this is open. Seeing that this is a new use, that does need to be held in a different light than if I were to purchase a house on a highway or near the railroad tracks that has been in existence for a very long time. Troy Cleasby, Oak Grove, a bunch of people are saying this isn't a suitable place, he just wants to point out there is formerly a dump on the west side of the property that is now a compost site. There is a gravel pit/mine on the north side, city land on the east side, City of Prescott has no qualms with this. And there is vacant land/farming land across the road. There were comparisons to the St Paul Gun Range and how you were going to be hearing this pounding noise all day long, every day, starting at 7:00am. We're pretty clear what our hours will be and it's nothing comparable to that. We're talking about three trap houses. I question whether you know how many trap houses South St Paul has and the volume of shooting that they have. It would be considerably more than what we are proposing. Someone mentioned the 3M Range, we did check with the 3M Range and they did not have room for us. As far as noise levels, we did take decibel level measurements of noise and at the various people that live in the region/vicinity that have been complaining about it. He believes the highest reading was at Jerry Kosin's who hasn't spoken yet tonight. His was in the 80 range and 45 at Jerry's. The highest they took was 65. He is talking at about a level of 60 is normal conversation. Highway traffic noise was also at a normal conversation level. The petition, 246 signatures, he encourages the committee to really look at that. He knows for a fact there are duplicates on there, people from California, Minnesota, all other states that have no bearing on this. 1,000 rounds per hour, that's not accurate, that would maybe per night, 1,000 to 1200, maybe 1500 across the whole night of shooting not per hour. Those are the main points that he wanted to make. Sherri Ptacek, Prescott, She is here today to voice her opinion because it means a lot to her and her daughter. Her daughter was introduced to guns by Ms Ptacek's husband who is now her hunting buddy. She doesn't participate in sports at school. She has tried but just doesn't have the athletic ability to feel comfortable with the other kids. Her daughter does, however, enjoy hunting. Right now they have the trap shooting team that is available but they need to travel 35 – 45 minutes away. That's a lot to ask parents who are working to try and get off in time to get their kids there for something that is important to them. What she is asking today is that you take into consideration how important trap shooting is, helping to teach these kids that would be receiving this and any other sport, or activity that they can do. Please let them have the ability to have these skills by allowing the trap shooting range that is about two miles from their school, the possibility of having a bus bring them to participate, to and from. Athena Stifter, Michelle & Trent Huber's oldest daughter, she was in high school once too, just a few years ago. She wasn't great at sports but she honestly thinks that just the pure convenience for a few people versus the quality of life and the livelihood for the farmers whose livestock are going to be affected, other folks, if you have dog grooming, it's just not acceptable. The Town has spoken and it's pretty clear that this isn't right. Dave Serres again this time speaking on his own behalf, we live right down the water run just a mile from Hilten's and the sound travels down it very efficiently. The type of life they have is that they have five acres, they have horses. Their daughter grew up riding the horses. They traveled well over a half hour to get her to the stuff they had to. And he considered it an honor and a privilege. Some of the things he has been hearing is there are other noises. There are other things, highway noises, airplane noises, motorcycles, rumble strips, we can't do anything about that. He believes there is something they can do about this. A 1,000 shots over the course of an evening; he doesn't see that as an improvement, he sees it as a huge annoyance and a huge negative effect on his and his family's life. The highest sound was 80 decibels. At 85 OSHA requires you to wear hearing protection. He knows that because he worked at a refinery for over 30 years. So you are dangerously close at Jerry Kosin's to get that level of hearing protection. He thinks that is a huge statement. Doreen Rogge, just wanted to say that this morning somebody was shooting somewhere and you went outside and that was all you could hear was pop, pop, pop pop pop, pop pop, etc and they stood there and said can you imagine listening to this all the time. She would hope that the committee would reject this proposal and not force them to have to listen to this all the time. Tim Rundquist, Prescott, he is in favor of the

gun range and he grew up on a big dairy farm. He was a hunter his whole life. Most of the time they were doing their target practice close to their pastures and their cattle, no matter what, would come over and stand and watch it. Never once did he see any animal run away from us when they were shooting their guns. So anyone that feels the noise is going to bother the animals, it will not. David Zeverino, lives about a quarter mile from the proposed site, it's not only about the noise, it's about the pollution. Lead is a huge contaminate. They don't make lead, you can't use it to hunt waterfowl. They don't make wheel weights anymore because it's dangerous and they are putting thousands of pounds of lead on their land, in a water run. Every time it rains, it's going to wash down. He doesn't care what kind of berm they build. They live just downstream and that water runs through our property. It washes out hills. It washed an old car, when he was a kid, about a 100 yards down the water run. It's moving with that much force, it will wash anything that's in its way. It doesn't care. So he guarantees that lead will get washed out of that berm and end up in their drinking water. It's going down the hill and will be that much closer to the water table. He is opposed to it and the town board was unanimously against it as well. Sharon Phillipps, Oak Grove, live probably a mile and a half or better to the east. She is a fifth generation, trying to pass it on to a sixth generation. She doesn't want her sixth generation to have to tolerate this kind of activity. She is a hunter. She came from a hunting family. This doesn't just impact a few individuals. This is impacting a whole neighborhood. This neighborhood is all united and she feels that, she is not against the trap shooting range, but it doesn't belong there. There must be someplace else that won't impact the neighbors as much as this site will impact it. She hopes you will listen to the neighbor's concerns and go by what the town board has recommended. Sarah Palodichuk, Town of Oak Grove, she thinks the committee has heard what she has to say as far as the town recommendation goes. But she does want to let people know that this is the hardest thing that she has had to do in the past four years. This is the most division that she has seen in their town in the past four years. She was probably the person on the board who was most eager to find a solution to make it work. Because she thinks having a trap shooting range would be a good thing, especially for the kids. But as we went through the process, there are too many question marks and when you fill in the blanks and you look at all the hours. If you fill all those hours with gunshots, that's beyond a level of what's acceptable. She heard some people say oh, you have to be able to have some noise move in next to you. She completely agrees, you have to have some noise move in. If it were trap shooting season for Prescott High School, she thinks she could make that work and she said that publicly. She knows some people aren't happy to hear that. She thinks that would be feasible but it's when you fill every hour on the calendar. Part of it's hard because the structure of the financing requires that many hours. But as long as they are there, they can be filled and that's too much burden for the neighbors. For her it's, not who was here first, because there is a lady that moved in after the proposal and she has every much right to enjoy her land as the people who have lived here for generations. It's just too much noise for anybody potentially. Also with 620th, people are talking about traffic, that's an impact fee road. That's one of their big roads. It's not about the use of the road. It's about the possibility of every hour being used as a trap shooting range. Curt Bretoi, he is from Prescott, he is for the range, he understands everyone's concern on the noise. He moved to Prescott in 2003, built a house behind Jeff Most's farm and a few years ago that big warehouse went up across the highway. His nights used to be dark, now they have all their street lights. He sits out on his back deck and look at their building and the new Ptacek's building. He is not a fan of it. He has grown accustomed to it now. He drives truck for a living and at all hours there are trucks in and out of that place. When they are not delivering there, they are lined up in the parking lot. He can smell their fumes. He hates that but you get used to it. You really do. **Chairperson Fetzer Closed the public hearing.** Sanden asked staff it was noted in the staff report about lack of some information about daily member usage and the number of shots and honestly the drawings don't tell them a lot. They show berms but they don't know the height, don't know the design of them. Did the applicants give you any details, he is looking at the EPA recommendations and the BMP's of what the shot fall zone would be and if they have taken measures to reduce it. Roy stated yes, it was in the report; 375 to 450. Jeff Nass stated shot fall zone is generally 125 to 150 yards is where the majority of the shot falls. That's when the recyclers/reclaimers come in and that's the majority where the shot is. The extreme distance is about 220 yards, if everything is exactly perfect. That's why you always design the range for 300 so you have that buffer zone there. The berm height would be based to stop any potential runoff of other property coming onto the rain surface. The rain surface will be fairly level

with just a slight grade so you can recover the lead. Sanden asked if the configuration has been such to minimize that. Mr. Nass stated yes, you do that to minimize where they have to pick up the lead. You can only turn them so far because safety is number one and if you overlap too much you have a safety issue. With three trap houses, you can tweak the two outside ones in a little bit. Also they don't want birds crossing other fields. That is all taken into consideration. Sanden asked as far as lime, any plans for phosphate spreading? Mr. Nass stated as a general rule in Wisconsin, they haven't had a huge issue with that. The EPA guidelines cover the whole United States. The main issue is that they want to make sure the soil is within that 6.5 to 8.5 range. They recommend that for all ranges whether its trap or rifle, crystal ranges to monitor it annually. There is a suggestion to do it twice a year, they generally recommend doing it once a year unless they have an issue. If the property, as an example you went in right now, and it was low and every year they had to add, then naturally they would probably test two or three times a year to make sure they maintain that level. Twice a year is not a huge issue. The biggest thing is to make sure they have the pH level there. Once lead is encapsulated it doesn't leach anymore. If you have ever seen lead that has been exposed to the environment, once it has that white coating on it, that encapsulates the lead and it stays there from that point on. That's where the acid in the soil or the soil that is not in that medium there can eat away that coating and then you can have an issue. There are a few parts of the State that do have an issue because of their heavy sand more acidic soil and they have to maintain it at a much higher level. I believe the average was 7, you said at the soil testing they did. It's a fairly easy process to test. Sanden asked about controlling runoff and planting vegetation. Are there any planting plans for this site? Mr. Nass said basically it's a lawn. When they recycle that lead, it naturally chews it up. You put in fresh vegetation or seeded to get grass to grow quickly. But as this range is going to be designed specifically for this, they can contour the entire impact area so that it is fairly level, meaning it only runs off at the end. At the end there is a swell at the end and construction deals with this all the time. So that if anything would get picked up, it has a chance to drop to the bottom. Obviously, lead is heavy and drops to the bottom when there is not a heavy water flow. So the range will be designed so there isn't a heavy water flow. That's where the berms come in along the sides of it to ensure that flow from other areas are redirected away from the range area. Sanden asked about the depth to groundwater on this site. Mr. Nass stated 100 feet is not shallow. State of Wisconsin has 300 to 900 ranges. There is no set number. The DNR and Conservation Congress are guessing between 300 and 900 ranges. At least half of these ranges are trap ranges. Again years ago they shot right into wetlands, swamps, rivers and lakes. They discontinued that due to the water fowl feeding on the bottom of those lakes and wetland areas. But he cannot find a case where a range contaminated water in a community in Wisconsin. He Googled it, DuckDuckGo'ed it and two other search engines, but there may be a case out there. With all those ranges for the last untold years in the State of Wisconsin and not having an issue and also point out we are the lead mining state. There are two counties in the State of Wisconsin that have the highest lead content naturally in the soil than any other place in the country. Sanden asked how far they are from here. Mr. Nass stated they are down by Madison, Yellowstone area down there. Sanden asked if any of these design features done for noise mitigation? Mr. Nass stated no. The noise mitigation, the location of the range is the biggest thing for noise mitigation. Naturally, sound decreases over distance. Sanden asked staff, the restrictions imposed by the sports shooting range activities statute, no action can be taken for nuisance issues as well as no civil liability for any action. What he is having a little problem with is the lack of details of some of the things. So would that mean that if we were to miss something, we wouldn't have much in the way of recourse? Pichotta stated in certain respects, we do have a limited ability to control for example hours. State Statutes said they can be open from 6:00am – 11:00pm. Regardless of what they are proposing, we can't enforce something different than that. There are some other restrictions as far as liability. It does appear that that says State or other political subdivision, he would have to discuss neighbors ability, their recourse with our attorney. We didn't get into that great of depth with this. But it was clear that there were certain restrictions that impact our ability to place conditions. Mr. Nass stated State Statute doesn't state that because this range was not in existence prior to the original date with the noise was 1998. The range had to be in existence prior to that date. This range, obviously, was not in existence. So the range protection that is in State Statute 895 whatever the statute number does not pertain to this range. That's why they are here for a conditional use permit. If they were already an operating range, they wouldn't have to come and ask you this. If you look into that, you will see at the very beginning of

the statute states that the 1998 date, and we passed a couple bills in there that those dates were upgraded to 2013. That's all right in the State Statutes. Because this is a range that is new, it was not in existence, it is not covered and you do have recourse. Also even if statutes would change, you are under a conditional use permit as a legal contract. You would have to talk to your County lawyer but you would have a legal binding contract with them and yourselves that this is what's going to happen. If they violate that you would have grounds to deny the permit or stop the operation. Sanden stated that is kind of his point, they would have to put those conditions in and without knowing a lot of the details he doesn't know what conditions to put in to anticipate any possible nuisance or health issue. Holst stated he would like to point out to all of those in attendance that this is not a popularity contest. We have one group that has 250 signatures; we've got another group that comes from the Sportsmans Club. We're here to protect public health and safety and the interest of the people of Pierce County. He is a benefactor member of the NRA, his names on the wall in Washington. He has pushed a lot of money their way. He believes that these kids have the right to trap shoot but at the same time he had a daughter in dance and he hauled her all over the State of Wisconsin on his own dime. And it wasn't cheap and it took a lot of time. He believes we just built a nice new school in Prescott. He believes the Sportsmans Club should have talked to the school and put your shooting range in the City of Prescott if it doesn't affect anybody. He believes that there are serious concerns with lead migration. As far as the noise goes, he believes that it probably would be tolerable. He lives 100 feet from the railroad but the railroad was there a long time before he came there. As far as UNFI building in Prescott and the lights, that piece of property was zoned Industrial as far back as he can remember. It was always going to be something there of an Industrial use. He cannot support this at this time. This is about as poor presentation on a berm that he has ever seen. There is no scale drawings. You have a black line on a piece of paper. You don't say where it starts, what the elevation is, where it ends. You give us a linear distance but that's about it. Town of Oak Grove came forward with things that match their comp plan. They give us reasons to deny it and I have to stand with the Town of Oak Grove on this and I don't always do that. Aubart asked if they looked at alternative sites before they purchased this property? Mr. Cleasby stated they didn't originally purchase this property with the intent of building this trap range. This came up after they had begun looking for land to build a clubhouse and do other activities. It wasn't until after they secured the land and the high school trap team came into existence that they thought that they could accomplish this and facilitate building this range. Regardless of what other people say, that's the facts. Aubart asked when they started, is this a high school sponsored school district trap team? What was their plan to start with, where they were going to shoot. Mr. Patraw stated they started this up and presented it to the school board and they approved of having a trap team. Last year they shot as a club, like a fishing club or other clubs and they shot up in Hudson. This year the school officially made them a sport like dance is. They talked about shooting at Hudson and they talked about the Sportsmans Club trying to get a range built closer to the school. The trap team is different than all the other sports because none of the coaches get paid. They OK this as a sport but they don't put money into the sport. They don't pay coaches, we sponsor ourselves. Sponsorship and money like that. It's sanctioned by the district but not paid by the district. Like Ellsworth and Elmwood trap teams, they are by sponsors. We are lucky that the school does support us to let the kids letter in the sport. Eric Penk stated when they brought this up, we started out with 25 kids; we've grown. We're up to 65 kids this year. We're growing and will they facilitate us in the future. He sees the need for this in our community because if we ultimately outgrow Hudson, where are we going to go? It's agriculture out there, not many homes, that's why we chose it. There's pictures of Hudson, River Falls, Ellsworth range is right here and you can see the housing around it and they have no noise issues over there. People come there and move there after it was built. Aubart stated he has been a member of the River Falls Club for many years, a couple decades and they have had issues. He can guarantee that. The travel issue - really to him, like Mr. Holst, his boys were in hockey and he grew up on hockey and his high school team they traveled 70 miles one way every day for practice. That was the choice and it was worthwhile and they continued to do that. He was president of their hockey association. They rented ice for many years, so did Woodbury, Cottage Grove, they traveled to here to Hunt Arena. Traveling for our kids is nothing new. He encourages the trap team. He thinks it's a great deal. He just doesn't know that this is the place that it needs to be. Hopefully the kids will enjoy it and continue to participate in it but there is a cost to it too. The other issue, the noise issue, it could be an issue with the livestock. There isn't a lot of information, really on

what the effects of that would be. He is concerned about the water issue. He doesn't think that has been vetted good enough in this presentation. Mr. Nass asked if he could speak to the drawings, one of the things that when clubs are looking to do things along these lines; every one of these guys that's with the club is a volunteer. The club, I'm sure has a shoestring budget, I'm sure they are not flush in cash and are actually working to support the juniors which are never charged the same rate as the adults. We're just moving earth here. There was a note that plans would need to be submitted and those could easily be done once they are approved before they could start excavation. Those plans would be turned in. They would hire a draftsman/engineer to actually shoot all the elevations. The berms were put in there just to divert any flow onto the range, exact heights they would have to shoot and all that. Again, these guys aren't flush with cash where they can do that and have it denied. That can be done, should be done but doesn't need to be done prior to that. If it's approved and they say it has to be approved by your zoning staff, there is not an issue with that because it has to be done anyway. We have to make sure it's level and diverted away from there. Again for these guys to hire a professional to come in, puts an onus on them as volunteers. He doesn't know how many of their kids shoot even. They are just looking for the future. Its dirt so they are not building a building where we need structural issues involved. Holst stated that's what they said at the Oroville Dam too, it's just dirt. Mr. Patraw stated this isn't the best plan but he isn't going to invest \$10,000 into a site plan because that is the minimum it would be. When they get ready to build this, for sure it will be. He can't send an excavator out there. He wouldn't know what to do, he would laugh at him, throw it back at him and say this is horrible. Holst asked if he would present this to a future client? Say here is my plan, I don't think Kraus-Anderson would. You are asking us to OK something based on this piece of paper. Chairperson Fetzer noted that we have had homeowners come in that hand drawings that are very detailed, I wouldn't say to an engineer is always needed but more detail is. **Aubart moved to deny the Private Outdoor Recreation for a Trap Shooting Range for Prescott Sportsmans Club Inc finding that the proposed use and the proposed location is contrary to the public interest and likely be detrimental and injurious to public health & safety/Holst seconded stating: regarding the public interest – Pierce County has through its adopted comprehensive plan – stated that when considering conditionally permitted uses – adherence to a Town's comprehensive plan will be considered to be consistent with the public interest for that town. The Town of Oak Grove has adopted a policy language regarding the need for conditionally permitted uses to not conflict with or negatively impact the use and enjoyment of nearby properties – this policy is appropriately applied to this proposed conditional use – which would likely have negative impacts on the use and enjoyment of neighboring properties that cannot be mitigated. Regarding public health and safety – The proposed location is not a good site for a trap shooting range. The lay of the land, existing drainage patterns and volumes and proximity to an intermittent stream would make it difficult to ensure that lead does not migrate off site – creating the potential for public health and safety risks. All in favor of denying the CUP. Motion passed.**

Discuss take action on Travel/Training Requests. Pichotta stated he has one travel/training request for your consideration. It's to attend a West Central Zoning Association meeting at the Chippewa County Courthouse on March 9th. It's entirely likely that Emily, Brad & Ryan will all attend. **Aubart moved to approve the travel/training request for Emily Lund, Brad Roy & Ryan Bechel/Snow seconded. All in favor. Passed.**

Departmental Update and Future Agenda Items

Public hearing for a Rezone request from General Rural to General Rural Flexible in the Town of Gilman.
Renewal of conditional use permit for a Nonmetallic Mining for Monarch Paving in the Town of Trenton.

Motion to adjourn at 7:43 pm by Snow/Sanden seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, February 15, 2017 – 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 1 st & 15 th , April 5 th & 19 th , all in 2017.	Chair
3	Approve minutes of the January 18, 2017 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for a conditional use permit for Private Outdoor Recreation for a Trap Shooting Range in the General Rural Flexible 8 District, pursuant to Pierce County Code Chapter 240-39E, by Prescott Sportsmans Club Inc, owner on property located in the SE ¼ of the NW ¼ of Section 6, 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.

(2/3/17)

PIERCE COUNTY WISCONSIN
DEPARTMENT OF LAND MANAGEMENT & RECORDS
PLANNING, ZONING, SURVEYING & GIS
414 W. Main Street P.O. BOX 647
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715-273-6746 OR 715-273-6747
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MINUTES - Pierce County Land Management Committee Meeting, January 18, 2017

Present: Jon Aubart, Joe Fetzer, Jeff Holst, Eric Sanden and Ken Snow

Others: Andy Pichotta, Ryan Bechel and Shari Hartung

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

Next meeting dates: February 1st & 15th, March 1st & 15th, all in 2017.

Approve Minutes: **Snow moved to approve the January 4, 2017 Land Management Committee minutes/Aubart seconded. All in favor. Passed with Holst not voting because of absence at the last meeting.**

Public hearing to consider and take action on a request for a conditional use permit for construction of a new structure (Warehouse and Storage) in the Industrial District, pursuant to Pierce County Code Chapter 240-37(1)B, by Chad Whitcomb, agent for Hager Telecom Inc, owner on property located in Lot 2, Certified Survey Map (CSM) V3, P72, being part of the NE ¼ of the SW ¼ of Section 1, T24N, R18W, Town of Trenton, Pierce County, WI. Chairperson Fetzer invited Chad Whitcomb forward:

Staff Report – Ryan Bechel: Bechel noted that there was a correction made in the staff report regarding the height of the structure. You should have a new staff report with that highlighted. The applicant is seeking a Conditional Use Permit to enable the construction of a storage building to be utilized for commercial use. The Hager City Telephone Company currently operates with 5 employees and provides telephone, internet, computer and television sales, service and installation to both residential and commercial clients. The Hager City Telephone Company is a provider of Bevcomm sales and services. The proposed building will be utilized for storage of telecommunications installation equipment including cable spools, plows, broadband equipment and cable excavation equipment to prevent theft which has become an issue at some of their facilities. If approved, the storage facility will require LMC site plan review as required by PCC §240-75. An agenda item for site plan review directly follows this item. The two acre parcel is located in Town of Trenton and is zoned Industrial. Pierce County Code 240 Attachment 2, Table of Uses list warehouse and storage uses as a conditionally permitted use in the Industrial Districts. Warehouse and storage is defined as the holding of packaged or wholly or partially finished products within enclosed buildings which will not create significant impacts to surrounding uses. The property is bordered by an Industrial District by each side. Surrounding land uses include a mixture of Commercial and Industrial uses. Planted forest lands border the property to the east. Access to the site is off of 760th St which is a private road. The applicant is proposing to construct a 30' x 56' storage shed that is 22' in height. The shop will have a gravel floor and will not be served with water or sewer. The property is subject to maximum elevation restrictions due to its proximity to the Red Wing Airport. The maximum elevation restriction for the property is 818' above mean sea level. Pierce County contour elevation data estimates the elevation of the ground at the structure's proposed location to be 768' above mean sea level. At the height proposed, the structure would be at approximately 791' above mean sea level. The applicants do not intend for customers or the general public to visit or utilize the facility. Hours of operation are proposed to be 24 hours per day, 7 days per week to allow access to materials and equipment in the event of service repair emergencies. On site solid waste disposal provisions are not proposed. Solid wastes produced on site will be removed and properly disposed of. The applicant is proposing to install exterior security lighting on the front

(west side) of the building and on the south side of the building to provide lighting for the fenced in storage area. No advertising signs have been proposed at this time. The Town of Trenton recommended approval of the CUP request on December 12, 2016 stating no specific justification/comprehensive plan reference but offering the following recommendation:

“Prior to renewal, Bevcomm notifies Trenton Township Planning Commission in a timely manner to allow the planning commission and /or town board to review the CUP prior to county renewal.”

Prior to approving the CUP renewals, staff typically contacts town officials to gather comments and/or concerns regarding a CUP. Historically, an applicant has not been conditionally requires to seek formal town review prior to renewal. Given the low impact nature of the proposed use and the fact that all adjacent properties are zoned Industrial, staff is of the position that renewal of this CUP is not required. Staff views this request as an establishment CUP, similar to a CUP authorizing an accessory residence, a use which does not require renewal. If issues relating to this use arise in the future, the permit can be brought back to the LMC for further discussion of conditions or termination at any time. Staff has not received any concerns/comments regarding the proposed use.

Staff Recommendation: Staff recommends the Land Management Committee determine whether the proposed use at the proposed location would be contrary to the public interest, detrimental or injurious to the public health, public safety or character of the surrounding area. If found to not be contrary to the above, staff recommends the LMC approve the proposed warehouse and storage facility with the following conditions:

1. Applicant shall obtain a Uniform Address Number from the Land Management Department prior to commencing building construction.
2. Activities shall be conducted as submitted in the application and as presented to the LMC, unless modified by another condition of this CUP.
3. Applicant understands that expansion or intensification of this use will require modification to this permit or potentially, issuance of a new conditional use permit.

Chairperson Fetzer opened the hearing to the public. No public comment. Public hearing closed. Holst moved to approve the construction of a new structure (Warehouse and Storage) for Hager Telecom Inc due to the fact this is not found to be contrary to the public interest, detrimental or injurious to the public health, public safety or character of the surrounding area, with conditions #1 - #3/Sanden seconded. All in favor. Passed.

Discuss take action on a request for Site Plan Review for a structure (Warehouse and Storage) in the Industrial District, pursuant to Pierce County Code Chapter 240-75, by Chad Whitcomb, agent for Hager Telecom Inc, owner on property located in Lot 2, Certified Survey Map (CSM) V3, P72, being a part of the NE ¼ of the SW ¼ of Section 1, T24N, R18W, Town of Trenton, Pierce County, WI.

Staff Report – Ryan Bechel: A Conditional Use Permit to authorize this use was approved by the LMC on the previous agenda item. Site plan review and approval is now required. Pierce County Code §240-75 requires site plan review for commercial structures, the purpose of which is to assure site designs that promote compatibility between land uses, create safe and attractive site layouts and structures, provide proper access to streets and transportation, protect property values and contribute to efficient land use in Pierce County. The property is zoned Industrial. The property is bordered by commercial/industrial uses to the north (mini-storage), south (Crestwood Cabinets), and west (Warehousing of Hager City LTD). Planted forest land borders the property to the east. All adjacent properties are in Industrial zoning districts. The structure will be 30’ x 56’ with a 22’4” height. PCC §240-23 establishes Minimum Requirements and states that the development shall meet the minimum requirements for the applicable district shown in the Table of Dimensional Requirements. The Table of Dimensional Requirements does not dictate side yard and rear yard setback for Industrial zones. PCC §240-23(E) regulates structure setbacks from private roads and states; “The required setback for all structures fronting on private roads or private road easements shall be 75 feet from the centerline of the road or 42 feet from the edge of the right-of-way, whichever is greater.” In its proposed location, the structure would be 75 feet or greater from the nearest side or rear yard line and 120 feet from the centerline of 760th ST (private road). The driveway access for the property is located off of 760th St (private road) on the west side of the property. There

are no existing structures on the property. The proposed building will be constructed adjacent to an existing fenced in storage pad. The applicant is proposing to install exterior security lighting on the west and south side of the building. The applicant is not proposing any signage. The proposed construction is exempt from Landscape Buffer requirements. Pierce County Code §240-54 specifies minimum parking provisions shall be one parking space for every 1,000 square feet of primary floor area for warehouse/commercial storage uses. A minimum of 2 parking spaces are required for this facility. The plan submitted show ample parking area to fulfill this requirement.

Staff Recommendation: Staff recommends the Land Management Committee review the proposed site plan and determine if any changes or modifications are necessary. The LMC should consider proposed structures, architectural plans, neighboring uses, use of landscaping and open space, parking areas, driveway location, loading and unloading areas, highway access, traffic generation and circulation, lighting, drainage, water and sewer systems, as well as proposed operations.

The LMC may impose time schedules for completion of buildings, parking areas, open space uses, drainage and erosion control systems and landscaping and may require appropriate sureties to guarantee that requirements will be completed on schedule.

If no changes or modifications are determined to be necessary, staff recommends the LMC approve the Site Plan as proposed.

Chairperson Fetzer asked as far as the building, do you know when you are going to get started. Mr. Whitcomb stated in the spring time before the end of the year. Chairperson Fetzer stated he doesn't see any point in throwing in a bunch of stuff on that. Pichotta stated site plan review sometimes seems redundant especially in cases like this where you have a CUP. In cases where you have a commercial use in a commercial district which is a permitted use and site plan review is required, in those instances you would look at putting in place similar conditions that you would put in place as a CUP and the site plan review is the committees kick at that particular can. This is one of those cases where it's a pretty benign use. It may seem redundant to have two agenda items that do basically the same thing.

Sanden moved to approve the Site Plan Review for Hager Telecom Inc as presented/Snow seconded. All in favor. Passed.

Discuss take action on Travel/Training Requests. Pichotta stated he has two travel/training requests for your consideration. Ryan Bechel would like to attend a series of training sessions held in New Richmond at WITC for POWTS, Soil Testers, Soil Test Training, POWTS Design and Sanitary Code Education, on February 6th, 20th & 27th and March 6th. Cost is \$100.00 and there won't be any hotel required. Louie Filkins would like to attend the Annual Surveyors Institute. This is continuing education for the surveyor, required for him. This will be on January 25th & 26th at the Kalahari. This will be a one night stay and the funds are budgeted for attendance at each. **Snow moved to approve both travel/training requests/Aubart seconded. All in favor. Passed.**

Departmental Update and Future Agenda Items

At this point, we have no agenda items for February 1st. February 15th will be the Trapshooting Range public hearing.

Motion to adjourn at 6:19 pm by Holst/Snow seconded. All in favor. Motion carried.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, January 18, 2017 – 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 1 st & 15 th , March 1 st & 15 th , all in 2017.	Chair
3	Approve minutes of the January 4, 2017 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for a conditional use permit for construction of a new structure (Warehouse and Storage) in the Industrial District, pursuant to Pierce County Code Chapter 240-37(1)B, by Chad Whitcomb, agent for Hager Telecom Inc, owner on property located in Lot 2, Certified Survey Map (CSM) V3, P72, being part of the NE ¼ of the SW ¼ of Section 1, T24N, R18W, Town of Trenton, Pierce County, WI.	Bechel
5	Discuss take action on a request for Site Plan Review for a new structure (Warehouse and Storage) in the Industrial District, pursuant to Pierce County Code Chapter 240-75, by Chad Whitcomb, agent for Hager Telecom Inc, owner on property located in Lot 2, Certified Survey Map (CSM) V3, P72, being part of the NE ¼ of the SW ¼ of Section 1, T24N, R18W, Town of Trenton, Pierce County, WI.	Bechel
6	Discuss take action on Travel/Training Requests.	Pichotta
7	Future agenda items.	Pichotta
8	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.

(1/6/17)

PIERCE COUNTY WISCONSIN
DEPARTMENT OF LAND MANAGEMENT & RECORDS
PLANNING, ZONING, SURVEYING & GIS
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MINUTES - Pierce County Land Management Committee Meeting, January 4, 2017

Present: Jon Aubart, Joe Fetzer and Eric Sanden

Others: Andy Pichotta, Brad Roy and Shari Hartung

Absent: Jeff Holst and Ken Snow

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

Next meeting dates: January 18th, February 1st & 15th, March 1st & 15th, all in 2017.

Approve Minutes: **Sanden moved to approve the December 7, 2016 Land Management Committee minutes/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, General Rural and Primary Agriculture Districts, pursuant to Pierce County Code Chapter 240-37A, for Wieser Concrete Products Inc, et al, owner on property located in Sections 4, 9 & 10, T25N, R16W, Town of Salem, Pierce County, WI.

Staff Report – Brad Roy: This request is for the renewal of a conditional use permit for 3 nonmetallic mines located on Wieser property located in the Town of Salem. Pierce County issued the original Conditional Use Permit in 1992 for four (4) mines. Reclamation plans and fees have been submitted to Pierce County for Mines #1 and #2 since 2001, as required by NR 135. It was previously understood by Pierce County that Mines #3 and #4 had been issued DNR Chapter 30 permits, which covers reclamation and exempts mines from the provisions of NR 135. It was recently determined that no such permits were on file with the DNR. The permitting process was started but no permits were ultimately issued. It was agreed by the applicant, DNR and Pierce County that reclamation plans for the two mines would now be filed with the County. A reclamation plan was submitted and approved by Pierce County on September 18, 2015 for Mine #4. Mining activities at Mine #3 had ceased before 2001 and the applicant is not intending to mine in that area in the future. Due to this, a reclamation plan is not required for that mine. Pierce County Code (PCC) and NR 135 only require reclamation plans for mines active after 2001. In the past, the mined 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 being industrial frac sand and the use of the mine increased. At the previous renewal conditions were added to reflect the increased volumes. Due to current market conditions the volume of frac sand removed from Mine #4 has decreased from the prior volume. The applicant has been in discussions with the Town of Salem regarding the use of Town roads and a new agreement, he believes has been finalized. There are plans being developed to construct a private access road to Hwy 10 which would include the installation of a bridge over the Rush River. 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 12 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 front end 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 7 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 includes front end loaders, screener, excavator and dump trucks. Materials from this site are sand, rock and frac sand. Currently there are stockpiles of sand and rock and materials removed average 10-30 loads per week. There are 30 open acres. Total Excavating has a contract with Muskie Proppants to deliver 200,000 tons of frac sand from this mine to their plant in 2017. Muskie has told Total Excavating that when the market improves they will start the plant again. Total Excavating is waiting for further information from Muskie regarding demand for frac sand. Typical hours of operation range from 6am to 6pm. When the frac sand mining first began the operation was active 24 hours a day to build stockpiles. The applicant wishes to continue to have the flexibility for 24 hour operation. Wash water for the sand and gravel is supplied from the existing pond on site adjacent to Mine #4. No supplemental water is necessary for washing operations. Crushing at the site is conducted as necessary and has been performed 24 hours a day. Review fee calculation is \$200 plus \$20/acre, which totals $\$200 + (\$20/\text{ac} \times 49\text{-ac}) = \$1,180$. Staff was able to contact the Town of Salem Chairperson today and we were told that a road agreement has been reached and the Town has no concerns. Staff has not received any complaints about this mining operation. A Fugitive Dust Plan and Storm Water Pollution Prevention Plan and Spill Prevention Control and Countermeasures have been submitted to the Zoning Office. The existing conditions are listed #1 through #18 in the staff report.

Staff Recommendation: Staff recommends the Land Management Committee consider whether established conditions continue to be 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:

1. Renewal fee in the amount of \$1,006 shall be submitted to the Land Management Department.
2. All required permits shall be kept current with the DNR.
3. Applicant shall follow all recommendations and receive all necessary permits from all relevant departments and agencies.
4. A 100-ft setback shall be maintained from all property lines for all mining activities.
5. The applicant shall notify the Zoning Office if groundwater is encountered.
6. Blasting shall be conducted by a state licensed blaster.
7. Blasting shall take place between the hours of 8am and 5pm.
8. Reclamation shall be completed consistent with the submitted plans.
9. Well tests for nitrates, suspended solids and dissolved solids shall be conducted annually for all wells within 1,000 feet of any mine where blasting takes place. All results shall be provided to the Zoning Office.
10. Any unforeseen erosion issues shall be addressed to the satisfaction of the County.
11. Applicant shall comply with PCC Chapter 241 Nonmetallic Mining Reclamation.
12. Reclamation financial assurance information shall be reviewed and approved by Corporation Counsel and kept current.
13. The conditional use permit shall expire in 2 years.
14. Road agreements shall be secured from appropriate municipalities for hauling industrial sand.
15. A copy of the Storm Water Pollution Prevention Plan and Spill Prevention Control and Countermeasures shall be submitted to the Zoning Office.
16. A Fugitive Dust Plan shall be developed and implemented.
17. Operations may not begin prior to 6am from December to April.
18. A Traffic Impact Analysis be completed for any potential access points onto Hwy 10.

Chairperson Fetzer asked applicant Andy Weiser if he had anything to add. Mr. Weiser stated the only thing is clarification on the road agreement. They have an agreement in word right now and they are working out the final details with the lawyers, of course, a formal road agreement. We have a conceptual agreement. We actually are supposed to meet next week. We have a CD in place and we have agreed to pay for any damage to that section of the road that is caused by traffic. Basically the Town has no cost involved. The road has been upgraded. They re-blacktopped the bottom part. We paid for that. It's like seven tenths of a mile up to their

quarry and that's all been redone. It's like new now so it will be pretty easy to tell if there is any damage. Aubart asked Brad about the renewal fee amount as it is listed. Roy stated that the renewal fee should be \$1,180.00. Sanden asked about the Traffic Impact Analysis, has that been done, is it still needed? Roy stated that would only be needed if the new access is going in. Up until the new access is going in, we don't need it. Mr. Weiser stated it was meant for if they do build the bridge. The bridge really depends on the amount of frac sand. They also have to get a permit first. We are quite a ways along on that. In order to justify a bridge they need to have frac sand for a lengthy enough time because it's going to be a very expensive project. If that would go through, they have a driveway onto Hwy 10, an existing driveway they used years ago for their mining operations when they were on the other side of Hwy 10, this side of the Rush River. So there is an existing driveway entrance that has been there for years but he thinks the concern was if they need a turn lane or something. There is a turn lane now on to Hwy 10 off of 390th Ave. Chairperson Fetzer asked if they have a lot of their plans already going for your permits for the bridge or did you suspend all of that? Mr. Weiser stated they started that quite a while ago and it's sitting in the DNR's hands. However, even if they do grant it, they still have to justify it from a cost standpoint. If they were guaranteed they were going to haul sand for five or six years, they could justify it. The way the sand market is now, it's pretty hard to justify. The agreement with the Town is to inspect the road yearly and that any damage that they cause to the road, they would pay 100%. **Aubart moved to approve the renewal of a conditional use permit for Wieser Concrete Products Inc. with conditions #1 - #18, amending the fee amount on condition #1 to read \$1,180.00/Aubart 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, General Rural Flexible and Primary Agriculture Districts, pursuant to Pierce County Code Chapter 240-37A for Wisconsin Industrial Sand Company, agent for Kathleen & John Thayer, My Course LLC, Cynthia Hanson and MOAP LLC/TROLL KING LLC, owners on property located in part of Sections 33, 34 and 35, All in T25N, R17W, Town of Hartland, Pierce County, WI and for Wisconsin Specialty Sands Inc, owner and agent for Nellie Anderson, My Course, Charles & Lynn Brown, Lynn Brown, Dennis Potts, Florness Farms LLC, Gregory & Debra Anderson and Margaret Chesley, on property located in part of Sections 2, 3, 4 and 10, All in T24N, R17W, Town of Isabelle, Pierce County, WI.

Staff Report – Brad Roy: This underground mining operation began in 2006; in 2008 the hours of operation were expanded to 24 hours a day. In 2013, the LMC approved an expansion of the mining area into the Town of Hartland. Activities on the site include blasting, screening, washing and sizing underground in the mining tunnels. Washing is done in clay-lined ponds within the tunnels. The washed sand is then trucked to the processing facility in the Town of Trenton. Trucks enter and exit the site directly on to STH 35. In 2015, the LMC approved an expansion of the Trenton processing facility to include a new wash plant. When the wash plant becomes operational the wash ponds located within the mine will be removed. The LMC approved the location of a ventilation shaft in March of 2015 in Section 3 in the Town of Isabelle. The permitted mining area encompasses approximately 1300 acres. The primary use of the land is either agriculture or forested and undeveloped. Other nearby uses include low-density residential. The entire mining process takes place underground using room and pillar mining. The sandstone is mined in parallel tunnels approximately 30-foot wide separated by 70-foot wide sandstone pillars. The mining is accomplished by drilling and blasting. The tunnels allow for the internal washing, sizing and storage of the sand. The blasted sand is screened and taken to an underground classifying area where the sand is sized and dewatered. Approximately 90% of the water is recycled. Water is supplied by two 1000 GPM fresh water wells, although typically only one is used. High capacity wells are permitted by the Wisconsin Department of Natural Resources (WI DNR). Groundwater elevation is mapped at approximately 720 to 740 feet mean sea level. The lower level of the mined sand is approximately 60-80 feet above the groundwater table. The use of flocculants in the dewatering process has caused concerns from the general public relating to the possible contamination of groundwater. The use of flocculants is permitted by the WI DNR which monitors the type and limits the amount used. WI DNR regulates and monitors storm water and process water through the Wisconsin Pollutant Discharge Elimination System

Permit (WPDES). The WPDES permit ensures that water samples are collected and analyzed to demonstrate that water is not discharged that could negatively impact surface water. The facility has a Storm Water Pollution Prevention Plan and a Spill Pollution Control and Countermeasures Plan. These plans identify potential sources of stormwater pollution and spills of oil-related materials and other chemicals and establishes controls intended to minimize any potential impacts to surface waters. A Fugitive Dust Plan has been developed for the operations. The plan details the measures to be taken to reduce dust from roadways during periods of dry or windy conditions. There has been a market downturn for frac sand. The applicants had to reduce the workforce in April 2016. There are four fulltime employees to maintain operations at the area facilities. Their primary duties are to conduct monthly maintenance functions which includes startup of all machinery, safety and environmental checks as required for WDNR and MSHA compliance, security checks, snow plowing and maintaining overall readiness for full operations when the market returns. MSHA completed its last safety and health inspection of the Bay City mine on November 28 and 29, 2016. Staff has not received any complaints regarding the operation since the expansion in 2013. Staff contacted the Towns of Isabelle and Harland regarding this renewal request. Neither Town Chair expressed any concerns regarding renewal of the permit. The existing conditions are listed #1 - #27 in the staff report.

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 the public health, public safety or the character of the surrounding area. If found to be not contrary to the above, staff recommends this CUP be renewed with the following conditions:

1. Applicants shall follow all recommendations and receive all necessary permits from WI DNR, Department of Commerce, Mine Safety and Health Administration and other agencies if required.
2. Applicants shall submit written verification from all real property owners granting access to the abandoned tunnels of which WSS will be accessing pursuant to this CUP.
3. Applicant shall submit verification of lease agreements before mining is conducted and before mining is conducted within the 100 foot setback to parcels of which WSS does not hold the mineral rights, subject to condition number 5.
4. Applicant shall comply with the conditions recommended by the Town of Isabelle. The Town of Isabelle recommended approval of this request on March 22, 2006, subject to the following conditions:
 1. A map of the facility and underground tunnels shall be posted conspicuously at the site.
 - a. This same map shall be provided to the Town Clerk of the Town of Isabelle and emergency officials.
 - b. This map shall be updated semi-annually.
 2. A site stability study shall be completed by a professional engineer qualified for such work.
 - a. The stability of the site shall be monitored by a qualified professional engineer annually.
 - b. A copy of the engineer's report shall be made available to the Town of Isabelle.
 3. The groundwater shall be monitored by professionals qualified to perform such work.
 - a. Check all wells within 1,000 feet of company wells. This is the same as county requirements.
 - b. The groundwater shall be monitored annually as well as any time the Town of Isabelle deems appropriate.
 - c. A copy of this report shall be made available to the Town of Isabelle.
4. A reclamation plan shall be prepared.
 - a. In compliance with the requirements of the County of Pierce.
 - b. Including a performance bond to insure that reclamation work can be completed after operations cease or the operating entity ceases to exist.
5. Hours during which blasting operations can be performed will be unrestricted unless official complaints are registered with the Town of Isabelle-
 - a. Upon receipt of an official complaint to the Town of Isabelle, the Town of Isabelle will advise the operators of the facility of the hours of blasting restrictions.

- b. Within 24 hours of notification, the operators of the facility shall not perform blasting between the hours of 9:00pm to 5:00am.
6. Town of Isabelle does not control driveway permits onto a State of Wisconsin highway and therefore cannot approve or deny any such driveway. However, the Town of Isabelle is very concerned about trees on either side of the driveway blocking the view of the drivers on the driveway and the State Highway. The Town of Isabelle strongly recommends that sufficient trees be removed to promote safe vehicular traffic.
5. A 100-ft setback shall be maintained from all property lines for which Wisconsin Specialty Sand does not hold the mineral rights, except for any areas which were granted an exception to this requirement. An exception was granted on the west property boundary of the parcel subject to this CUP. Mining is permitted 57 feet from this boundary.
6. Applicant shall identify blasting frequency and all blasting shall be done by a certified state licensed blaster.
7. Real property owners located within 1000 feet of the parcel subject to this CUP shall be notified of the blasting schedule and be given the option of having notices sent to them by phone, text or email before any blasting. Blasting shall be restricted to six days a week.
8. Well tests for nitrates, suspended solids and dissolved solids shall be conducted for all wells located within 1000 feet of the parcels subject to this CUP.
9. Reclamation shall be according to submitted plans and shall be completed within one year of ceasing mining operations.
10. After the asphalt and road gravel is removed, following mine closure, the road bed shall be graded so storm water will run laterally off the old road bed shall be graded so storm water will run laterally off the old road bed and not longitudinally down the old profile grade of the road bed.
11. The financial assurance for reclamation shall be reviewed and approved by Corporation Counsel before mining commences and kept current.
12. Applicant agrees that any unforeseen erosion issues that arise during or after construction shall be addressed to the satisfaction of the county.
13. 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. If they are not required, applicants shall submit verification from those agencies stating that the plans are not required.
14. This CUP shall be renewed every two years.
15. An annual audit, detailing mining activities to date and demonstrating adherence to approved conditions shall be submitted to Pierce County Land Management Department by January 31st.
16. The applicant shall submit written verification from the Department of Natural Resources that a binding agreement between the DNR and WSS is in place to preserve the conservation values of the existing DNR State Natural Area and associated tunnels. Such agreement shall also address access.
17. Verification of an agreement with the Wisconsin DOT shall be submitted before mining extends under Hwy 35.
18. Outdoor storage of any equipment and/or mining materials shall only occur on the parcel with the mine entrance.
19. Mining shall not encroach within 200 feet of any existing residence unless owner authorization has been obtained.
20. All loaded trucks shall be tarped.
21. A Fugitive Dust Plan that utilizes industry standards and best management practices shall be developed and adhered to.
22. The operator shall provide notice to the County of any orders to cease and desist from MSHA.
23. Any polyacrylamide flocculants must be used consistent with WI DNR permit requirements.
24. WISC will 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 from such emissions.

25. A Groundwater Response Plan, including accurate determinations of the groundwater elevation and which details resources to be used to protect the quality of groundwater beneath and adjacent to the extraction operation and a proposed response to encountering groundwater, shall be provided. Groundwater elevation shall be monitored annually and the results submitted to the Zoning Office.
26. A map of the facility and underground tunnels shall be submitted to the Town of Harland semi-annually.
27. No ventilation shafts or secondary access portals shall be developed until after such time as the proposed location is reviewed by the applicable Town and approved by the LMC.

Chairperson Fetzer asked Rich Budinger if he had anything to add. Mr. Budinger stated they are hanging in there and expecting volumes to start returning this year. 2016 was a pretty rough year for the industry as a whole, not to mention Wisconsin. It seems like the northern white sands are the higher quality sands and therefore in a downturn, lower in demand. So a lot of the Tier 2, Tier 3 sands that are closer to the wells are being utilized as far as high volumes. You can see that in the overall health of the Wisconsin Industry. Some good news recently, we have seen some upturn and have heard that some of our competitors are starting to bring back employees and increasing operating hours across the state. They recently, a couple months ago, brought back a one-shift operation, to the Menomonie operation, the service operation. So they are optimistic that they will have increasing activity throughout 2017. Sanden asked about condition #15, annual audit, has that been done, he would assume. Mr. Budinger stated that they typically submit their annual report in January. It's in process right now. They have looked at a file and saw a lot of January 15th information. He introduced Mike Melton, he is the Corporate Environmental Director, he is in charge of that now. Mr. Melton stated he has been working on that and expecting to get it in a timely manner. Sanden noted that in condition #17 there is a typo. **Sanden moved to approve the renewal of a conditional use permit for Wisconsin Industrial Sand Co. w/conditions #1 - #27/Aubart seconded. All in favor. Passed.**

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

Departmental Update and Future Agenda Items

Public hearing for a conditional use permit for the construction of a Warehouse in the Industrial District for Hager Telecom Inc in the Town of Trenton and then Site Plan Review for that same structure. Just so you have it on your radar, we do have a public hearing coming up for a proposed trapshooting range in the Town of Oak Grove.

Motion to adjourn at 6:28 pm by Sanden/Aubart seconded. All in favor. Motion carried.
Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, January 4, 2017 – 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: January 18 th , February 1 st & 15 th , March 1 st & 15 th , all in 2017.	Chair
3	Approve minutes of the December 7, 2016 Land Management Committee meeting.	Chair
4	Discuss take action on a request for a renewal of a conditional use permit for Nonmetallic Mining in the Industrial, General Rural and Primary Agriculture Districts, pursuant to Pierce County Code Chapter 240-37A, for Wieser Concrete Products Inc, et al, owner on property located in Sections 4, 9 & 10, T25N, R16W, Town of Salem, Pierce County, WI.	Roy
5	Discuss take action on a request for renewal of a conditional use permit for Nonmetallic Mining in the General Rural, General Rural Flexible and Primary Agriculture Districts, pursuant to Pierce County Code Chapter 240-37A for Wisconsin Industrial Sand Company, agent for Kathleen & John Thayer, My Course LLC, Cynthia Hanson and MOAP LLC/TROLL KING LLC, owners on property located in part of Sections 33, 34 and 35, All in T25N, R17W, Town of Hartland, Pierce County, WI and for Wisconsin Specialty Sands Inc, owner and agent for Nellie Anderson, My Course, Charles & Lynn Brown, Lynn Brown, Dennis Potts, Florness Farms LLC, Gregory & Debra Anderson and Margaret Chesley, on property located in part of Sections 2, 3, 4 and 10, All in T24N, R17W, Town of Isabelle, Pierce County, WI.	Roy
6	Discuss take action on Travel/Training Requests.	Pichotta
7	Future agenda items.	Pichotta
8	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.

(12/22/16)

PIERCE COUNTY WISCONSIN
DEPARTMENT OF LAND MANAGEMENT & RECORDS
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MINUTES - Pierce County Land Management Committee Meeting, December 19, 2018

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

Others: Andy Pichotta, Brad Roy and Tracie Albrightson

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

Set next meeting dates: Committee consensus to keep meeting dates on the first and third Wednesday of every month at 6:00 pm. January 2nd & 16th, February 6th & 20th, all in 2019.

Approve Minutes: **Sanden moved to approve the November 7, 2018 Land Management Committee minutes/Aubart seconded. All in favor. Passed.**

Discuss take action on a request for Height Exemption for a Wireless Service Communication Facility in the General Rural Flexible 8 District, pursuant to Pierce County Code Chapter §240-29 Height Requirements for Northfield Wifi, agent for Town of Clifton (Town Hall), owner on property located in the NE ¼ of the SE ¼ of Section 18, T27N, R19W, Town of Clifton, Pierce County, WI.

Staff Report – Brad Roy: Northfield Wifi wants to construct a wireless communication facility tower of 100 feet. All the antennas will be below the top of the tower so the total height of the structure will be 100 feet. Pierce County Code states industrial and commercial structure heights may be granted exemptions by the Land Management Committee, provided that all required setback and yards are increased by not less than one foot for each foot the structure exceeds 35 feet. This property is bordered by two county roads. Setbacks from county roads shall be 100 feet from the centerline of the road or 67 feet from the edge of the right-of-way, whichever is greater. In this case using the right-of-way will be the applicable setback. To comply with all the requirements of §240-29(D), the 100 foot structure would require a right-of-way setback of 132 feet from County Roads FF and QQ and a side and rear yard setback of 75 feet. The proposed location of the tower is 147 feet from County Road QQ and 127 feet from the nearest side and rear property line. Applicable definitions are as followed:
Support Structure – an existing or new structure that supports or can support a mobile service facility, including a mobile service support structure, utility pole, water tower, building or other structure.

Yard – A required area on a lot, unoccupied by buildings and open to the sky, extending along a lot line to a specified depth or width.

Yard, Rear – A yard extending along an entire rear lot line from the rear lot line to the depth or width as specified in the yard requirements for the applicable district.

Yard, Side – A yard extending along an entire side lot line from the side lot line to the depth or width specified in the yard requirements for the applicable district.

Staff Recommendations: Staff recommends the Land Management Committee review the proposed WCSF height exemption. Given that the proposed tower location complies with the criteria identified in PCC §240-29D, staff recommends that the LMC grant approval of the height exemption.

Holst moved to approve the height exemption/Sanden seconded. All in favor. Passed.

Discuss take action on Travel/Training Requests

Pichotta requested approval for County Surveyor, Louie Filkins, to attend the Wisconsin Society of Land Surveyors annual conference at the Kalahari Resort in Lake Delton, WI on January 23 - 24, 2019.

Holst moved to approve the request for the travel training request for the County Surveyor /Gulbranson seconded. All in favor. Passed.

Departmental Update and Future Agenda Items

Concept plan for Cory Huppert in the Town of Clifton.

Renewal of CUP for Nonmetallic Mining for Wisconsin Industrial Sand in the towns of Hartland and Isabelle.

Motion to adjourn at 6:06pm by Aubart/Gulbranson seconded. All in favor. Motion passed.

Respectfully submitted by T. Albrightson

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, December 19, 2018 – 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	Set meeting dates for 2019.	Chair
3	Approve minutes of the November 7, 2018 Land Management Committee meeting.	Chair
4	Discuss take action on a request for Height Exemption for a Wireless Service Communication Facility in the General Rural Flexible 8 District, pursuant to Pierce County Code Chapter 240-29 Height Requirements for NorthfieldWiFi, agent for Town of Clifton (Town Hall), owner on property located in the NE ¼ of the SE ¼ of Section 18, 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.

(12/7/18)

PIERCE COUNTY WISCONSIN
DEPARTMENT OF LAND MANAGEMENT & RECORDS
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MINUTES - Pierce County Land Management Committee Meeting, November 7, 2018

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

Others: Andy Pichotta, Brad Roy and Shari Hartung

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

Next meeting dates: November 21st, December 5th and December 19th, if necessary, all in 2018.

Approve Minutes: **Holst moved to approve the October 17, 2018 Land Management Committee minutes/Sanden seconded. All in favor. Passed with Fetzer and Gulbranson abstaining due to their absence from the last meeting.**

Public hearing to consider and take action on a request for a conditional use permit for a Duplex in the General Rural District for Geiger Family Trust (Eugene Geiger), owner by Adam Adank, agent, on property located in Lot 4, Certified Survey Map (CSM) V15, P12, in the SW ¼ of the NW ¼ of Section 6, T27N, R15W, Town of Spring Lake, Pierce County, WI. Staff Report – Andy Pichotta: This is a request for a conditional use permit for a Duplex. The owner and the agent have a purchase agreement on 9.74 acres that is contingent on a 2 Lot Certified Survey Map (CSM) and approval to build a duplex on the south lot (Lot 4). The 2 Lot CSM was approved and recorded on 10-16-2018. The agent proposes to build a 1-story, ±40' x ±140' duplex with two separate entrances and slab-on-grade construction. Each side will have separate 2-car garages, 3-bedrooms, bathrooms, kitchens, and utilities. The agent plans to live on one side of the duplex, while renting out the other half. The parcel is located in Section 6, Town of Spring Lake. Lot 4 is 4.796 acres and is zoned General Rural. PCC §240-88 defines Duplex as, "Two attached building units on a single lot regardless of the form of ownership of the units." PCC §240-24D describes Lot Requirements as "Only one single-family residence or one duplex shall be permitted on a lot, except as provided elsewhere in this chapter." Table of Uses allows Duplexes with the issuance of a conditional use permit and does not reference any code provisions. Existing land use is undeveloped and is currently leased out for crop farming. Adjacent land uses are residential, commercial, and agricultural. PCC Chapter 115 relating to Uniform Address Numbers systems, Numbering of Buildings and Roads states that all properties or parcels and principal buildings shall be assigned an address based on the uniform numbering system. The Spring Lake Town Board recommended approval of this request on 10-9-2018 without any specific concerns or recommended conditions. This CUP shall expire 12 months from the date of issuance if no action has commenced to establish the use.

Staff Recommendation: Staff recommends the Land Management Committee determine whether the proposed use at the proposed location 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 duplex with the following conditions:

1. The applicant shall work with the Town Building Inspector, All Croix Inspections Corporation, to determine whether a permit from the town is needed and to ensure compliance with the Uniform Dwelling Code (UDC) requirements.
2. The applicant shall obtain a Uniform Address Number (UAN) for both units of the duplex.

Chairperson Fetzer opened the hearing to the public. Mike Jacobson, Town of Spring Lake Supervisor, they are excited about Adam wanting to build in the Town of Spring Lake. It is definitely consistent with their comprehensive plan. Where he is putting it, they feel is a great spot, so they have no concerns what-so-ever.

Chairperson Fetzer closed the public hearing. Holst asked Adam which side he proposed to live on. Mr. Adank stated he is going to live on the north and the left if you are looking at it this way. Sanden asked about converting ag land the soils are listed, he didn't see that in the report. Are these prime ag land soils or soils of state wide importance? Pichotta stated it does border some soils of state wide importance, that was a consideration at the town level, but its location is very close to the village. There is specific language in their comp plan that supports such development in locations close to Spring Valley. Sanden asked about that commercial district which can change use, right now what is the commercial ventures going on right across the way? Mr. Jacobson stated Adam Mattison has highway construction products for sale across the road. That's where he operates out of.

Sanden moved to approve the conditional use permit for a Duplex for Geiger Family Trust (Eugene Geiger) by Adam Adank, agent, 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 - #2/Holst seconded. All in favor. Passed.

Discuss take action on a request for Site Plan Review for Mini Storage in the Commercial District pursuant to Pierce County Code Chapter 240-36K for WD LLC, Jay McGrath, owner on property located in the SW ¼ of the SE ¼ of Section 35, T25N, R18W, Town of Trenton, Pierce County, WI.

Staff Report – Brad Roy: The applicant is proposing to construct three structures to be used for mini-storage in the Commercial District. Pierce County Code §240-75 requires site plan review for commercial structures; the purpose of which is to assure site designs that promote compatibility between land uses, create safe and attractive site layouts and structures, provide proper access to streets and transportation, protect property values and contribute to efficient land use in Pierce County. Mini-storage is defined as “Indoor storage of customer’s items within partitioned buildings with individual access to each partitioned area.” There are code requirements listed PCC 240-36K, #1 – #5. The property is bordered by a Commercial Zoning District to the north, west and south, and a Rural Residential 20 District to the south. An Industrial District is located to the east. That land is currently used for agriculture. Access to the site is off of 170th Avenue. The applicant has proposed to construct three structures. The structure closest to Hwy 63 will be 380’ by 50’. This structure will have approximately 57 units sized 20’ x 20’, 20’ x 30’, and 10’ x 20’. This will be the first structure constructed. The middle structure will be 420’ x 40’. It will have 82 units sized 10’ x 20’. The final structure will be 480’ x 50’. Unit number and size will depend on demand. All structures will have a peak height of 26 feet and will have a metal exterior with a neutral color. The west structure is proposed to be 47’ from the Hwy 63 right-of-way. PCC 240-27 requires a 77’ setback from state highways. The neighboring structure to the south is located 17’ from the right-of-way. Setback averaging was used to allow the structure to be 47’ from the right-of-way. All structures will be greater than 75’ from 170th Avenue. The proposal will comply with the 50’ lot line requirement of 240-36K. An access easement and gravel driveway to the property to the north extends along the east edge of the property. The proposed construction will not encroach into the easement. An engineered stormwater pond has been designed along the west and southern portion of the property. The proposed development will increase the total impervious surface for the site by approximately 2.75 acres. With the designed ponds, the total stormwater runoff for the site will decrease. The stormwater will exit the pond through a culvert into the ditch along 170th Avenue. A gravel driveway of at least 26’ will extend around and in between the structures. No vegetation is proposed. PCC 240-31 requires a landscape buffer in cases where a commercial use abuts a residential district. The buffer is to be located in a manner to ensure 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. The Rural Residential 20 District borders the eastern portion of the south lot line. The stormwater pond and access easement are located in the area of the lot which adjoins the RR20 District. The adjoining lot in the RR20 District is currently in agricultural use and no principal structures are located near the applicant’s property. Due to this, staff does not believe that vegetative screening is warranted. All lighting will be placed on the structures. LED lighting which is directed straight down will be placed on the ends of each

structure as well as the highway side to keep the light onsite. The applicant has not indicated if this lighting will be placed on the east side of the final building. More typical lighting will be placed between the structures. This light will shine out. The Department Lighting Policy states: 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. The applicant is proposing a free standing sign along Hwy63. Any sign along the highway will require DOT approval as well as permits from the Zoning Office.

Staff Recommendations: Staff recommends the Land Management Committee review the proposed site plan and determine if any changes or modifications are necessary. The LMC should consider proposed structures, architectural plans, neighboring uses, use of landscaping and open space, parking areas, driveway location, loading and unloading areas, highway access, traffic generation and circulation, lighting, drainage, water and sewer systems, as well as proposed operations.

The LMC may impose time schedules for completion of buildings, parking areas, open space uses, drainage and erosion control systems and landscaping and may require appropriate sureties to guarantee that requirements will be completed on schedule.

If no changes or modifications are determined to be necessary, staff recommends that the LMC approve the Site Plan with the following conditions:

1. All signage shall be permitted by the Zoning Office and WisDOT when applicable.
2. All lighting shall comply with the Department Lighting Policy.

Chairperson Fetzer asked Jay McGrath if he wanted to add anything. Mr. McGrath stated no, Brad pretty much covered everything. Chair Fetzer asked if he is doing all three of them right away. Mr. McGrath stated no, just starting with one. Chair Fetzer asked if next summer he would have it done. Mr. McGrath stated next spring they will do the first building and go from there. Fetzer asked what you are looking at for a timeframe? Will he need to come back here? Roy stated as long as he stays consistent with approved plans he wouldn't need to come back. Permit fee wise, it would be in his best interest to do them all at once because we would just issue one permit for all the structures. If he does one at a time, he would have to get a new permit for each structure. As long as his plans don't drastically change from what he has presented, he can take his time. Holst asked if there are any restrictions on this site due to the Hwy 35 Scenic Corridor. Roy stated not on this site. Gulbranson asked if in the future, if you ever wanted to put a fence around there because of thefts or anything, is that going to interfere with lot lines or anything. Roy stated we would be OK with that, he doesn't think that would warrant coming back in for site plan review. We don't issue a permit for fences so that would be his choice.

Holst moved to approve the Site Plan for Mini-Storage for WD LLC, Jay McGrath, as presented, with conditions #1 - #2/Gulbranson seconded. Russ Duden asked if this is where the public can speak. Chairperson Fetzer stated this isn't a public hearing but they are welcome to speak. Dawn Duden stated they are concerned with the unique stormwater pond. Consideration for a fence would make the most sense for safety, considering the south side. Mr. McGrath asked if they looked at the pond now. That pond is only going to be three feet deep. It will have a three-foot slope going into it. Right now it's probably about eight feet deep. They have to haul a lot of fill in yet. Mr. Duden stated back in April 17, 2014, they currently own the Hager Heights Drive-in, which they are the adjoining property on the south side. In 2014 they were flooded out from the water runoff coming from the fields where this is going. Back then, when Bruce built he put a dike on the back side where some fence lines had been removed and it did slow the water trouble down. On 170th Avenue when you come down the backside, right in back of their dumpsters, that entire ditch way has been eroded, washed out because the water cannot fit through the culverts off of 170th Avenue. He knows the pond is going to hold the water but currently the culvert that you have installed coming off the dike, the dam pond, and going to make a 90 degree turn into that culvert which is under the access of our restaurant is going to cause some issues in his eyes. Water isn't going to come out, make a 90 degree turn and go down. If it's going to back flood it, their driveway and 170th Avenue will become flooded before that water gets fed under that culvert down 170th Avenue. Mr. McGrath stated he talked to the engineers about that and they said the first pond on the highway side, that was to dump over the bank, down the blacktop and along Highway 63, we asked that same question. Mr. Duden stated he is referencing the back water coming out of the pond which is all running parallel to their property

there where they adjoin the blacktop driveway. The other concern they would have is with the general public coming through and going to the gas station and stuff like this, so many times you hear of people drowning in these ponds and just for the general safety is what he is concerned for. He understands it's only three feet deep but we got a pretty good neighborhood back there with a lot of young kids that do go to the gas station, go to the other places and he would just hate to see something like that happen. He has no issue with the storage units, he runs a good operation from the ones he has seen. These are just a few issues that he sees and thinks should be looked at. Chairperson Fetzer asked if he had anything else and thanked him for his input. Chairperson Fetzer asked if Jay had everything engineered. Mr. McGrath stated yes, for our permits, yes. Chairperson Fetzer asked what they typically engineer for, a 50 year rain event? Mr. McGrath stated he isn't sure. They have programs that they put it into and then send it off to the DNR to be approved. Chairperson Fetzer stated so you won't have all of the water running over to the drains, some will be coming over towards Highway 63. Mr. McGrath stated along Highway 63 there is actually a pond there and then it goes up just a little bit and down into the bigger pond. From there it would dump out into 170th where they are talking about. So there is actually two holding ponds to let it settle and soak in. Holst stated these ponds are designed to retain water and hold water, that's the question he asked staff. He is very familiar with your situation because he goes down there to chow down on chicken from time to time. He understands your wants and desires for a fence. He appreciates that. At some point in time, Jay, it would be beneficial to you to fence your property. The other storage units in Hager have fences around them. Mr. Duden stated he isn't saying to fence the entire premises. But that adjoining, we have young drivers, we have seniors, we have every kind of driver out there and as tight as what the pond is going to adjoin the property line, if you get an elderly driver and a young driver, the elderly is going to crowd that way, that young driver is coming through. Just the water issues and they have outside seating down there. Is this going to be blacktopped in the future at all or is it going to continue. He looks for the dust problems and also out of this pond generation now they are going to be dealing with the mosquito infestation becoming stronger. There is a summer operation and that's where it affects them. Like you did with the DNR, is there any possibility that it could be moved to the east line and put the pond upstream. Mr. McGrath stated that is the way they thought they would design it and dump down that spillway into the Highway 63 right-of-way but that is how they designed it. We talked about that. Mr. Duden stated he is concerned with the undermining of their culvert coming in, who is going to deal and address that issue when it comes from the water issues down the road. Chairperson Fetzer stated it's hard to predict everything. If there are issues, it comes back in front of us and we deal with it as we go. Pichotta stated we have two different issues here; whether or not the engineers did a good job in their design. We have to trust that it will work, given that they put their professional stamp on it, also he understands this gentleman's concerns. He also understands the potential need for a fence and that is exactly the reason that we conduct this sort of review, for those sorts of things. If the LMC wanted to add a condition relating to requiring the applicant to work with staff to identify an appropriate fence and appropriate configuration you can certainly do that. If we can't come to a reasonable agreement we can come back and see the committee again. Holst stated he feels this committee is about public health and public safety. That is the only thing we are here for. This is, however remote, a public safety concern. In his mind it could be an added condition. Sanden stated he would be a little concerned if they require a fence around every detention pond in the county. Holst stated this one is a relatively unique situation due to the fact that you have a commercial entity right there and many times you see young kids out there playing and everybody in that area uses that street/private road as if it were a public road. Whether they have it blocked off or not. He can understand the concerns of the neighbors. Mr. McGrath stated his facility up here (Ellsworth), they had to dig that pond out about eight feet deep and that was a big concern of his because of the residential area right across the street. There is always kids riding bike out there and skateboarding. Those banks were steep. If a kid goes in there they are sliding in and they didn't require anything. Gulbranson stated he agrees with Doctor Sanden, are we setting a precedence? Pichotta stated no. Holst stated its site specific. Gulbranson stated those ponds are all over the place in residential areas now. He worries about it this time of year when they get an inch of ice on there and the kids go out and play. They are all over. Holst maybe then those municipalities should ask that there be fences. Chairperson Fetzer stated it's usually a little housing development where that stuff shows up. Sanden stated a lot of times they use them as an open space and put trails around them. They intentionally attract people to

them. Chairperson Fetzer asked Holst if he would like to amend his motion. **Holst stated he would amend his motion to require working with staff to identify appropriate fencing to be installed around the retention pond. Gulbranson seconded.** Roy asked if the committee wants it all the way around the pond or just on the property line. Holst stated he would like to see it on the property line. Work with staff. Mr. McGrath asked if just around the deeper part by 170th? Holst stated no, and suggested running it along the whole southern property line and then that solves the issue. Mr. Duden stated we haven't been in contact with Jay to discuss any of this. We get two inches off the blacktop and we're into an eight foot slough. He understands that all of this has been good neighbor property, share the driveway, share the access. He understands all this. But that is their biggest concern. They park on the edge of the blacktop and they are down to an eight foot slough right now. That's why he barricaded the driveways like he did, nothing personal you parking there. The general public uses that all the time. We have always allowed it. As far as what kind of a fence, a little bit of a leaway on that edging. If you want to talk about it, we can go from there. He doesn't know how this works if the committee sets the guidelines, you tell him it's got to go 12 feet high, the whole property. Mr. McGrath stated he would like to fence kind of just along his property for his customers, just for maintaining purposes and stuff. Then nobody would come from his property here. Otherwise they have to come through the ditch on the highway or the ag land on the east. Holst stated we directed staff to work it out with you. Chairperson Fetzer stated they will come out and work it out with you, sound good? Mr. Duden stated yes. Chairperson Fetzer asked if we amended the motion and Gulbranson stated yes. **All in favor. Passed.**

Discuss take action on Travel/Training Requests. Pichotta stated there are no travel/training requests.

Departmental Update and Future Agenda Items

Pichotta stated we don't have any public hearing requests nor any renewals and suggested that the next meeting would likely be in December.

Motion to adjourn at 6:34pm by Holst/Sanden seconded. All in favor. Motion passed.
Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, November 7, 2018 – 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: November 21 st , December 5 th & December 19 th , if necessary, all in 2018.	Chair
3	Approve minutes of the October 17, 2018 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for a Conditional Use Permit for a Duplex in the General Rural District for Geiger Family Trust (Eugene Geiger), owner, by Adam Adank, agent, on property located in Lot 4, Certified Survey Map (CSM) V15, P12, in the SW ¼ of the NW ¼ of Section 6, T27N, R15W, Town of Spring Lake, Pierce County, WI.	Lund
5	Discuss take action on a request for Site Plan Review for Mini-Storage in the Commercial District, pursuant to Pierce County Code Chapter 240-36K for WD LLC, Jay McGrath, owner on property located in the SW ¼ of the SE ¼ of Section 35, T25N, R18W, Town of Trenton, Pierce County, WI.	Roy
6	Discuss take action on Travel/Training Requests.	Pichotta
7	Future agenda items.	Pichotta
8	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.

(10/26/18)

PIERCE COUNTY WISCONSIN
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MINUTES - Pierce County Land Management Committee Meeting, October 17, 2018

Present: Jon Aubart, Jeff Holst and Eric Sanden

Others: Brad Roy, Adam Adank and Shari Hartung

Absent: Joe Fetzer, Neil Gulbranson & Andy Pichotta

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

Next meeting dates: November 7th & 21st, December 5th and December 19th, if necessary, all in 2018.

Approve Minutes: **Sanden moved to approve the September 19, 2018 Land Management Committee minutes/Aubart 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 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 of 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 60 of the 80 acres will be mined and extraction will extend to the elevation of approximately 900 feet. A policy exception, to the 100 foot setback requirement, was granted by the LMC in April, 2018 to allow for the Rumpca mine to be joined with 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 is conducted by a bonded professional explosive company. Blasting frequently takes place on this site. No explosives are stored onsite. 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. The 100 foot setback is still in effect for all of the property that does not border the Rohl mine. A scale and scale house are located on the site. Staff received concerns from a nearby landowner, property to the north atop of a hill, regarding the increased visibility of the operation and the possibility of screening (vegetative or berms). Staff inspected the site and believes that the increased visibility is due to the temporary road which combines the Rumpca and Rohl mines. Staff does not believe that screening is warranted or viable due to the elevation of concerned property and the impending final reclamation of the Rohl mine. Staff has contacted the Town of Clifton Chairperson regarding this renewal and no complaints or concerns were reported. The existing conditions #1 - #14 are listed in the staff report.

Staff Recommendation: Staff recommends the Land Management Committee consider the above and if determined to be not contrary to the public interest, health, safety or character of the area renew this conditional use permit with the following conditions amending condition #2:

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, except in areas for which a policy exception has been granted by the Land Management Committee.**
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 annually for all wells within 1000 feet of the proposed mining operation.
6. The applicant shall notify the Zoning Office if groundwater is encountered.
7. Dust control measures shall be implemented along haul roads.
8. Hours of operation are 7:00am to 6:00pm, Monday through Friday and 7:00am to 4:30pm on Saturday.
9. Recycling of concrete, asphalt and bricks into Class five materials is allowed.
10. Reclamation shall be according to submitted plans.
11. Applicant agrees that any unforeseen erosion issues shall be addressed to the satisfaction of the county.
12. This CUP renewal shall expire in two years.
13. A new reclamation plan shall be completed if extraction differs from the approved plan on file.
14. Any expansion or intensification shall require a new conditional use permit and potentially a rezone depending on the intensity of the use.

Sanden moved to approve the renewal of the conditional use permit for Nonmetallic Mining for Rumpca Excavating 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 - #14/Aubart 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 Rickey & Sara Diesing, owners on property located in the SW ¼ of the SE ¼ of Section 5, T24N, R17W, Town of Isabelle, Pierce County, WI.

Staff Report – Adam Adank: In September of 2006, Rick Diesing obtained a new Conditional Use Permit for Nonmetallic Mining. Bechel Sand and Gravel took over the property in 2013 and continued operating the mine until 2017. In 2017 Rick Diesing obtained the property back. 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 property is located in the Town of Isabelle and is zoned General Rural. The mining site has approximately 3.5 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. The Town of Isabelle expressed concern that if mine productivity increases that heavy hauling operations in the future may result in increased road maintenance expenses on 150th Ave. The current conditions are listed #1 - #7 in the staff report.

Staff Recommendations: 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.

1. Hours of operation remain consistent with daylight hours Monday through Friday, Saturday hours will be 8:00am – 4:00pm.
2. Applicant shall receive all necessary permits from other agencies.
3. Applicant shall comply with DNR NR 135 Annual Reclamation Permits.
4. A 100-ft setback shall be maintained from all property lines for all mining activities, which includes stockpiling and equipment placement.
5. Applicant agrees that any unforeseen erosion issues that arise shall be addressed to the satisfaction of the county.

6. Reclamation shall be according to submitted plans and shall be completed within one year of ceasing mining operations.

7. This CUP shall expire in two years.

Sanden asked Adam if the Isabelle Chairperson made the comments as an FYI for possible future issues or was it urgent. Adank stated no, it's for the future if productivity picks up. He asked him if he wanted it addressed and he said he didn't think it was necessary at this time. Chairperson Holst stated it may be advantages for the mine owner to have the road surveyed at this time so you can say it's in whatever condition it's in. He doesn't think it's in perfect condition anyway. Mr. Diesing stated no, when he was down there, it's not. Chairperson Holst stated he thinks that if you would get the Highway Dept to come through and put a grade on it for you, then you would have a baseline to work from anyway. We have done that in our township and it's worked well. Mr. Diesing stated he doesn't plan on using it right now, he has it up for sale again.

Sanden moved to approve the renewal of the conditional use permit for Nonmetallic Mining for Rickey & Sara Diesing, 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 - #7/Aubart seconded. All in favor. Passed.

Discuss take action on Travel/Training Requests. Roy stated there is one travel/training request for Tracie Albrightson to attend a Business Grammar and Proofreading Seminar on October 30th in Bloomington. **Aubart moved to approve the Travel/Training request for Tracie Albrightson/Sanden seconded. All in favor. Passed.**

Departmental Update and Future Agenda Items

Brad Roy stated we have two future agenda items; a public hearing for Adam Adank for a Duplex in the Town of Spring Lake and Jay McGrath is looking to construct Storage Units in the Town of Trenton so we will have Site Plan Review.

Motion to adjourn at 6:12pm by Aubart/Sanden seconded. All in favor. Motion passed.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, October 17, 2018 – 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: November 7 th & 21 st , December 5 th & December 19 th , if necessary, all in 2018.	Chair
3	Approve minutes of the September 19, 2018 Land Management Committee meeting.	Chair
4	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
5	Discuss take action on a request for renewal of a conditional use permit for Nonmetallic Mining in the General Rural District for Ricky Diesing, owner on property located in the SW ¼ of the SE ¼ of Section 5, T24N, R17W, Town of Isabelle, Pierce County, WI.	Adank
6	Discuss take action on Travel/Training Requests.	Pichotta
7	Future agenda items.	Pichotta
8	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.

(10/5/18)

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, September 19, 2018

Present: Jon Aubart, Joe Fetzer, Neil Gulbranson, Jeff Holst 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 6:00 pm in the County Board Room, Ellsworth, Wisconsin.

Next meeting dates: October 3rd & 17th, November 7th & 21st, all in 2018.

Approve Minutes: **Gulbranson moved to approve the September 5, 2018 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 Expansion of a Nonconforming Structure in the Commercial District, pursuant to Pierce County Code Chapter 240-67A(2), for Gregory & Susan Andrews, owners, by Mikael Andrews, agent on property located in Lot 5, Certified Survey Map (CSM) V10, P111, in the SW ¼ of the SE ¼ of Section 35, T25N, R18W, Town of Trenton, Pierce County, WI. Staff Report – Adam Adank: The applicants own a business called M.A.R. Power Sports that is located in a shed on the south side of the property. This business is a small engine repair shop and lawn equipment dealership. The applicants received site plan approval in 2015 and a land use permit in 2016 for a 12ft x 56ft lean-to addition to the north side of the structure. They are requesting to expand the existing 26ft x 56ft nonconforming structure by adding 40ft x 50ft to the west side of the shed. From the centerline of town road 180th Avenue, the south side of the existing shed is 51.5ft and the north side is 77ft. The setback for structures on a town road is 75 feet from the centerline of the road. The proposed expansion will not encroach more than the 51.5ft to the centerline of 180th Ave and will remain out of the town road right-of-way. The parcel is 1.01 acres and is located in the Town of Trenton. The property is zoned Commercial. 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 240-27C states, “Town highways. Except as provided in Subsection E, the required setback for all structures fronting on all town highways shall be 75 feet from the center line of the road or 42 feet from the edge of the right-of-way, whichever is greater.” The existing topography is a gradual slope toward the southwest of the property. The existing septic system is located on the north side of the shed and appears to meet the required setbacks from the proposed addition. The existing well is located northwest of the shed and also meets setbacks. Adjacent land uses and zoning districts surrounding the property are commercial. The nearest driveway is west of the existing shed on this property. The proposed expansion will extend into a portion of the driveway. Knudsen Trucking uses this driveway as access to their business and both owners, Dennis Knudsen and Terry Skorude, signed a document stating that they have no issues with the proposed addition. The driveway will still remain about 29.8ft to 32.3ft wide. The proposed expansion is west and away from the road setback so will not affect travelers along 180th Avenue. No permit renewal is needed for this request. The Town of Trenton recommended approval of this request on 4-10-2018. The Town suggested the following condition: “The addition shall not be any closer to the street than the existing building.”

Staff Recommendation: Staff recommends the Land Management Committee consider the above and determine whether the proposed expansion would be contrary to the public interest, or detrimental or injurious to public health, safety or character of the area. If found to be not contrary to the above, staff recommends that the LMC approve this conditional use permit with the following conditions:

1. Activities shall be conducted as submitted in the application and as presented to the LMC. If plans are modified, the applicant shall go back to the Town for review and back to the LMC for reconsideration.
2. The applicants shall stay out of the road right-of-way and maintain the 51.5 ft setback from the centerline of 180th Avenue.
3. 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.
4. The proposed expansion shall be completed within 12 months of CUP approval.
5. Applicant shall contact the Town Building Inspector, Galen Seipel, to determine if a building permit is required and shall secure any permits determined to be necessary.

Chairperson Fetzer opened the hearing to the public. No public comment. **Chairperson Fetzer closed the public hearing. Chairperson Fetzer invited Mr. Andrews to add any information.** Mikael Andrews stated he didn't have anything to add. Holst asked if he was going to put some barricades around the back of that building to keep Knudsen's truckers from running into it. Mr. Andrews stated yes, there will be some bollards put in next to the shed.

Holst moved to approve the expansion of the nonconforming structure for Gregory & Susan Andrews, owners, by Mikael Andrews, agent, 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 - #5/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 – Brad Roy: The nonmetallic mining operation 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 purchased this property prior to previous renewal. This change in ownership has not impacted the American Materials operation. The mining site has approximately 9 unreclaimed acres. Access to the mine is off of US Highway 10. The surrounding land uses are farmland and woodland. Overburden is stripped and stored onsite. Extraction is completed with drilling and blasting. All blasting is done by a certified blaster. Portable equipment is brought to the site for processing. The highwalls are approximately 40 feet in height. There has been no blasting on the site since 2007. 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. We have not received any complaints. All appropriate information has been submitted. The Town of Union Chairperson was contacted regarding this renewal. We did not hear back so he assumes there have been no issues. The existing conditions are listed in the staff report #1 - #10.

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

1. Activities 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. Applicant agrees that any unforeseen erosion issues shall be addressed to the satisfaction of the county.
9. Applicant shall pay renewal fees.
10. This CUP shall expire in two years.

Roy stated there are no changes proposed to the conditions. Chairperson Fetzer invited Candy Anderson and Kaitlynn Filkins forward and asked if they would like to add anything. Ms Filkins stated no, everything was covered in the report but they would answer any questions that anyone has.

Aubart moved to approve the renewal of this conditional use permit for Nonmetallic Mining (Gilles Quarry) for American Materials, agent for Muskie Proppant LLC, owner, with conditions #1 - #10/Gulbranson 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 – Brad Roy: This is the Bisel Pit along Highway 10. The Highway Department is the operator. The mining site is approximately 17 acres. The active mining area is approximately 6.5 acres. Not a lot to report on since the last renewal. We have had no complaints. The groundwater response plan has been submitted and satisfies condition #3. The existing conditions are listed #1 - #13 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 additions or modifications are deemed necessary, staff recommends this CUP be renewed with the following conditions:

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 feet 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.

Roy stated staff removed the condition regarding groundwater since that has been completed. Sanden asked if there is any blasting planned. Chad Johnson stated they will likely blast this winter there. They have been doing

three or four shots a calendar year. Sanden asked if we had any well testing requirements. Roy stated they have been submitted. There's not many wells in that area.

Holst moved to approve the renewal of the conditional use permit for Nonmetallic Mining for Pierce County Highway Department, agent for Gregory Bisel with conditions #1 - #12/Sanden seconded. Holst stated they are doing a nice job out there. **All in favor. Passed.**

Discuss take action on a request for modification 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 – Adam Adank: 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 of the floodplain with the option to add four additional sites upon campsite layout approval by Land Management staff. The applicant has established 7 of the 16 approved campsites. However, the applicant now believes that he will only have room for 11 campsites outside of the floodplain and is proposing to establish the remaining 9 authorized campsites in the floodplain for a total of 20 campsites. Campsites designated as 12 through 19 on the map will be in the floodplain. Campsite 20 will be a rustic site with no electricity or water supply. The exact location of campsite 20 has not yet been determined but would be located south of the other 19 sites and closer to the Mississippi River. 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. Expansion beyond 20 sites or intensification of this use will require issuance of a new CUP. The property is located on 11.6 acres in the Town of Trenton. In 2013 this parcel and an adjacent parcel were rezoned from Rural Residential 20 to General Rural Flexible (GRF). A campground is defined in Pierce County Code §240-88. Campgrounds are subject to conditions set forth in Pierce County Code §240-39(A). The existing conditions are listed in the staff report #1 - #16. Pierce County Code §238-20 states "Public or private campgrounds shall be allowed only if they evidence a low flood damage potential. Said requirements shall be determined upon application of the following criteria:"

1. The campground is approved by the Department of Health Services.
2. A land use permit for a campground is issued by the Zoning Administrator.
3. The character of the river system and the elevation of the campground is such that a seventy-two hour warning of an impending flood can be given to all campground occupants.
4. There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties and the methods and personnel responsible for conducting the evacuation.
5. The agreement required under Subsection D shall be valid for no more than one calendar year, prior to the end of which period it shall be reviewed by and between the operator and the officials identified in Subsection D and, if necessary, modified in order to remain in full compliance with all applicable regulations, including but not limited to those of the State Department of Health Services.
6. Only tents and mobile recreational vehicles shall be allowed by the operator to be placed in and used in each such campground.
7. Tents may not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours.
8. All tents that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization

shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section.

9. The municipality shall monitor campground usage to assure compliance with the terms of this section.
10. All structures that do not meet the definition of tents or mobile recreational vehicle, or that remain in place for more than 180 consecutive days, must meet the applicable requirements in either Article III or Article IV for the floodplain district in which the structure is located.
11. The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued.
12. All service facilities, including but not limited to refuse collection, electrical service, natural gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.
13. Camping in a camping unit in a floodplain outside of approved campgrounds under this section is allowed without a permit if the camping unit consists of nothing more than an easily removable tent or if the following criteria are met:
 - (a) The camping unit is a mobile recreational vehicle;
 - (b) The camping unit is on a parcel of land that has less than four camping sites and the parcel is not advertised, represented or used as a campground;
 - (c) The camping unit may not occupy the site for a period of more than 180 consecutive days;
 - (d) Support services are consistent with items 10 and 12 listed above.

The campground is not operating commercially at this time. There are 3 incidental campers currently located on the site. The applicant anticipates opening the campground in April 2019. A holding tank dump station for the collection of waste from recreational vehicles camping on-site was installed on June 4th, 2018. Each site will be a minimum of 1,000 square feet and will have two off street parking spaces. Each site will be marked and surfaced with gravel. Gravel campsite pads may vary in size based on site layout. However, each site will have an approximate 8' x 30' gravel pad. The applicant will need to determine if any filling and grading is necessary for the sites in the floodplain. Pierce County Code §238 Floodplain Zoning authorizes campgrounds in the floodplain with a Land Use Permit. The applicant will need to satisfy all the requirements of §238 prior to issuance of the Land Use Permit. Staff will review final plans to determine compliance with Pierce County Code §242 Shoreland Zoning. In order to comply with floodplain regulations, the placement of gravel or other material cannot increase the existing surface elevation. Prior to the placement of any material on the ground surface, existing elevations will need to be established by a registered surveyor, as well as final grade determinations. No more than one mobile recreation vehicle shall be allowed on each campsite. Wheels and tires will be required to be in an in-transit position. Camping units in the floodplain will be required to be moved every 180 days consistent with floodplain zoning regulations. Each campsite except for the rustic campsite will be provided electricity and water. 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 will be located outside of the floodplain between the main driveway entrance and the holding tank dump station. Campsites in the floodplain will have electrical services located at an elevation of 685' or higher. The campground site is located in an area where there is more than a 72 hour warning of likely flood events. There will be a flood warning procedure for the campground that offers notice to all persons in the campground. This procedure will need to include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsibilities for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties and the methods and personnel responsible for conducting the evacuation. This agreement is valid for one year. Signage will need to be prominently placed near the entrance that informs that a "Flood Hazard Area" is being entered. The sign should provide contact information and illustrate the evacuation route. The Department has not received any complaints regarding the campground. Staff spoke with Town of Trenton Chairperson, Brian Berg, regarding the modification of this conditional use permit. Mr. Berg stated that the Town has no additional comments or concerns. The existing conditions are listed in the staff report #1 - #9.

Staff Recommendation: Staff recommends the Land Management Committee consider whether the proposed modification at the proposed location would be contrary to public interest, 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 LMC approve the proposed modification with the following conditions (**proposed modifications in bold**):

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 the operation of the campground. Staff shall be contacted to verify improvements 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. Applicant shall also comply with all relevant local and state ordinances and regulations and secure all necessary permits and licenses (e.g. Pierce County Subdivision Code, Department of Safety and Professional Services (DSPS), Department of Health-DHS standards etc).
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 §238-20 and §240-39 of 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 by a registered surveyor, as well as final grade determinations.**
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. A status review shall be presented to the Land Management Committee within one year.

Chairperson Fetzer invited Chris Willgrubs forward: Mr. Willgrubs explained he got his approval for the sixteen sites and basically he is making some adjustments to those sites. He needs to correct Adam, he has eight of them completed, not seven. He is moving a couple around just because it fits the landscape better and then he is creating some down in the floodplain now just to fit. He has already had the surveyor, Tom Healy, out there. He has already done the grade elevations for the new sites. That is completed. The septic is already in. Water is already in. Power is already there except for the three sites that are on the west side, then the new ones in the floodplain. Basically, he is just looking to adjust some of the ones he already has approved and add the four more he is allowed to have, only moving them down in the floodplain. Chairperson Fetzer asked if he is going to do the full twenty. Mr. Willgrubs stated yes. One will be a rustic site with no water or electricity. Sanden asked where that one is, he sees nineteen. Mr. Willgrubs stated it's going to be south, further down on the river. So rather than have a map that needs to be massive to show you where it is, he hasn't actually decided where he is going to put it yet. He has already talked to Michelle Williams. She has been down to the site. She is starting to take the water samples for him that he has to do monthly from this point on. He doesn't have his approval through her yet for everything but he has a list of three little things that needed to be done for her. He just wanted to wait to get this completed so he can turn everything into her all at the same time. Basically, what she told him was whichever ones he has completed by sometime in March, she can go ahead and give him the final inspection on the ones that he has done. So if he doesn't have them all done, they will just go with what he's got so that he can at least open. He has eight that are completely finished right now. Holst asked staff about the

bullet: Wheels and tires will be required to be in an in-transit position. Is that according to our code? Adank stated yes, it's in the floodplain code. Holst stated for future discussion, a lot of these ice shacks are getting to be very fancy, very expensive and very nice and they are used year-round as recreational vehicles. Perhaps we need to look into that at some point. Pichotta agreed. Sanden stated if they don't have wheels, at this point it wouldn't be out of compliance but maybe refer to skids or something. Holst stated no, they've got either a cable or hydraulic system to raise and lower the axel. They will drop it right down on the ground or on a block. You don't have to step up. **Holst moved to approve the modification of the conditional use permit for a Campground for Chris Willgrubs, agent for Jeffery Kessler, owner, 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 - #13/** Mr. Willgrubs asked where does this leave his CUP. Because his CUP is coming due in April and he is supposed to be coming back for another meeting in December to tell staff where he is at. Holst stated maybe you want to get this seconded first. **Sanden seconded.** Roy stated his first thought is that a modification doesn't change the date. We'll look at the past and see. Mr. Willgrubs stated it will be a year to come back and tell you where I'm at and my CUP renewal will be by April. Just so he is clear and doesn't miss a meeting. Chairperson Fetzer stated a year from now, you've got the summer to get through, you will have a good feel and we'll have a good report because this time of year camping is winding down. **All in favor. Passed.**

Discuss take action on Travel/Training Requests. Pichotta stated he has one travel/training request for Adam to attend the WCZA District Meeting on September 20, 2018 at the Barron County Government Center. It starts at 9:30am and ends at 3:00pm. Holst asked if he will have to stay overnight. Pichotta stated he will not and he will use a County car. **Aubart moved to approve the Travel/Training request for Adam Adank/Gulbranson seconded. All in favor. Passed.**

Departmental Update and Future Agenda Items

Pichotta stated we have no public hearings, no CUP renewals. There are a couple housekeeping items he is working on but there is really no reason to bring them to you at the next meeting so we will not meet in two weeks, we will meet in a month.

Motion to adjourn at 6:36pm by Aubart/Sanden seconded. All in favor. Motion passed.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, September 19, 2018 – 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: October 3 rd & 17 th , November 7 th & 21 st , all in 2018.	Chair
3	Approve minutes of the September 5, 2018 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 Commercial District, pursuant to Pierce County Code Chapter 240-67A(2), for Gregory & Susan Andrews, owners, by Mikael Andrews, agent on property located in Lot 5, Certified Survey Map (CSM) V10, P111, in the SW ¼ of the SE ¼ of Section 35, T25N, R18W, Town of Trenton, Pierce County, WI.	Lund
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.	Roy
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.	Roy
7	Discuss take action on a request for modification 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.	Adank
8	Discuss take action on Travel/Training Requests.	Pichotta
9	Future agenda items.	Pichotta
10	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.

(9/7/18)

PIERCE COUNTY WISCONSIN
DEPARTMENT OF LAND MANAGEMENT & RECORDS
PLANNING, ZONING, SURVEYING & GIS
414 W. Main Street P.O. BOX 647
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MINUTES - Pierce County Land Management Committee Meeting, September 5, 2018

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

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

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

Next meeting dates: September 19th, October 3rd & 17th, all in 2018.

Approve Minutes: **Aubart moved to approve the August 15, 2018 Land Management Committee minutes/Gulbranson seconded. All in favor with Eric Sanden abstaining because of absence at the last meeting. Passed.**

Public hearing to consider and take action on a request for a conditional use permit for Expansion of a Nonconforming Structure in the General Rural District, pursuant to Pierce County Code Chapter 240-67A(2), for Wayne Siverling, owner on property located in the NW ¼ of the NE ¼ of Section 16, T27N, R16W, Town of Gilman, Pierce County, WI. Staff Report – Emily Lund: The applicant owns a house on State Rd 29 and is requesting to expand the existing nonconforming structure. The front of existing house is 66.3' from the centerline of State Rd 29. The setback for structures on a state highway is 110 feet from the centerline of the road. From State Rd 29 centerline to the back of the house is 102.8' and to the back bump-out/entry way is 108.8'. The proposed expansion is an L-shaped deck that is 20.5' by 25.75' attached to the south side of the existing house. The proposed expansion will not encroach more than the current 102.8' to the centerline of State Rd 29 and will remain out of the State Rd right-of-way. The property is located in Section 16, Town of Gilman. The property is zoned General Rural. 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." Pierce County Code (PCC) § 240-27A states, "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." The existing topography is a gradual slope toward the southwest of the property. The existing septic system is located on the west side of the house and meets the required setbacks from the proposed addition. The existing well is located southeast of the house and also meets setbacks. Adjacent land uses surrounding the property are agricultural and residential. The nearest driveway is approximately 1,500 ft west of the applicant's driveway. The proposed expansion area is currently used as open yard space and should not negatively impact the functionality of the site. The proposed expansion is south and away from the road setback so will not affect travelers along State Road 29. No permit renewal is needed for this request. The Town of Gilman recommended approval of this request on 8-8-2018. The Town referenced their Comprehensive Plan by citing page 49, "Considering approval of conditional use permits only when the proposed conditional uses will not conflict with or negatively impact the use and enjoyment of nearby or surrounding properties and land uses."

Staff Recommendation: Staff recommends the Land Management Committee consider the above and determine whether the proposed expansion would be contrary to the public interest, or detrimental or injurious

to public health, safety or character of the area. If found to be not contrary to the above, and no modifications to the site layout are necessary to achieve efficient traffic flow and circulation, or to mitigate off site impacts, staff recommends that the LMC approve this conditional use permit and the proposed site plan with the following conditions:

1. Activities shall be conducted as submitted in the application and as presented to the LMC. If plans are modified, the applicant shall go back to the Town for review and back to the LMC for reconsideration.
2. The applicants shall stay out of the road right-of-way and maintain the 102.8 ft setback from the centerline of State Rd 29.
3. 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.
4. The proposed expansion shall be completed within 12 months of CUP approval.
5. Applicant shall contact the Town Building Inspector, All Croix Inspections, to determine if a building permit is required and shall secure any permits determined to be necessary.

Chairperson Fetzer opened the hearing to the public. No public comment. **Chairperson Fetzer closed the public hearing. Chairperson Fetzer invited Mr. Siverling to add any information.** Mr. Siverling stated he didn't have anything to add. He's here seeing how the process works. Emily has been very helpful through the process. **Holst moved to approve the expansion of the nonconforming structure for Wayne Siverling, 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 - #5/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 an existing mining operation on September 3, 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 new area will take many years, to extract all of the material. The adjoining pre-existing nonconforming mine has 110 open acres. The property is zoned Industrial and General Rural Flexible. Access to the site is off of 830th St. 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, extraction will be done with frontend-loaders. The mined materials will be hauled north to the pre-existing 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 nonconforming mine. The 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 elevation of 712' and only few feet above the 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 applicant intends to operate 24 hours per day, seven days per week. The application states that mining will not occur within 100 feet of the property lines, which is consistent with the policy. The policy also requires that no mining may occur within 200 feet of existing residences. The reclamation plan states that the proposed post-mining 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 applicant should be asked to provide an update 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 for this site by the DNR. Well tests for 2018 have been submitted. Some of the properties exceed EPA levels for nitrates. The levels are consistent with those received in 2015. The area is known for having high nitrates. Well tests for 2016 and 2017 were not received by staff. The applicant should be asked to address this discrepancy. The Town of Trenton chairperson was contacted regarding this this renewal. At this time we still haven't heard back so he takes that to mean there isn't anything too alarming going on there. Earlier this summer the railroad performed maintenance on the crossing at 830th St north of the site. The Town did not allow the applicant to use 830th St. south to connect to County Rd K. The applicant has been using an existing driveway on the south of the property near the residence to access County Rd K when the rail crossing is closed. Neighbors have contacted staff with concerns about this due to the residential aspect along County Rd K as well as the safety of large trucks accessing on a sharp turn. The existing conditions are listed #1 - #13 in the staff report.

Staff Recommendations: 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 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: (Condition 3 has been removed due to completion of requirement. Additions are in bold.)

1. Activities shall be conducted consistent with the application unless modified by another condition of approval.
2. Applicant shall follow all recommendations and receive all necessary permits from WI DNR, Department of Safety and Professional Services, MSHA, **State Archeologist** and other agencies if required.
3. Prior to extraction of any material from below the water table the applicant shall present proposed plans to the LMC for review and approval.
4. Applicant agrees that any erosion issues that arise shall be addressed to the satisfaction of the county.
5. Applicant shall pay the Nonmetallic Mining fee to the Zoning Office prior to any material extraction from the site. We can strike #5, Roy just realized that has been completed.
6. 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.
7. Hours of operation within areas zoned General Rural Flexible (GRF) shall be limited to 6a.m. to 7p.m. Monday through Friday.
8. Testing of the wells on properties within 1000ft 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.
9. Applicant shall obtain all necessary permits for structures, signs or activities not discussed in this plan from the Zoning Office.
10. Any lighting shall comply with the Land Management Department Policy.
11. Applicant understands that any intensification or expansion of the use will require the issuance of a new Conditional Use Permit.
12. This permit shall expire in two years.

Chairperson Fetzer invited Nancy Beeler forward. Chairperson Fetzer asked if they have been working with an archeologist. Ms Beeler stated yes, Bill has been working with someone. She didn't recall the name. Holst asked if they dug up any Indian bones. Ms Beeler stated not that she is aware of. Chairperson Fetzer asked Brad if we need a report on that. Roy stated we need an update. He was out there a couple years ago with Bill and someone from the State and there were questions about remains or something near the farm house. Bill was told not to mine that area until they found out more. Chairperson Fetzer asked Ms Beeler if she could have Bill check back in, report and update on that, please. Ms Beeler stated she could do that. Chairperson Fetzer stated as far as the well tests, was there nothing done in 2016 and 2017? Ms Beeler stated they weren't aware that they

were supposed to be doing them every year. They are doing them now and he did the majority of them. She just talked to him today and they had a fire a couple weeks ago where he lost his shop and all of his equipment so he is busy with that right now. Johnson Pump, they are the ones doing the tests. He said he was going to try and get out tomorrow and the following day to get the balance of them in. Ms Beeler asked if the committee wants them to do them every year? Chairperson Fetzer stated yes, the biggest thing with that is that it protects you as much as us and it gives us a good baseline to go by. Chairperson Fetzer asked Brad, it said earlier in the report that they intend on running 24 hours a day, seven days a week. Roy stated that is the intention. Chairperson Fetzer asked if we need to address that in condition #7. Roy stated on the property zoned Industrial, they can operate 24 hours a day so condition #7 is to address the areas zoned General Rural. Pichotta stated if you look at the map you will see a buffer district of General Rural Flexible between the RR20 where the houses are and the Industrial. The limitation on that was something that the Town wanted to limit the timing of activities there. Sanden asked if the access runs through the General Rural Flexible? Roy stated yes. Sanden asked if the operation included the trucking portion of it. Pichotta stated the access road that they use that goes out to Cty Rd K is not their primary access. That is the access that they used when they had limited ability to use the other access because of the railroad, that road does in fact cross the General Rural Flexible. Holst stated the County is looking into swapping some road with the Township and making the Town Road a County Road. Holst stated he is speaking as a citizen now, not as a committee member. If that happens then this access will change, the Town seems to think it can pick and choose who can use its roads. He doesn't believe that they can get by with that. The main access is a mile away from that. Holst stated he recuses himself from speaking or voting on this issue but retains his right as a citizen. Sanden asked the recommendation of staff, do you think it is worthwhile to put in a separate condition about providing an update of the State Archeologist. Pichotta stated that they are not going to get to mining there for quite some time. He suggested that if we don't hear from Bill and get a report on that, we can establish a time frame at the two year renewal. Sanden stated actually they do find something then mining wouldn't be allowed. Pichotta stated right, it would limit their ability to mine in that particular area. Holst stated it would limit their ability to mine within a few feet of that spot. With his experience with State Archeologists, they are not always the most timely people and if we start holding up things for them, in that area of the County, we are not going to get a lot of stuff done in a timely fashion. Sanden stated if there is an issue, that will be taken care of. Gulbranson stated he has a question, is this committee involved in the road issue with Trenton? Holst stated no.

Gulbranson moved to approve the renewal of this conditional use permit for Nonmetallic Mining for William F. Holst III, with conditions #1 - #12, striking #5/Sanden seconded. All in favor. Passed.

Discuss take action on a request for Site Plan Review for Mini Storage in the Light Industrial District, pursuant to Pierce County Code Chapter 240-75, for Dog House Garage & Warehouse Condominiums LLC, owner, by Tom Cogan, agent, on property located in Lot 4, Certified Survey Map (CSM) V12, P107 in the SW ¼ of the SW ¼ of Section 36, T27N, R20W, Town of Clifton, Pierce County, WI.

Staff Report – Emily Lund: Applicants are seeking site plan approval for the construction of 7 mini-storage buildings. Pierce County Code (PCC) §240-75 states new construction or additions to existing structures and buildings for commercial, industrial, institutional or multifamily uses shall require site plan approval as set forth in this section. A Land Use Permit will be required prior to construction of the buildings. The purpose of site plan review is to assure site designs, promote compatibility between land uses, create safe and attractive site layouts and structures, provide proper access to streets and transportation, protect property values and contribute to efficient land use in Pierce County. The property is located in Section 36, Town of Clifton and is zoned Light Industrial. PCC §240-15 Purpose and Intent of Zoning Districts: Light Industrial (LI). This district is established primarily for production, processing and assembly plants that are operated so that noise, odor, dust and glare from such operations are completely confined within an enclosed building. Traffic generated by these industries should not produce the volume of traffic generated by heavy industrial uses. The district is also designed to accommodate warehouse and limited commercial uses. The applicant proposes to construct 7 mini-storage buildings and the sizes are listed in the staff report. PCC § 240-36K lists mini-storage as a commercial use and states the following:

1. Except in industrial districts, all buildings shall be located a minimum of 50 feet from all lot lines.
2. Commercial storage facilities shall not be used as workshops or retail shops.
3. Outside storage shall be prohibited.
4. Screening with vegetation and/or fencing as approved by the Land Management Committee shall be provided along property lines bordering residential districts.
5. Lighting shall be shielded to prevent direct illumination of adjacent properties not in industrial and commercial districts or public rights-of-way.

Proposed mini-storage buildings #1 - #4 were approved by DSPS on 8-16-2018. The applicants will need to obtain a Land Use Permit from the Department prior to construction. The applicants will also need to work with the Town or State Inspector to ensure compliance with the Uniform Commercial Code (UCC). Proposed mini-storage buildings #5, #6 and #7 are being finalized and need to be submitted to DSPS for plan approval. Once the applicants obtain plan approval, the applicants will need to obtain a Land Use Permit from the Department prior to construction. The applicants will also need to work with the Town or State Inspector to ensure compliance with the Uniform Commercial Code (UCC). The seven proposed mini-storage buildings are designed to be not habitable, but with a sink, bathroom, and lofted area in each unit. A soil evaluation report was submitted to the Department. A commercial sized conventional septic system design was approved by Dept. of Safety & Professional Services (DSPS) on 8-13-2018. Applicants will need to hire a Wisconsin Licensed Master Plumber to obtain a state sanitary permit prior to any other permits. An affidavit for multiple buildings on a septic system needs to be recorded with the Register of Deed's Office. Adjacent zoning district are Light Industrial and General Rural Flexible 8. Surrounding land uses are mini-storage, landscaping business with office and storage, cold storage, and agriculture. Access to the site is north of State Rd 29 onto 1250th Street and east on 655th Avenue. The buildings are proposed to have a 20 ft side yard setback. The buildings are proposed to be setback 70 ft from the edge of 655th Ave. All buildings must be setback 75 ft from the center of 655th Ave or 42 ft from the 655th Ave. right-of-way whichever is greater. Building #5, previous to tonight, appears to be located within the setback. The applicant received a driveway permit on 6-25-2018 from the Town of Clifton and will need to obtain a Uniform Address Number and sign from the Department. Lighting is proposed but no specific plans were submitted at this time. Applicant will need to submit lighting plans to DSPS for approval and will need to comply with Pierce County Code requirements. The applicant received WI DNR WPDES General Permit for Construction Site Storm water runoff on 7-13-2018. An existing stormwater catch-basin and easement is located on the south portion of the lot that is 108'x299.87'. No construction can take place within the storm water catch basin and easement. The applicant proposes to begin construction immediately after the plans are approved and permitted. They anticipate construction of mini-storage buildings 1-4 to be completed in 2018. They anticipate buildings 5-7 to be finished by the summer of 2019 along with the septic system installation, fencing and pavement. An advertising sign was permitted on 7-6-2015 for a 32 sq. ft. sign that the applicant plans to change and update the name and information on the sign and continue to use. Applicant will need to maintain the existing 32 sq. ft. advertising size, stay out of the drainage easement, and 10 ft from lot lines. A Land Use Permit will need to be secured from the Land Management Department prior to construction of the buildings. The following conditions will be need to be met as part of the Land Use Permit(s):

1. An affidavit for multiple buildings on a septic system shall be recorded with the Register of Deed's Office.
2. Applicants shall obtain a Uniform Address Number and sign.
3. The applicants shall work with the Town or State Inspector to obtain permits and have the site inspected to ensure compliance with the Uniform Commercial Code (UCC).
4. Applicants shall follow all conditions and receive all necessary permits from WI DNR, Department of Safety and Professional Services, and other agencies as required.
5. Applicant shall maintain the existing 32 sq. ft. advertising size, stay out of the drainage easement, and 10 ft. from lot lines.

6. The structures shall only be used for storage and the personal use of renters. In-unit commercial and/or residential uses are a violation of the Pierce County Zoning Code.

Staff Recommendation: Staff recommends the Land Management Committee review the proposed site plan and determine if any changes or modifications to the plan are necessary. The LMC should consider proposed structures, architectural plans, neighboring uses, use of landscaping and open space, parking areas, driveway location, loading and unloading areas, highway access, traffic generation and circulation, lighting, drainage, water and sewer systems, as well as proposed operations.

The LMC may impose time schedules for completion of buildings, parking areas, open space uses, drainage and erosion control systems and landscaping and may require appropriate sureties to guarantee that requirements will be completed on schedule.

Staff recommends the LMC consider the above and if no changes or additions are determined to be necessary, approve the proposed site plan for mini-storage in the Light Industrial zoning district with the following conditions:

1. Applicant shall hire a Wisconsin Licensed Master Plumber to obtain a state sanitary permit prior to any other permits.
2. Applicant shall submit lighting plan to DSPS for approval, if required, and shall comply with Pierce County Code provisions.
3. No grading or construction shall take place within the storm water catch basin and easement.
4. Applicant shall submit documents demonstrating compliance with all setbacks for each building.

Chairperson Fetzer invited Tom Cogan forward. Mr. Cogan stated this is something he has been business planning for six or seven years and finally the conditions were correct. This is something in his travels with his real job that he has seen in other states and areas and they are pretty amazing little communities within themselves. He and a couple business partners have established the concept of what they call Dog House Properties, it has some connotation there that they think this kind of development actually saves marriages cause people have a place to go to have their own little garage. These become little communities within themselves as far as who utilizes them. Many of these are taken over by car clubs; one building will be the Corvette Club and one building will be the Camaro Club and one will be the Mustang Club. They have a lot of versatility, businesses will buy them for storing extra stuff, no businesses run out of these because these are gated, secure type of communities so only people that are supposed to be there are actually in there. They are very well built; they are very cosmetically attractive; they are very appealing to the surrounding areas. It's a vision that he has seen in other parts of the country where they have just exploded. This is the first of several projects that they intend on doing. They chose this site basically because its five minutes from where they all live and it's something in the Prescott, River Falls, Ellsworth community that would be really cool for people to have based on the needs that are in this particular area. Chairperson Fetzer stated he has never seen one with a bathroom and loft. Mr. Cogan stated it's based on all the research of garages and what people use them for and storage areas that people want to come out there, they want to do some things. They all need bathrooms and everyone hates a communal bathroom. One of the attractive things about this is they have their own bathroom, maybe they only use it once a week but when you've got to go. They didn't want people going around outside of the building and have to have people going around doing cleanup. They are not actually putting the bathroom in. They are stubbing the area so people can make the choice to put the bathroom in if they so desire. The septic system was designed so that if everyone wanted a bathroom, it's all set up. Chairperson Fetzer asked how they set this up on the septic system, typically if you have a four-bedroom house your septic has to be this big depending on the size of the house. How do they do that? Mr. Cogan stated Mary Jo Huppert did the septic design that she submitted to the State. She had a number of conversations with State people in regards to this. They have had a little experience with this on the east side of Wisconsin but nothing in this particular area on how to size these based on how often people will be out there, etc. They came up with a calculation he believes is 3 gallons per day per unit, based on experience of what other developments like this had incurred. That is how they sized the septic system. They do add 50% greater than what they think the maximum capacity would be so that if they are off a little bit in their calculations they are still good. There is some type of backup system in case things aren't calculated correctly. Gulbranson asked, so the people that rent this are going to finish the

inside. Mr. Cogan stated actually these are in a condominium format. They are having their attorneys do the appropriate work so that these are condos that they can buy and each will have their own PID number. Gulbranson asked how will that be regulated as far as somebody comes in and puts a bedroom in there and a kitchen and thinks they are going to have big parties or stay overnight. Mr. Cogan stated that is a very good question. They have purchased from two other associations like this, one was in Colorado and one was in Wisconsin, the big manuals of owner association laws and regulations of what you can and cannot do. There will be very specific guidelines as far as what you can do and what you cannot do and then the enforcement actions if someone violates those particular policies. If someone stays overnight, they are not supposed to, can he absolutely guarantee that will never happen, he can't do that but they will have regulations that say they are not supposed to and it will be up to the owners that are all participants of the association like in a normal condo complex they can call up and say, hey this person stayed overnight, they are not supposed to. We need to enforce this and take the appropriate action to make sure that does not occur. Sanden asked about the lighting. Mr. Cogan stated they are going to have outside exterior lighting on each of the buildings and each unit will have its own light that they can turn on and off over each of their overhead doors. But the exterior lighting will be the security lighting that will be on the outside of each of the buildings and they will purchase whatever type of lights are necessary that meet the proper code that shines the light where it needs to go but doesn't reflect where it's obtuse to any of the surrounding areas. They own the Churchill Mini Storage next to it too so they aren't as concerned there. They actually would like a little bit of light on that side to shine in there because they are actually thinking they will apply for fencing around the mini storage right next to it. They have had a couple issues of break-ins so they are trying to make this area much more secure. This in itself will be a specific, individual, gated community with ten foot high, chain-link, black-coated fencing with automatic entry system so that also prevents anyone from trying to run a retail operation or something out of there because only the people that are supposed to be in there can get in there. Sanden stated he realizes it's an industrial site and the only reason he asks about the lighting is because Hwy 29 does go right near it. Holst stated the lighting would have to be shielded away from the highway. Mr. Cogan stated they will submit the plan that will comply with that, that one slipped his mind. They got delayed quite a bit in this process, they should have been here three months ago but when they purchased all the Churchill properties which included the Churchill Store in Prescott, the mini storage and this adjacent lot where we want to build these mini condominiums, they thought they were good to go because they had the retention ponds. They contacted the DNR and they had lost all their records related to when this site was developed eight or nine years ago. It took him about a month but he did actually find the paper records of where they had signed off on all the retention ponds. They submitted that back to the DNR and they said that was eight years ago and regulations have changed so we had to go through a full recertification through their engineers and soil infiltration testing, which they did but it took two months and a few thousand dollars in engineering bills and it came back and it was good. That delayed them a couple months and then his ignorance of the entire process of all the different government agencies where they had to get permits and approvals. They are way behind schedule but getting close. Sanden asked what is your estimated time from breaking ground until finishing. Mr. Cogan stated they anticipate, weather dependent also, they will get a minimum of two buildings done this fall so they can get the concrete slabs to go down with them. Their goal is to get the first four buildings, which are already approved. They should have buildings five through seven approved on September 13th or 14th with state stamps. Those are being done by Midwest Engineering, which is a division of Menards that does 75% of these types of buildings. They should have everything state stamped approved from the building perspective within a couple more weeks. LBH Engineering which is out of Minneapolis. They used to have a division here in River Falls or Hudson, they did all the site plan engineering. They're the ones that Emily caught a mistake on, the smaller building was in the setback area because there was a provision of 42ft from the cul de sac line and they were going by the setbacks of 75ft from the centerline of the road of the county and the town has a 100ft setback from the centerline of the road. They met those two but not the 42ft so they did an adjustment on the one building and cut 10 feet off the width of it. The best case scenario we will have the four, worst case scenario we will have two. Everything else they will do in the spring. Mr. Cogan showed color conceptual photos to the committee. Chairperson Fetzer asked, the permits are usually good for a year? Pichotta stated that a permit can be renewed if necessary as long as there is substantial

progress. **Holst moved to approve the site plan as presented for Dog House Garage & Warehouse Condominiums LLC, Tom Cogan, agent, with conditions #1 - #4/Sanden seconded. All in favor. Passed.**

Discuss take action on Travel/Training Requests. Pichotta stated he has two travel/training requests, one for Shari Hartung to attend a two-day seminar on Advanced MicroSoft Excel Techniques for a cost of \$319.00, there will not be any hotel required and the dates on that are November 5th & 6th. The other request is for Emily Lund to attend the Wisconsin County Code Administrators annual shindig on Barker's Island on October 10th - 12th. There is a variety of workshops associated; Floodplain, Shoreland, Wetland updates. The cost is \$150.00. We do have money set aside for these in our Travel/Training fund. **Gulbranson moved to approve the Travel/Training requests for Shari Hartung and Emily Lund/Aubart seconded. All in favor. Passed.**

Departmental Update and Future Agenda Items

Public hearing for a CUP request for expansion of a nonconforming structure in the Commercial District, down in Hager for Greg & Susan Andrews located in Lot 5 right by the Bluff's.

Discuss take action on renewal of a CUP for a nonmetallic mining operation for Gilles Quarry by American Materials.

Discuss take action on renewal of a CUP for a nonmetallic mining operation for the Gregory Bisel pit located in the Town of Salem.

Discuss take action on a request to modify a CUP for a campground in the General Rural Flexible District for Chris Willgrubs downstream from Mr. Sippy's.

Motion to adjourn at 6:52pm by Aubart/Gulbranson seconded. All in favor. Motion passed.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, September 5, 2018 – 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: September 19 th , October 3 rd & 17 th , all in 2018.	Chair
3	Approve minutes of the August 15, 2018 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 General Rural District, pursuant to Pierce County Code Chapter 240-67A(2), for Wayne Siverling, owner on property located in the NW ¼ of the NE ¼ of Section 16, T27N, R16W, Town of Gilman, Pierce County, WI.	Lund
5	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
6	Discuss take action on a request for Site Plan Review for Mini Storage in the Light Industrial District, pursuant to Pierce County Code Chapter 240-75, for Dog House Garage & Warehouse Condominiums LLC, owner, by Tom Cogan, agent, on property located in Lot 4, Certified Survey Map (CSM) V12, P107 in the SW ¼ of the SW ¼ of Section 36, T27N, R20W, Town of Clifton, Pierce County, WI.	Lund
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.

(8/24/18)

PIERCE COUNTY WISCONSIN
DEPARTMENT OF LAND MANAGEMENT & RECORDS
PLANNING, ZONING, SURVEYING & GIS
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MINUTES - Pierce County Land Management Committee Meeting, August 15, 2018

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

Others: Andy Pichotta, Emily Lund and Shari Hartung

Absent: Eric Sanden

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

Next meeting dates: September 5th & 19th, October 3rd & 17th, all in 2018.

Approve Minutes: **Aubart moved to approve the August 1, 2018 Land Management Committee minutes/Gulbranson seconded. All in favor with Jeff Holst abstaining because of absence at the last meeting. Passed.**

Holst moved to amend the agenda and move item #5 to the end because of absence of the applicants/Aubart seconded. All in favor. Passed.

Discuss take action on a request for renewal of a conditional use permit for a Retreat Center in the General Rural District, pursuant to Pierce County Code Chapter 240-36M for Steven & Joan Tyvoll, owners on property located in the NW ¼ of the SE ¼ of Section 10, T27N, R15W, Town of Spring Lake, Pierce County, WI. Chairperson Fetzer invited Mr. & Mrs. Tyvoll forward.

Staff Report – Emily Lund: The Department received a complaint in June 2016 regarding an unpermitted garage/shed being used for religious gatherings on the applicant's property. Staff contacted the applicants about the use of the structure and the need for County land use permits. Staff explained a CUP was required for hosting worship services and similar gatherings. The applicants explained the use was a multi-use shed for personal storage and office space. The applicants obtained a Land Use Permit on 7-26-2016 for a 24ft x 36ft pole shed, 6ft x 8ft pergola and 10ft x 12ft greenhouse that were permitted as accessory to a residential use. In April 2017, the Department received an additional complaint with documentation confirming the use of the shed was for religious worship and gatherings. Staff obtained information indicating the applicants operated "River Apostolic Center, a non-profit, tax-exempt, Christian Retreat Ministry." The website (<http://riversapostolic.center>) described the use began in August 2015. The applicants received an after-the-fact CUP on August 16, 2017 to convert the use of the shed to a Retreat Center. The 30 acre parcel is located in Section 10, Town of Spring Lake. PCC 240-88 defines Retreat Center in the staff report. The applicants utilize the house and pole shed for 1-2 hour long worship gatherings on Sundays and occasional weeknights. Their home and pole shed are handicap and wheelchair accessible. In the future, they propose to provide a home school co-op. Children (2-5 families) would meet twice a month for fellowship and group learning. The existing conditions are listed #1 - #7 in the staff report. Condition #2: The applicant and Building Inspector met on-site and determined necessary structural modifications. On July 18, 2018, the applicant received an after-the-fact permit from the Building Inspector to convert the personal shed to this commercial use. Their permit authorizes necessary improvements to be made by July 30, 2020. Condition #4: Staff contacted the DSPS Wastewater Specialist to discuss options for the septic system sizing. It was determined that recording of an affidavit restricting the wastewater flow for the dwelling and retreat center is an option. This essentially restricts the use of dwelling to two (2) bedrooms and allows up to 50 members/guests to use the bathrooms in the residence.

Another option is having portable outhouses (1 per 50 people) on-site. The applicants chose to record an affidavit for “Per Capita Flow” sizing based on occupants, flows and loads with the Register of Deed’s Office on 8-9-2018. There is no meal program, but an occasional potluck meal is offered. Current attendance is between 8-14 members. There are more than 20 off-street parking spaces available, with 1 space ADA compliant. No advertising signs and no retail activities are planned at this time. The Spring Lake Town Board recommended approval of this request on 7-11-2017. The Town Chair and Supervisor indicated no issues or complaints were reported within the last year. Their only concern was that the applicants comply with the uniform commercial code requirements the building inspector conditioned with the Town permit.

Staff Recommendations: 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 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: (changes in **bold**)

1. Activities shall be conducted as presented in the application unless modified by a condition of this CUP.
2. The applicant shall work with the Town of Spring Lake Building Inspector, Todd Dolan, to ensure compliance with the Uniform Commercial Code (UCC) requirements as permitted. If the Building Inspector determines that a safety issue currently exists, use of the facility shall cease until it is code compliant.
3. There shall be at least 20 off-street parking spaces available, with a minimum of 1 parking space ADA compliant. There shall be no on-street parking.
4. **Based on the “Per Capita Flow” affidavit, the maximum retreat center members/guests shall not exceed 50 people. If a gathering exceeds 50 people, the applicants shall have adequate portable outhouses (1 per 50 people) provided.**
5. Applicants shall obtain a Land Use Permit prior to construction if they choose to have advertising signs in the future.
6. Applicant understands that expansion or intensification of this use will require modification to this CUP.
7. The CUP expires in 1 year. Renewals shall be completed before the LMC.

Chairperson Fetzer invited Steven & Joan forward: Mr. Tyvoll asked if staff had received a copy of the report from the building inspector. Lund stated no. Chairperson Fetzer asked if they had a meeting with the building inspector. Mr. Tyvoll stated they have to acquire an affidavit from the builder, cement person & electrician. After the inspection they didn’t have an exit sign so they have scheduled an electrician to come out and do that. Chairperson Fetzer asked about the septic stating that it appears that as long as they stay under 50 people there is no issue. Lund stated that is correct and noted that a per capita flow affidavit had been recorded.

Aubart moved to approve the renewal of the conditional use permit for a Retreat Center for Steven & Joan Tyvoll with conditions #1 - #7/Holst seconded. Holst stated time limits are interesting, when we ask for things to be done we would prefer they be done in a timely manner not just a week or two before renewal. Gulbranson noted that the issues identified in 2016 and 2017 have evidently all been addressed. Chairperson Fetzer stated there is a motion on the table, if no more discussion, we’ll vote. **All in favor. Passed.**

Discuss take action on proposed 2019 Parks Department Expenditures out of Park Development Fund.

Staff Report – Andy Pichotta: The Parks Department is proposing two expenditures out of the Park Development Fund as part of their 2019 budget. For a lot of years when you created a lot, money was put into a parks fund. Resolution 04-09 establishes parameters for allowable expenditures of the Park Development Fund as well as establishes procedures for approval of budgeted and non-budgeted expenditures. The Land Management Committee is required to provide a recommendation regarding both budgeted and non-budgeted expenditures. Resolution 04-09 is attached for your information as is the “Pierce County Goals and Activities” section of the most recently adopted Outdoor Recreation Plan. The current balance of the Park Development Fund is \$288,293. Proposed expenditures include a canoe/kayak landing dock at Nugget Lake County Park – for an estimated cost of \$17,000 and a “low profile” hiking trail/boardwalk at the Lee-Kay Forest – for an estimated cost of \$7,000. Pichotta noted that the only remaining mechanism for acquiring new funds was the revenue generated by timber sales and that once the money was gone there would likely be no more. Holst stated that it

made sense to ensure that enough money was left to develop another recreational opportunity if one should arise.

Staff Recommendation: Staff recommends the Land Management Committee formulate a recommendation to the Finance and Personnel Committee regarding the proposed expenditures.

Gulbranson moved to approve the proposed Parks Department Expenditures out of Park Development Fund as presented and forward a recommendation to the Finance and Personnel Committee/Aubart 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. Pichotta noted that the applicant still isn't present and suggested that the LMC might consider a one month renewal to ensure that the CUP doesn't expire before the applicant is able to attend a meeting. Holst suggested that given that we haven't had any complaints about this event in a couple years, we consider renewal tonight despite the applicant's absence.

Staff Report – Emily Lund: The Valley Springs Motorcycle Club Inc. received a CU P on June 15, 2016 to sponsor and hold an annual event called a dual-sport ride. A status report was given to the LM C on 8-17-2016 per condition #9. The ride is not a competition; it is an event that allows a limited number of riders to utilize a mixture of public roads, paved and unpaved roads, as well as off-road trails located on private property. Participants are required to have licensed street-legal light weight dirt bikes. They will follow an organized and mapped on-and off-road trial ride. There are many connecting points to stop for gas, snack and restrooms. In 2016-2018, the events were 1 day, but may be a 2 day event in the future. Commercial or club use of trails on private property triggers the need for a CUP. All property owners with off-road trails proposed for use in this event have signed waivers authorizing Scott Freier and Valley Springs Motorcycle Club to act as their agent through this CUP process and to allow event participants to drive off-road through their property. Valley Spring Motorcycle Club Inc. hosts an annual hill climb event in the Town of Hartland. They are sanctioned and insured by the American Motorcyclist Association (AMA). The club's mission is to positively impact Pierce County by having participants utilize local hotels, camp grounds, gas stations, restaurants and more. If they reach full participation, registration will be donated to local non-profits.

Staff Recommendations: 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 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: (changes in **bold**):

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 of SPS, Dept 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 LM C.
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.
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. Chairperson Fetzer stated it looks good and there have been no complaints. Lund stated we have the insurance and they get things to us way ahead of time. They are setting their dates for the fall.

Holst moved to approve the conditional use permit renewal for a Private Outdoor Recreation/Dual Sport Event for Valley Springs Motorcycle Club Inc for Scott Freier, agent with conditions #1 - #11/Gulbranson seconded. All in favor. Passed.

Discuss take action on Travel/Training Requests. Pichotta stated he has one travel/training request for Kevin Etherton to attend the annual LIS/GIS Consortium in Duluth in a month. **Holst moved to approve the request for Kevin Etherton to attend the LIS/GIS Consortium in Duluth, MN/Aubart seconded. All in favor. Passed.**

Departmental Update and Future Agenda Items

CUP request for a nonconforming structure for Wayne Siverling in the Town of Gilman.

Renewal of CUP for a nonmetallic mining operation for William Holst in the Town of Trenton

Motion to adjourn at 6:29pm by Gulbranson/Aubart seconded. All in favor. Motion passed.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING REVISED AGENDA
Wednesday, August 15, 2018 – 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: September 5 th & 19 th , October 3 rd & 17 th , all in 2018.	Chair
3	Approve minutes of the August 1, 2018 Land Management Committee meeting.	Chair
4	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
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 a request for renewal of a conditional use permit for a Retreat Center in the General Rural District, pursuant to Pierce County Code Chapter 240-36M, for Steven & Joan Tyvoll, owners on property located in the NW ¼ of the SE ¼ of Section 10, T27N, R15W, Town of Spring Lake, Pierce County, WI.	Lund
7	Discuss take action on proposed 2019 Expenditure out of Park Development Fund.	Pichotta
8	Discuss take action on Travel/Training Requests.	Pichotta
9	Future agenda items.	Pichotta
10	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.

(8/3/18)

- **Revised 8-7-18 @ 11:58am**
- **Revised 8-13-18 @ 12:57pm**

PIERCE COUNTY WISCONSIN
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MINUTES - Pierce County Land Management Committee Meeting, August 1, 2018

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

Others: Andy Pichotta, Kevin Etherton, Adam Adank and Shari Hartung

Absent: Jeff Holst

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

Next meeting dates: August 15th, September 5th & 19th, all in 2018.

Approve Minutes: **Aubart moved to approve the July 18, 2018 Land Management Committee minutes/Sanden seconded. All in favor with Joe Fetzer abstaining because of absence at the last meeting. Passed.**

Public hearing to consider and take action on a request for a conditional use permit for Expansion of a Nonconforming Structure in the Rural Residential 20 District pursuant to Pierce County Code Chapter 240-67A(2) for Michael Dorricott, owner on property located in 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. Chairperson Fetzer invited Michael Dorricott forward.

Staff Report – Adam Adank: The applicant's property is located at W9636 295th Ave. 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 2 apparent property markers. Based on these markers the existing garage is approximately 5'6" from the rear yard property line. Lot lines have not been verified by a surveyor. The applicant has proposed to construct a 2-3 bedroom dwelling addition off the west side of the existing garage. The proposed plans consist of a 26' x 30' addition with a 14' x 30' room located in the roof truss design. A smaller 16' x 16' one story addition is also proposed to be added to the west side of the 26' x 30' addition. The applicant has proposed that new construction be setback 4 feet 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. The property is zoned Rural Residential 20. Adjacent property is zoned Rural Residential 20 and Agriculture Residential. Adjacent land uses surrounding the property are residential and wooded. 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, "Temporary residence during construction of principal dwelling. 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) A land use permit shall be obtained for the temporary residence.

- (2) A temporary residence, if a manufactured home moved onto a lot, shall comply with all setback requirements of this chapter.
- (3) Such temporary residence shall be connected to an approved wastewater disposal system.
- (4) A permit for a temporary residence shall lapse at such time as the principal dwelling is completed and has been connected to utilities or 12 months from the date of issuance, whichever is earlier.
- (5) The temporary residence shall be removed or destroyed at the time the permit for such temporary residence lapses or converted to a nonresidential use.

A sanitary permit was obtained in 1995 for a 3 Bedroom Private On-site Wastewater Treatment System (POWTS). The existing well is located under the front part of the existing trailer over 14' 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 this request on 7-12-2018. The Town did not reference its Comprehensive Plan.

Staff Recommendation: Staff recommends the Land Management Committee consider the above and determine whether the proposed expansion would be contrary to the public interest, or detrimental or injurious to public health, safety or character of the area. If found to be not contrary to the above, staff recommends that the LMC approve this conditional use permit 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 4 feet 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 and shall secure any permits determined to be necessary.

Chairperson Fetzer opened the public hearing. No public comment. **Chairperson Fetzer closed the public hearing.** Sanden asked Michael if the mobile home is going to be removed after he has completed the construction. Mr. Dorricott stated yes, it needs to go. Gulbranson asked if the four feet to the lot line, does that include the overhang or is the overhang going to encroach on that a little farther. Mr. Dorricott stated he is making the overhang in the back about 16" to keep it to a minimum. Gulbranson asked if it will be four feet minus 16". Mr. Dorricott stated yes. Staff was great, they came out. They were very helpful. There is a tree that is holding the line out from where there is a stamped certified survey marker. So they tried to estimate where that was at. He is trying to be as accurate as they can in their description. That line actually might be over a little farther. He is going to try to not even get to four foot. He is going to try to bump that thing out toward the trailer. He was trying to line up the front of the garage. He thinks maybe he needs to make a two foot bump this way. He isn't going to like what it does with the roof line. It's going to put the valley close over to where this little hip is but it is doable. He is just going to try to keep Randy happy, in the back. He will do his best to keep it this way and if that means he has to have a lesser overhang in the back, nobody is going to see that. He is worried about some curb appeal in the front. It's a really nice garage and why everything was crammed way in the back of the property he doesn't know. It's basically the only place he could build anything to improve the quality of living there. Gulbranson asked if there is anyone that lives right behind. Mr. Dorricott stated no, Randy has a lot back there. He lives down a bit. He is kind of working with Mr. Dorricott on this. He wanted to mention that he is only going out 30ft which doesn't give you a lot of room for a living room, kitchen area. That is why he had the idea of putting that lower level. We are going to step in away from that property line. It was

mentioned in the staff report a 16ft x 16ft could he push that to 20ft. It will not be approaching the property line at all. That exterior wall does not need to go all the way through. That could be trussed and that would give him another four foot of living space in that downstairs area. Chairperson Fetzer asked if it is a 20ft x 20ft. Mr. Dorricott stated 20ft x 16ft. Mr. Dorricott showed the committee what he was describing. He doesn't know what Todd Dolan will say about monolithic slab on monolithic slab. Chairperson Fetzer asked about the need for a certified surveyor. Pichotta stated he can see a strong argument for having a survey done. Chairperson Fetzer asked if there is a fence line there. He described a situation he had been in regarding property lines on a parcel that had been in a gentleman's family for years. The new owner started putting up a new fence which created some issues. He is just looking to protect Mr. Dorricott. Mr. Dorricott stated he has talked to surveyors and they don't even want to go to Diamond Bluff, it's apparently all messed up. Pichotta stated the Marissa Addition is new versus the old plat in the village. Mr. Dorricott noted that the marker they were going off is stamped with the official surveyor sign. He is assuming that is right. Chairperson Fetzer suggested he stay on the good side of your neighbor. Mr. Dorricott stated he thinks his neighbor is all for it because it's definitely an improvement to the neighborhood. Chairperson Fetzer asked if there is anything that we need from the neighbor. Pichotta stated in condition #2, as agreed upon by the adjacent property owner. Also condition #1 states: as proposed in the application and as presented to the LMC, so he doesn't see that we necessarily have to change anything to address the four foot larger issue. **Sanden moved to approve the conditional use permit for Expansion of a Nonconforming Structure for Michael Dorricott, 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 - #7, modifying condition #2 to read "The applicant shall maintain a rear yard property line setback of 4 feet. Lot line shall be verified by a registered land surveyor or as agreed upon by the adjacent property owner./Gulbranson seconded. All in favor. Passed.**

Discuss take action on updated Land Records Modernization Plan.

Staff Report – Andy Pichotta: As you probably recall, we actually acted on an update to the plan last year. Pierce County's Land Information Council recently met, last week, to review the proposed changes to the Plan as well as the proposed expenditures from the Land Records Modernization Fund and the WLIP grant program. Minor changes were proposed to be made to the plan to reflect progress made since the last update and to enable future projects. Proposed changes to the plan were approved by the Land Information Council. Andy introduced Kevin Etherton, our GIS Mapping Specialist, he can give you a brief synopsis of some of the changes that are in the plan and also when we get to that part of the budget we are proposing a substantial chunk of dollars toward land information activities and he is here to answer any questions you may have in regard to that. Etherton stated the first change they are kind of excited about. We are going to do the parcels in house, eventually. Probably 2019, 2020, the Real Property Lister is going to be doing the parcels in house so part of the change is training. He will be a backup for her as well. That is project number 1. Right now we have Pro-West as our contractor. They have probably been ten years plus. Pichotta stated more like 18 plus. Etherton stated they redid all our parcels for us and right now we are in the maintenance phase so any new parcels that come in we thought we could have Angela do it instead of pushing it to Pro-West and she is a little excited about it as well. Project #2, Register of Deeds has a data entry project that Julie Hines is in need of. It's about indexing documents, about a thousand hours and she is proposing hiring somebody. Pichotta stated temporary staff. Etherton stated Project #3 is a bigger project from Julie, scanning all the old documents because we really don't have a backup system right now. They can be put in the computer and accessed later on. That project is quite expensive but we think it's a necessary project indeed and we have the money for it right now. Number 4, every five years we do an aerial ortho flight and 2020 is coming up already. We are going to redo that flight as well as possibly doing Oblique's. They are like the birds eye, side angle view and the Sheriff's Department really likes that if they ever have to go into a situation they can research the house ahead of time. It's pretty neat. We currently have those Oblique's as well on our website. Number 5 replacing old map books that the Treasurer has in her office. They are going to buy some new books and rethread them. Number 6, this will help Louie, our surveyor, out. Right now he has a base station he uses for surveying. It's eighteen years old and he is concerned that it is at the end of its use. We are not going to get a new one until it dies but we need to have some money handy just in case

that happens. As well as we are going to get a radio for Louie when he is in the field. He is out of cell range and needs something for an emergency situation. He was in the woods last year in a ravine and couldn't get cell service. So we are going to dedicate some money so he can contact the sheriff's office. Pichotta stated if you recall, the surveyor department used to have a surveyor tech position that we did away with five or six years ago. The reason being that technology has advanced to the point that really a single guy can basically do everything but that brings up some safety concerns especially if you are in the rougher parts of the county which is where he typically ends up being. Another part of the plan that we have talked about previously, because the State is throwing all this money toward land information and land records, they basically want us to give data away. When somebody calls and requests information, really the only way we can charge for it is if we do some kind of a value added component. If we do custom maps or something that we use staff time for. If it's simply raw data, the State really wants us to just give it to folks. There is something in there that relates to that. That is one of the changes. As you may recall, we are going to take a peek at our fee structure; that is one of my goals for next year. As part of that, we will also be addressing the cost for GIS Data and a substantial chunk of that will have to be free. We still do a decent amount of custom maps for folks. Sanden stated that actually is a smart move, trying to support the GIS Office off of custom map fees is kind of an old model. The newer better way to do it is to give away the data and he is glad to see the State is supporting that. He is thinking Dakota County, Washington County, for years they tried selling maps as a way to generate their revenue and it just was not a good way to do it. Pichotta stated you just can't sell enough. If you sell a couple grand worth of maps you are doing pretty good. Sanden stated right, plus everything is so open now, it just doesn't make any sense. Etherton stated St. Croix has it available on their website too now. Sanden stated he is glad to hear the Oblique's are coming in too, assessors use it, insurance companies use it, fire departments use it. What's nice about Pictometry Obliques is Pictometry software itself, on the border areas of Counties, they will let you get that information as well. So Prescott has 2018's from Dakota County as well. Same as St. Croix, they flew in 2017 so in River Falls we have 2017 flight overlap. Gulbranson asked how much is a total station if you are going to buy one. Pichotta stated about \$25,000.00. Gulbranson asked if that would go up quite a bit every year. Pichotta stated no, he thinks it's pretty close to what we paid 18 years ago. That's one of those things we will put in the budget every year. He has proposed \$241,000.00 expenditures out of Land Records Fees and Grants but the reality is that we will probably spend a third of that in the next year. But we are setting it up if Julie does get a RFP done and gets a contractor identified; she could start on that sooner than later. The reality is having a whole bunch of records that aren't backed up is not ideal. If something were to happen that would be very unfortunate.

Sanden moved to approve the Land Records Modernization Plan as proposed/Aubart seconded. All in favor. Passed.

Discuss take action on proposed 2019 Land Management Department Budget. Staff Report – Andy Pichotta: Pichotta stated as is typical about 95 ½ % of department costs are associated with personnel. About 4 ½ % are associated with operating costs. There is really no change in any of the budgets other than our copier maintenance went up \$13. That is the one increase in operating otherwise its all personnel. On the first page there is 1, 2 & 3% increases and that is all consistent with the costs of personnel. The second page is the Land Records Modernization Fund and Grants. We expect we will get a Base Budget Grant probably of about \$46,000, we will retain about \$54,000 which will give us about \$100,000 to put toward Land Records activities. It is anticipated that a Strategic Initiative Grant will once again be available for 2019 but sounds as though the amount available will be slightly less than typical. We have for the last couple of years received \$50,000 but it looks like it will probably be \$35,000 or \$40,000 this year. The balance of retained fees that we have right now is about \$200,000. That is fees that we have retained in previous years and just haven't spent. Pichotta stated he is kind of cautious with it but the activities that are proposed in the report and Kevin touched on a number of them. The \$150,000 scanning the old documents in the Register of Deeds Office is an estimated cost. We had a ballpark figure of about \$80,000 for a portion of that she then realized she has twice as many documents as she thought she had that needed to be scanned. We adjusted that out, recognizing that \$150,000 will get us in the right direction but what will happen is whoever the consultant/contractor is, will show up, have to set up shop somewhere in the building, because the files can't leave the courthouse and they will have some very specific

equipment that they will need to bring. They will basically have to live out of a hotel and crank out the scanning of those documents until it is done. It's going to be a spendy proposition but is something that needs to be done. The County Planner budget only increase that isn't related to personnel is the Sundry Repair & Maintenance Services were it went up \$15. There isn't much for change. The Zoning budget, 3% increase in a number of things: salaries, social security, retirement and medicare, which is consistent if one goes up they all would be similar percentages. No changes in the operating side of things. Surveyor budget is basically the same deal but because Louie is at the top of the grid the adjustments are 1% versus 3%. Most of the folks in the Zoning category have the 2 ½% step and the 1.25% cost of living in January. GIS budget is similar, 4% increase in all the other categories associated with the cost of living adjustment as well as step increase for Kevin. Overall it brings up a 3% increase in that budget. Next is the Land Information Grant, 2017 actual was \$82,000, we had estimated \$46,000 for this year and we may see a bit more this year because there is a Strategic Initiative Grant which you authorized. He has increased the expected \$46,000 with another \$40,000 which is anticipated for that Strategic Initiative Grant so that is why there is that increase in Land Information for the Professional Services budget. He doesn't know about the 2020 or 2021 as far as the Strategic Initiative Grant so that is why we are back down to \$46,000 for those projections. Sanden asked if that is an expense for the grant. Pichotta stated yes, that is an expense account. It's what we anticipate getting and spending on professional services. The next budget is actually the Land Records Modernization Fund, it's the retained fees in the ROD Office. It's an expense budget that we have to approve because as the Land Information Officer it's under his jurisdiction, however, it is one of Julie's budgets. Under salaries temporary is \$11984.00 and that is for the hours to do scanning and indexing within the office and then the \$142,958.00 is the difference between the \$241,000.00 of proposed activities which are down the road minus the \$86,000.00 in grants. Moving along to revenue, again \$46,000.00 for the Base Budget Grant, \$40,000.00 with the Strategic Initiative Grant and GIS revenue in \$1500.00 so we are anticipated total revenues basically associated with Land Records around \$87,750.00. That is on top of the \$200,000.00 we have sitting in the Land Records Fund right now. Next is Revenue, we are anticipating pretty close to the same. Sanitary fees and revenues were a little higher last year but he feels that was a bit of an anomaly and he anticipates about \$20,000.00 for the next few years in that regard. Land Records fees, we saw about \$4500.00. That is fees associated with surveys. He bumped that up a little bit. He is anticipating \$3000.00 versus \$2000.00 budgeted for last year. Monumentation fees and surveyor fees, basically the same moving forward. State Aid Zoning Funds, this is the Wisconsin Fund which is going to sunset. We will only see this for a couple more years and that's why in 2020 he is forecasting \$20,000.00. Some years we get nothing, some years we get \$30,000.00. Over the last 15 years, it has averaged \$15,000.00 that is why he used that number. It is basically pass through dollars. It's money to help folks who had to replace their septic systems that meet certain income requirements. 2021 he is forecasting no money at all because that fund will go away. The last page, page 11, is the expense account associated with that same fund. If the committee is comfortable with the budget, he would ask that you approve it as proposed. **Sanden moved to approve the proposed 2019 Land Management Committee Budget as presented/Gulbranson seconded. All in favor. Passed.**

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

Departmental Update and Future Agenda Items

Renewal of a CUP for a nonmetallic mine in the Town of Trenton for Bill Holst.

Renewal of CUP for a Private Outdoor Recreation for a Dual Sport Event.

Renewal of a CUP for a Retreat Center in the General Rural District for Steve & Joan Tyvoll.

Motion to adjourn at 6:45pm by Aubart/Sanden seconded. All in favor. Motion passed.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, August 1, 2018 – 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 15 th , September 5 th & 19 th , all in 2018.	Chair
3	Approve minutes of the July 18, 2018 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 Rural Residential 20 District, pursuant to Pierce County Code Chapter 240-67A(2) for Michael Dorricott, owner on property located in 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
5	Discuss take action on updated Land Records Modernization Plan.	Pichotta
6	Discuss take action on proposed 2019 Land Management Department Budget.	Pichotta
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.

(7/20/18)

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, July 18, 2018 – 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 1 st & 15 th , September 5 th & 19 th , all in 2018.	Chair
3	Approve minutes of the June 20, 2018 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 Primary Ag District, pursuant to Pierce County Code Chapter 240-67A(2) for Greg Knoll, owner on property located in Lot 1, Certified Survey Map (CSM) V1, P199, in the SE ¼ of the NW ¼ of Section 4, T26N, R18W, Town of Trimble, Pierce County, WI.	Adank
5	Public hearing to consider and take action on a request for a conditional use permit for Expansion/Intensification of Multi Family Dwellings in the Rural Residential 20 District, pursuant to Pierce County Code Chapter 240-76, for Prairie View Senior Living LLC owner on property located in the NE ¼ of the NE ¼ of Section 1, T24N, R18W, Town of Trenton, Pierce County, WI.	Adank
6	Public hearing to consider and take action on a request for a conditional use permit for a Campground in the General Rural Flexible District, Floodplain District & Shoreland/Wetland Areas, pursuant to Pierce County Code Chapter 240-39A, for Brian Berg, agent for Town of Trenton, owner on property located in the Vacated Village of Trenton, in the SW ¼ of the SE ¼ of Section 33, T25N, R18W, Town of Trenton, Pierce County, WI.	Roy
7	Public hearing to consider and take action on a request for 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 Total Excavating, agent for Wieser Real Estate Partnership Limited Partnership and DAM Investments LLC, owners on property located in the SW ¼ and the NW ¼ of the NW ¼ of Section 3 and the SE ¼ of the NE ¼ of Section 4, all in T25N, R16W, Town of Salem, Pierce County, WI.	Roy
8	Committee to convene into closed session pursuant to WI §19.85(1)(c) considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility; to-wit; performance evaluation of Land Management Director.	Chair
9	Committee to reconvene into open session and take action on closed session item, if required.	Chair

10	Discuss take action on Travel/Training Requests.	Pichotta
11	Future agenda items.	Pichotta
12	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.

(7/6/18)

PIERCE COUNTY WISCONSIN
DEPARTMENT OF LAND MANAGEMENT & RECORDS
PLANNING, ZONING, SURVEYING & GIS
414 W. Main Street P.O. BOX 647
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MINUTES - Pierce County Land Management Committee Meeting, June 20, 2018

Present: Jon Aubart, Joe Fetzer, Neil Gulbranson, Jeff Holst 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 6:00 pm in the County Board Room, Ellsworth, Wisconsin.

Next meeting dates: July 18th, August 1st & 15th, all in 2018.

Approve Minutes: **Gulbranson moved to approve the May 16, 2018 Land Management Committee minutes/Holst seconded. All in favor. Passed with Aubart abstaining because of absence at the last meeting.**

Discuss take action on a request for renewal of a conditional use permit for a Heavy Industrial Use (Sand Processing and Rail Load-Out Facility) located in the 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. Chairperson Fetzer invited William Holst forward. Jeff Holst recused himself from discussion and voting because of possible conflict of interest.

Staff Report – Brad Roy: In 2012, WISC obtained a permit for a Mineral Processing and Rail Load-Out Facility in the Town of Trenton. In 2014, WISC presented staff with information which demonstrated that they had acted to establish the use without constructing the facility. Prior to the 2016 renewal, WISC indicated that it no longer has any intention of constructing a processing and rail load-out facility on the site. The property owner, William F. Holst III, assumed operation of the proposed facility and has continued to work to establish a new mineral processing and rail load-out facility on the site. Adjacent land uses are nonmetallic mining to the east and west, residential to the north across Hwy 35 and agriculture to the south. Higher density residential is located near the proposed site approximately one-half mile to the south. The proposed facility would receive, wash, dry, screen silica sand for shipment and is proposed to operate 24 hours a day, seven days a week. The applicant has been working with the BNSF railroad and has indicated that plans for rail siding will be approved. The first phase of the plan is to construct 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. The dry sand structure is proposed to be 60' x 100' with a height of 40'. Trucks would enter the site and dump into one of three hoppers. The sand would be conveyed from the hopper to a corresponding rail line. The conveyors will be covered and have a dust collection system to reduce/eliminate dust leaving the site. This design will allow for the facility to ship sand for up to 3 different sand operations. Final plans for the conveyors have not been presented to staff. Future phases call for the construction of a wash plant and dry plant. The applicant will be able to provide additional information regarding rail plans, structures and timelines at the meeting. A new Traffic Impact Analysis (TIA) will be needed to determine if any road improvements are required. The applicant previously indicated that outbound rail shipments will average 200 cars per week. Numbers will probably be different due to the phasing of the project. Unsaleable product will be used for mine reclamation. The applicant intends to install two high capacity wells in the future for the wash plant but as we know final plans haven't yet been submitted. WDNR regulates and monitors storm water and process water through the WPDES Permits. The applicant will work with the DNR to determine the need for that. Operation of the plant will need to develop and implement a Storm Water Pollution Prevention Plan and a Spill Pollution Control and Countermeasures

Plan. These plans will identify potential sources of storm water 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. WISC submitted one. The applicant has indicated they will submit a new one but work to have the same methods of dust suppression as the plan that was approved. Staff received concerns from nearby residents about the original proposed facility. The Town of Trenton recommended approval of the original proposal on May 9, 2012 without reference to their 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 of Hwy 35.
- Trucks shall have a drive-through unload to avoid back-up alarms.

Staff has contacted the Town of Trenton Chairperson and there were no concerns about this renewal. The existing conditions #1 - #14 are listed 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 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 follow all recommendations and receive all necessary permits from WI DNR, Department of Safety and Professional Services, MSHA and other agencies if required.
3. Applicant shall obtain all necessary permits for structures or signs not discussed in this plan from the Zoning Office.
4. Applicant agrees that any erosion issues that arise shall be addressed to the satisfaction of the county.
5. Applicant shall be subject to control methods deemed adequate by the Land Management Committee for silica emissions if current or future studies suggest a significant public health threat exists.
6. Any polyacrylamide flocculants must be used consistent with WI DNR permits.
7. The Fugitive Dust Plan shall include dust suppression methods for any stockpiled materials, at sand transfer points and during instances of exceptional events such as high winds.
8. The operator shall provide notice to the County of any orders to cease and desist from MSHA.
9. This permit shall expire in two years. A status report shall be made to the LMC in one year.
10. The Town of Trenton's recommendations/comments shall be adhered to.
11. Site plan approval and any potential height exemptions shall be obtained prior to any construction.
12. 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.
13. The applicant shall submit a Traffic Impact Analysis or similar document, to the WisDOT and make any suggested road improvements.
14. Any unforeseen impacts shall be addressed to the satisfaction of the County.

Chairperson Fetzer asked what the Town of Trenton recommendations were. Roy indicated that they were listed in the staff report, about the berm on Hwy 35 and the lights. Roy stated he believes the berms have already been put in. They have completed what they can at this time.

Mr. William Holst explained it's been a long process and that it takes forever to get anything approved by Burlington Northern Santa Fe. He has received tentative approval from the big shots there. They plan to go ahead. What they have to do now is wait for the railroad to come up with a cost of the two switches. Because you have to prepay the full amount which is about \$4 million dollars for the two switches and then they will put it on their construction schedule. He thinks now the earliest they could be installed would be next spring.

Sanden moved to approve the renewal of the conditional use permit for a Heavy Industrial Use (Sand Processing and Rail Load-Out Facility) for William F. Holst III with conditions #1 - #14/Aubart seconded. All in favor. Passed.

Discuss take action on a request for modification of a conditional use permit to expand the amount of unreclaimed acres for CMC-Spring Valley LLC (County Materials) owner on property located in SE ¼ of the SE ¼ of Section 9 and the NE ¼ of the NW ¼ of the SE ¼ of Section 16, all in T27N, R15W, Town of Spring Lake, Pierce County, WI. Chairperson Fetzer invited Ted Peterson forward: Mr. Peterson stated **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, the number of allowable unreclaimed acres was increased to 40. The applicant is now requesting to increase the number of allowable unreclaimed acres to 50. The property is in the Town of Spring Lake and is zoned General Rural. The original operation plan states that excavation would create a floor elevation of 1050ft, where all activity would be conducted. The average current floor elevation is 1100ft and the processing area has an approximate elevation of 1160ft. The average floor elevation of the quarry is 1100ft. County Materials has begun to lower the floor to 1060ft. The floor of the expansion area will be no lower than 1040ft. 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. Please consider the vast majority of the dust and noises generated are from our crushing activities. 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.” Reclamation has begun in the North/West part of the quarry and will continue in an easterly direction until it is full to the haul road which is expected by late 2018/2019. The reclamation activities will then be moved to the quarry floor against the east wall. The operation received numerous complaints when it began operation 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 modification of this conditional use permit. Mr. Johnson stated that the town board voted to approve the expansion and the town has no additional comments or concerns. The existing conditions are listed in the staff report #1 - #28.

Staff Recommendation: Staff recommends the Land Management Committee consider whether the proposed modification at the proposed location would be contrary to the public interest, detrimental or injurious to the public health, public safety or character of the surrounding area. If found to be not contrary to the above, staff recommends the LMC approve the proposed modification with the following conditions (**proposed modifications in bold**):

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 feet 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.

Jim Small stated we discussed it at the April meeting the reason for needing more room. It's mainly due to our experience in that pit. There are some valleys in there that have extra overburden and because of the extra processing they have to do to meet MNDOT's specs for all of their products at Roberts. They are generating some waste and they have a lot of ag lime if anybody is interested. The piles have gotten bigger, the overburden piles have gotten bigger. These will leave them some room to move around. It's getting pretty tight in the quarry floor. Ted Peterson is their Western Region Aggregate Manager, so he is there on a very regular basis,

several days a week at a minimum to watch things. He hopes that everybody agrees that that has been a vast improvement. It's made his life easier. That is why we need the 50 acres. They are planning on that overburden pile on that map that he handed out; the majority has been seeded and should be able to get some extra acres closed from Land Management. They are finished on that edge. Hopefully with 50 acres they can have room to move around and keep it at that for at least the foreseeable future and get it opened up. Ted Peterson stated the ag lime has been tough on it for sure. Sales are down, he talked to his dad and he said corn is down another \$.60 this week. They aren't getting the farmers coming in. They just had MSHA there today and yesterday and they had a perfect visit with zero citations which is rare. We've cleaned it up quite a bit and it's operating really well as far as being safe and keeping it clean, keeping the noise and dust down. They believe they are operating very professionally. Chairperson Fetzer stated it shows on not receiving complaints and he has commented to numerous people of issues that we had and how things have turned around. It's nice and it makes our job easier. Holst stated some of it can be attributed to the fine Town Board also. Richard Johnson stated they have been good neighbors. They have complied to what they said they would. We haven't had any complaints. The one thing about all loaded trucks shall be covered. Their trucks are and it's hard to regulate others but we don't get any complaints on that anymore. Mike Jacobson stated Ted has been a pleasure to deal with. He can get ahold of him almost anytime, cellphone, email, responsive and that is what they are looking for. If there are issues, they resolve them before they come to a head. It's been a remarkable turnaround for the neighbors up there and in the Town. Thank you to Land Management for staying on it, it helps. Mr. Johnson stated he thinks it was a little culture shock to some of the neighbors when this started. That had never been around a quarry, they are noisy. We were up there one night and there was more noise coming from the chopper on the other side of the road than it did from the quarry. **Holst moved to approve the modification of the conditional use permit to expand the amount of unreclaimed acres for CMC – Spring Valley LLC (County Materials) with conditions #1 - #29/Gulbranson seconded. All in favor. Passed.**

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 the next meeting will be on the 18th, given that the 4th falls on Wednesday.

Public hearing to consider a request for a CUP for expansion of a nonconforming structure in the town of Trimble for Greg Knoll.

Public hearing to consider and take action for expansion of a multi-family dwelling in the Rural Residential 20 District which would be the Prairie View School. They want to increase the number of units in there by one which technically is an intensification which requires a new CUP.

Potentially have a request for a conditional use permit for a campground by the Town of Trenton on the former Barb's Dam property, it was a Trenton buyout piece down near Everett's Resort.

Closed session to do Andy's performance evaluation.

Chairperson Fetzer asked if the Wieser request from Salem is coming in. Andy stated we haven't seen an application yet but it is possible.

Motion to adjourn at 6:28pm by Holst/Sanden seconded. All in favor. Motion passed.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, June 20, 2018 – 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 18 th , August 1 st & 15 th , all in 2018.	Chair
3	Approve minutes of the May 16, 2018 Land Management Committee meeting.	Chair
4	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
5	Discuss take action on a request for modification of a conditional use permit to expand the amount of unreclaimed acres 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
6	Discuss take action on Travel/Training Requests.	Pichotta
7	Future agenda items.	Pichotta
8	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.

(6/8/18)

PIERCE COUNTY WISCONSIN
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MINUTES - Pierce County Land Management Committee Meeting, May 16, 2018

Present: Neil Gulbranson, Jeff Holst and Eric Sanden

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

Absent: Jon Aubart and Joe Fetzer

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

Next meeting dates: June 6th & 20th, July 18th, August 1st & 15th, all in 2018.

Approve Minutes: **Sanden moved to approve the April 18, 2018 Land Management Committee minutes/Gulbranson seconded. All in favor. Passed.**

Public hearing to consider and take action on a request for a conditional use permit for an Accessory Residence in the General Rural District, pursuant to Pierce County Code Chapter 240-40A, for Scott & Angela Mathison, owners on property located in Lot 4, Certified Survey Map (CSM) in the SW ¼ of the NW ¼ of Section 9, T27N, R16W, Town of Gilman, Pierce County, WI. Chairperson Holst invited Scott Mathison forward. Mr. Mathison explained that they did some remodeling in an out building for his Mom & Dad to use as a part-time home/residence basically during the week then they go up north to their cabin on the weekends. When he built the shed in 2015, back then it wasn't used for that. This just happened this spring. When they drew the permit for the sanitary, he was made aware that he needed to get this done that's why he is here to get this done right.

Staff Report – Adam Adank: On May 21, 2015 the applicant visited the Land Management Department to obtain a Land Use Permit to build a 2016 sq ft detached garage (only) to serve as an accessory structure to their existing 3906 sq ft 3 bedroom dwelling located at N8354 410th Street. On March 5, 2018 the applicant submitted a sanitary permit for a holding tank to be connected to the existing garage built in 2015. The sanitary permit application also indicated that the garage would have one bedroom. Subsequently, the applicant was contacted regarding the need for a CUP for an accessory residence if the garage was going to have a bedroom. Through discussions with the applicant, staff became aware that half of the garage (1008sq ft) had already been converted to living quarters with a bedroom, kitchen, bathroom, laundry room and living/dining area. At this time the applicant was informed that a CUP for an accessory residence would be required to bring the property into compliance with Pierce County Code. The applicant owns a 22.202 acre parcel located in Section 9, Town of Gilman. The property is in the General Rural zoning district. Pierce County Code (PCC) §240-40A allows accessory residences which are accessory to single-family residences in the General Rural District with the issuance of a CUP. PCC §240-88 defines Accessory Residences and Accessory Buildings. The existing primary residence has a total floor area of approximately 3906 sq ft. The portion of the garage that has been converted to living quarters is approximately 1008 sq ft. The septic system for the principal residence was permitted and installed in 2002 for a 3 bedroom mound system. The applicants were issued a State Sanitary Permit for the proposed accessory residence on 3/5/18. A 2000 gallon holding tank was installed on 3/14/18 (Sanitary Permit #471082018). PCC Ch. 115 Numbering of Building and Roads: states that all properties or parcels and principal buildings shall be assigned an address based on the uniform numbering system. The Gilman Town Board recommended approval of this request on 4/11/18 without any concerns or recommended conditions. The Town

did not reference its Comprehensive Plan. No renewal of this request will be necessary provided the use is established within 12 months of approval.

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 an accessory residence with the following conditions:

1. The applicant shall work with the Town Building Inspector, Todd Dolan, to determine whether a permit from the town is needed and to ensure compliance with the Uniform Dwelling Code (UDC) requirements.
2. The applicant shall obtain a separate uniform address number and sign for the accessory residence.

Chairperson Holst opened the hearing to the public. No public comment. **Chairperson Holst closed the public hearing. Sanden moved to approve the conditional use permit for an Accessory Residence for Scott & Angela Mathison, due to the fact it is not contrary to public interest, nor detrimental or injurious to public health, public safety or the character of the surrounding area, with conditions #1 - #2/Gulbranson seconded. All in favor. Passed.**

Public hearing to consider and take action on a request for a conditional use permit for two Accessory Residences in the General Rural District, pursuant to Pierce County Code Chapter 240-40A, for Robert Hunczak & Denise Hackel, owners on property located in the SE ¼ of the SW ¼ of Section 31, T27N, R15W, Town of Spring Lake, Pierce County, WI. Chairperson Holst invited Denise Hackel forward: Ms. Hackel stated they have an apartment over their garage that is used by a person that helps with the farm. They have a daughter that is disabled and has always lived on-site. When her mother passed away she left an estate and they wanted to get her a more permanent place to live for the rest of her life. She is 31. We would like to have a single-wide manufactured home put on the property right adjacent to theirs.

Staff Report – Emily Lund: The applicants would like to permit a manufactured home for their daughter to live on-site and help on the farm. Currently there is an apartment above the garage, where a hired farm worker lives. The garage was permitted in 2004 along with the principal dwelling. This CUP would bring the existing apartment into compliance with Pierce County Code and authorize the placement and use of the manufactured home. The property is located in Section 31, Town of Spring Lake and is zoned General Rural. Pierce County Code (PCC) §240-40A(2) allows accessory residences which are accessory to single-family residences in the General Rural zoning district with the issuance of a CUP. PCC §240-88 defines Accessory Residence and Accessory Buildings. The applicants own 31 acres with a well, house, garage, several sheds and pastures. There is also a mound septic system connected to the house and garage. The principal residence was permitted in 2004 with 1,450 sq ft with a main floor, loft and no basement. The applicants propose to have a 14ft x 56ft (784sq ft) manufactured home brought to the site with a cement slab foundation. The accessory residence is proposed to be used by the owner's daughter. The garage apartment is 24ft x 30ft (720sq ft) upstairs in the garage. The main floor of the garage is used for storage. The residences will use the existing access off of County Road G. The mound septic system was permitted in 2004, is sized for 3 bedrooms or 6 people total and is connected to the house and a bathroom in the garage. The applicant's plumber obtained a Pierce County Sanitary permit on 4-9-2018 to connect the proposed manufactured home to the existing septic system. An Affidavit restricting the "Per Capita Flow" for each structure to the septic system shall be recorded with the Register of Deed's Office. PCC Ch 115 Numbering of Buildings and Roads states that all properties or parcels and principal buildings shall be assigned an address based on the uniform numbering system. The applicant will need to obtain a separate uniform address number for both accessory residences. The Spring Lake Town Board recommended approval of this request on 4-23-2018 with suggested conditions that "No more than 6 people total living in any of the residences at one time. [The] building inspector to inspect activity center as well as the new single-wide mobile home." The Town did not reference its Comprehensive Plan. No renewal of this request will be necessary provided this use is established within 12 months of approval.

Staff Recommendation: Staff recommends the Land Management Committee determine whether the proposed uses at the proposed location are contrary to the public interest and whether they would be detrimental or injurious to public health, public safety or 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 two accessory residences with the following conditions:

1. An Affidavit restricting the “Per Capita Flow” for each structure to the septic system shall be recorded with the Register of Deeds Office.
2. The applicant shall work with the Town Building Inspector, Todd Dolan, to determine whether a permit from the town is needed and to ensure compliance with the Uniform Dwelling Code (UDC) requirements.
3. The applicant shall obtain a separate uniform address number and sign for both accessory residences.

Chairperson Holst opened the hearing to the public. No public comment. **Chairperson Holst closed the public hearing.** Sanden asked staff, we are doing two of these at once, is there a limit to the number of accessory residences in a General Rural zone and if the combined square footage is more than the principal structure is that something that we need to consider. Lund stated, it just states that they have to be subordinate too, it doesn't say the combining of them in the code. We can look at it a different way too, density, each zoning district has a density so we could count up the density allowed on 31 acres and it still allows these three homes. They could do a land division and make the daughter's home on a different lot or just keep it on this one. It could be allowed. **Gulbranson moved to approve the conditional use permit for two Accessory Residences for Robert Hunczak & Denise Hackel, due to the fact it is not contrary to public interest nor detrimental or injurious to public health, public safety or the character of the surrounding area, with conditions #1 - #3/Sanden seconded. All in favor. Passed.**

Public hearing to consider and take action on a request for a conditional use permit for Agritourism for Dome Ranch in the General Rural District, pursuant to Pierce County Code Chapter 240-35B, for Robert Hunczak & Denise Hackel, owners on property located in the SE ¼ of the SW ¼ of Section 31, T27N, R15W, Town of Spring Lake, Pierce County, WI. Ms Hackel explained that they operate a very small business called the Dome Ranch. It's got a couple different facets; one is actually declining every year, that would be the fieldtrip aspect. They started that for her daughter so she could have meaningful employment. However, they are very non-profitable. They probably have 15 this whole summer, maybe two or three a month. Generally about 20 to 40 kids come on a bus and they introduce them to country life and talk about gardening, animals, woods and teach them something they are doing to save the bees this year. The other part of the business is actually the business that is doing really well and they work mostly with Pierce County Human Services with people that are clients of Pierce County Human Services and they come to the Dome Ranch for therapeutic time spending time just petting the animals, doing some painting, doing some crafts, walking in the woods or working on daily living skills toward their recovery. They are one on one, one staff with one client so there is never large volumes of people there and it's only daytime and there are no overnights or weekends.

Staff Report – Emily Lund: In April 2018, the Department received a complaint that the applicants were operating a business from their residence called “Dome Ranch”. Staff obtained additional information from the applicants and their website (<http://www.domeranch.com/>) indicating the business was started in 2015. Groups or individuals are invited to the farm for educational activities associated with daily farm operations. The applicants are seeking a CUP to allow the use of their property for “Agritourism”. The property is located in Section 31, Town of Spring Lake and is the General Rural Zoning District. Pierce County Code (PCC) §240-35B(1) and Ch 240 Attachment 1 Table of Uses allows Agritourism in the General Rural 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”. The applicants own 31 acres and have a hobby farm. They utilize the activity center, pole barn and front shed of the farm grounds, Denise described what they offer. Applicants do not allow overnight guests. Hours of operation are Monday – Friday, 9AM to 7PM, with occasional weekend hours as necessary. Hours are not regular. Visitors are invited and scheduled by appointment only. They are not open to the general public.

They have three part-time employees. There is no meal program, but they have a large deck on which visitors may eat their bagged lunch and enjoy the countryside view. The applicants currently have two portable outhouses for the visitors on field trips to use. Pierce County Code §240-54 establishes parking requirements. Agritourism is not a listed use, but one parking space per four patrons is required for Commercial Recreation. Groups attending range in size from 2 – 40 individuals requiring approximately 10 available parking spaces. There is adequate parking areas onsite to satisfy this requirement. The applicants currently have one unpermitted on-site advertising sign. It is 4ft x 6ft and states “Dome Ranch” with a telephone number. The sign’s size is consistent with zoning code requirements and it will be brought into compliance through issuance of this CUP. The Spring Lake Town Board recommended approval of this request on 4-23-2018 without any 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”.

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 Spring Lake 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 facility 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. Applicant shall also 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.).
4. Adequate portable outhouses (1 per 50 people), or other acceptable restroom facilities, shall be provided.
5. Hours of operation shall be Monday-Friday, 9AM to 7PM, occasional weekends and by appointment only.
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. One parking space per four customers and areas for ADA compliant parking shall be provided. There shall be no on-street parking.
8. This CUP shall be renewed every two years. Permit may be renewed administratively if no compliance issues arise.

Chairperson Holst opened the hearing to the public. No public comment. **Chairperson Holst closed the public hearing.** Sanden asked Denise how the clients arrive at the location, is it by van or school bus or do they drive independently? Ms Hackel stated there are a very few that drive themselves but most of them come in a minivan that is part of the medical transport. They just get dropped off and picked up. Sanden asked Emily how do we determine ADA compliance? Is that something your office can evaluate on site? Lund stated there is one parking space required for ADA compliance on every commercial site. They need to have one parking space. Holst stated it needs to be wider. Ms Hackel asked if they need that if they don’t have anyone that is wheelchair and it’s not open to the public. Lund stated yes. Ms Hackel stated they could do that. They don’t really have parking lines, they are just out in the country. Lund asked if they have a paved or concrete spot. Ms Hackel stated it’s not a problem. **Sanden moved to approve the conditional use permit for Agritourism for Dome Ranch, Robert Hunczak & Denise Hackel, 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 - #8/Gulbranson seconded. All in favor. Passed.

Discuss take action on a status report for 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 Government Lot 4, Certified Survey Map (CSM) V12, P58, in Section 3, T24N, R18W, Town of Trenton, Pierce County, WI.

Chairperson Holst invited Chris Willgrubs forward: Mr. Willgrubs stated he is just coming in to go over what they haven't done down there. He had Brad come down last Monday and he has been dealing with Adam and spoke to Andy for just a little bit last week too. They haven't done anything at this point. The septic tank is in, the well is in. He has eight sites that are all watered up and powered up. They poured the concrete yesterday for the washout for the dump station. The wash tower is supposed to be here either tomorrow or Friday so then he will be giving Emily a call for final inspection on the septic. Then they just need their state approval and they are off to the races.

Staff Report – Adam Adank: 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 with the option to add four additional sites upon campsite layout approval by Land Management staff. The 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 property is located on 11.6 acres in Section 3, Town of Trenton. In 2013 this parcel and an adjacent parcel were rezoned from Rural Residential 20 to General Rural Flexible (GRF). The campground is not commercially operating at this time. There are three incidental campers on the site. Eight of the 16 originally delineated camping sites have been installed. The applicant is interested in reconfiguring some of the campsites. The applicant has expressed an interest in utilizing some of the land within the floodplain for campsites. The applicant will need to determine if any filling and grading is necessary for the sites in the floodplain. Pierce County Code §238 Floodplain Zoning authorizes campgrounds in the floodplain with a Land Use Permit. The applicant will need to satisfy all requirements of Chapter 238 prior to issuance of a Land Use Permit. Staff will review final plans to determine compliance with all Pierce County Code §242 Shoreland Zoning. A holding tank dump station for the collection of waste from recreational vehicles camping on-site has been partially installed. The applicant stated that he will be working with his plumber (Darrell Hubbell) to possibly finish the cement slab and wash tower prior to May 16th LMC meeting. The Department has not received any complaints regarding the campground. This status report is required per condition #9. Staff contacted the Town of Trenton regarding this CUP Status Report. No issues or concerns were reported. The LMC approved a CUP renewal for this Campground on April 5, 2017 with the following conditions:

1. Total number of campsites present shall not exceed 20 individual sites. If additional campsites beyond the 16 currently delineated are to be established, the layout shall be presented to Land Management staff to verify side yard setbacks, minimum campsite dimension requirements and the location of campsites in relation to the floodplain, prior to use.
2. Internal roads, camping pads and sanitary improvements shall be completed prior to the operation of the campground. Staff shall be contacted to verify improvements prior to commercial use.
3. Any campground advertising signage shall comply with Pierce County zoning standards.
4. 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. Pierce County Subdivision Code, Department of Safety and Professional Services (DSPS), Department of Health-DHS standards etc.).
5. 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.

6. The campground shall comply with all items listed under Section 240-39 of the Pierce County Code.
7. Any additional filling and grading shall be verified by staff to determine if a conditional use permit is needed.
8. Owner and manager contact information shall be prominently posted on site.
9. This conditional use permit shall expire in two years. A status review shall be presented to the Land Management Committee within one year.

Chairperson Holst asked if everything checked out down there, sounds like it did. Adank stated yes, see my pictures. Pichotta stated there is no formal action necessary on this item given that it is a status report. Chairperson Holst stated you have to come back in a year and renew again and give us an update then. Mr. Willgrubs stated we might actually have something done then.

Discuss take action on Travel/Training Requests. Pichotta stated he has two travel/training requests, both for Emily Lund. One is to attend the WCCA meeting in Chippewa Falls on June 14, 2018. The other is to attend a POWTS training down in Holmen on June 6, 2018. No overnight and she would take the county car.

Gulbranson moved to approve the two travel/training requests for Emily Lund/Sanden seconded. All in favor. Passed.

Departmental Update and Future Agenda Items

Pichotta stated there are no items or public hearings scheduled for the next meeting or renewals and noted that the next meeting would be June 20th.

Motion to adjourn at 6:35pm by Gulbranson/Sanden seconded. All in favor. Motion passed.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, May 16, 2018 – 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: June 6 th & 20 th , July 18 th , August 1 st & 15 th , all in 2018.	Chair
3	Approve minutes of the April 18, 2018 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for a conditional use permit for an Accessory Residence in the General Rural District, pursuant to Pierce County Code Chapter 240-40A for Scott & Angela Mathison, owners on property located in Lot 4, Certified Survey Map (CSM) in the SW ¼ of the NW ¼ of Section 9, T27N, R16W, Town of Gilman, Pierce County, WI.	Adank
5	Public hearing to consider and take action on a request for a conditional use permit for two Accessory Residences in the General Rural District, pursuant to Pierce County Code Chapter 240-40A, for Robert Hunczak & Denise Hackel, owners on property located in the SE ¼ of the SW ¼ of Section 31, T27N, R15W, Town of Spring Lake, Pierce County, WI.	Lund
6	Public hearing to consider and take action on a request for a conditional use permit for Agritourism for Dome Ranch in the General Rural District, pursuant to Pierce County Code Chapter 240-35B, for Robert Hunczak & Denise Hackel, owners on property located in the SE ¼ of the SW ¼ of Section 31, T27N, R15W, Town of Spring Lake, Pierce County, WI.	Lund
7	Discuss take action on a status report for 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.	Adank
8	Discuss take action on Travel/Training Requests.	Pichotta
9	Future agenda items.	Pichotta
10	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.

(5/4/18)

PIERCE COUNTY WISCONSIN
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MINUTES - Pierce County Land Management Committee Meeting, April 18, 2018

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

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

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

Next meeting dates: May 2nd & 16th, June 6th & 20th, all in 2018.

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

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

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

Approve Minutes: **Aubart moved to approve the April 4, 2018 Land Management Committee minutes/Holst seconded. All in favor with Gulbranson abstaining from voting due to his not being present at that meeting. Motion Passed.**

Public hearing to consider and take action on a request for a conditional use permit for an Accessory Residence in the Rural Residential 12 District, pursuant to Pierce County Code Chapter 240-40A, for J & D Trading Co, David Chadima, owner on property located in the NW ¼ of the NW ¼ of Section 20, T26N, R19W, Town of Oak Grove, Pierce County, WI.

Staff Report – Emily Lund: The applicant is proposing to remove an obsolete structure on the property and construct a residence for family or caregiver (if necessary). The property is located in Section 20, Town of Oak Grove. The property is zoned Rural Residential 12. Pierce County Code (PCC) §240-40A allows accessory residences which are accessory to single-family residences in the Rural Residential 12 with the issuance of a CUP. PCC §240-88 defines Accessory Residence as: B. A dwelling unit located in an accessory building located on a residential parcel. PCC §240-88 defines Accessory Building as a “building” not attached to a principal building by means of a common wall, common roof or an aboveground roofed passageway, which is, A. Subordinate to... B. Located on the same lot as ... and C. Customarily incidental to the principal structure or use. The applicant owns 200+ acres of land with a home, well, several farm buildings and silos. There is also a septic system for the existing house and another septic system that is not being used. The principal residence is ±4,000 sq ft (1.5 story dwelling + basement) and attached garage (24’x24’). The conventional septic system was permitted in 1978. The applicants propose to build a 38’x48’ accessory residence includes an upstairs loft, 1-car garage. There is a proposed 38’x48’ basement and attached screened in porch (12’x12’). We do have drawings submitted that might be altered slightly. But it’s somewhere around 1200 to 1800 square feet. The

accessory residence is proposed to be used by relatives or caregivers. The proposed residence will use the existing access off of 1160th St. The applicants propose to hire a plumber to inspect and assess if the existing unused septic system can be used and reconnected to the accessory residence. If the existing system needs to be improved or a new system needs to be installed, the applicant will need to obtain a sanitary permit. PCC Ch. 115 Numbering of Buildings and Roads states that all properties or parcels and principal buildings shall be assigned an address based on the uniform numbering system. The applicant will need to obtain a separate uniform address number for the accessory residence. The Oak Grove Town Board recommended approval of this request on 3-19-18 without any concerns or recommended conditions. The Town did not reference its Comprehensive Plan. No renewal of this request will be necessary provided the use is established within 12 months of approval.

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

1. The applicant shall hire a Wisconsin Licensed Master Plumber to assess the existing unused septic system. If the existing system needs to be improved or a new system needs to be installed, the applicant shall work with the Master Plumber to obtain a sanitary permit.
2. The applicant shall work with the Town Building Inspector, Todd Dolan, to determine whether a permit from the town is needed and to ensure compliance with the Uniform Dwelling Code (UDC) requirements.
3. The applicant shall obtain a separate uniform address number and sign for the accessory residence.

Chairperson Fetzer opened the hearing to the public. No public comment. **Chairperson Fetzer closed the public hearing.**

Holst moved to approve the conditional use permit for an Accessory Residence for J & D Trading, David Chadima, due to the fact it 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 - #3/Aubart seconded. All in favor. Passed.

Public hearing to consider and take action on a request for a conditional use permit for a Nonmetallic Mining Operation in the Primary Ag 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 in 2010. The property owners and the KRLT came to an agreement to allow mining for a limited term and then have the site reclaimed. A CUP was issued in 2015. However, the previous mine operator could not accomplish sufficient mining within the agreed timeframe and chose not to submit financial assurance to enable continued mining of the site. That permit expired, while the property owners and the KRLT continued to work on an amended agreement. 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. They are aware of the easement with KRLT and are submitting plans to extract materials and reclaim the site. Their initial plan is for the two mines to essentially be combined. A policy exception to the 100' mining setbacks would be needed for this to occur. Mining and reclaiming on the Rohl property will be a priority. The site has a residence and an active agricultural operation. Surrounding land uses are residential, agriculture and nonmetallic mining. The mining site has approximately 4

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 the relief of approximately 25 feet. No major streams are present on the site. The active mining area is and will continue to be internally drained. Sand and gravel is present under the topsoil and is approximately 20 feet thick. The operation is for the extraction of the sand and gravel. Typical equipment on the site is bulldozer, backhoe, screener and trucks for hauling. Portable crushing equipment is brought in when needed. Mining had previously occurred within the 100 foot setback and over the property line. The plan is to connect the two operations. Proposed extraction is limited within the setback area; the plan is to match elevation from the previous mining in the area and to construct a road between the two sites. A policy exemption will be required. There will be no blasting or use of chemicals on the site. Washing and processing of the material will occur on the adjacent Rumpca property. The average ground water elevation, determined by area wells, is 830 feet above sea level. The pit floor is approximately 1000 feet above sea level. The operation will be 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 plan calls for sequential reclamation and covers approximately 8 acres. Final slopes will be no greater than 3:1. The applicants have been working with the Land Conservation Department to improve the runoff through the reclaimed mining area and farm. Rumpca Excavating has submitted financial assurance for the mine which is currently being reviewed by Pierce County's Corporation Counsel. This request was presented to the Town of Clifton on August 8, 2017. The Town recommended approval of the request with no reference to its Comprehensive Plan or concerns listed.

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 or would be detrimental or injurious to public health, public safety or character of the surrounding area. If found to be not contrary to the above staff recommends the LMC grant this conditional use permit with the following conditions, as well as any additional conditions deemed appropriate:

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 7:00am 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.

Sanden asked Brad, the financial assurance being currently reviewed by counsel, does that need to be included as a condition or is that implied. Roy stated that would be part of the requirement of part of compliance with Chapter 241. Sanden stated condition #2 and do we need to make any consideration for the Kinni River Land Trust and their agreements. David Drewiske, Executive Director of the Land Trust, he first met Joe and John at the site about a year ago. They had extensive discussions and have agreed upon a plan for reclamation and they have an operating agreement that has been reviewed and approved. They are comfortable and think it makes sense. They want the site reclaimed and think this is a good plan. That aggregate material is always handy to have. It's a good deposit. They are comfortable with it.

Chairperson Fetzer opened the hearing to the public. No public comment. **Chairperson Fetzer closed the public hearing. Sanden moved to approve the conditional use permit for Nonmetallic Mining for Rumpca Excavating Inc, agent for John C. Rohl Jr, John C. Rohl & Alva-Jeanne Rohl and Mackenze Rohl, owners due to the fact it is not found to be contrary to public interest nor detrimental or injurious to**

public health or public safety or the character of the surrounding area, with conditions #1 - #10/Holst seconded. All in favor. Passed.

Discuss take action on Exemption to Nonmetallic Mining Policy to allow mining within 100 feet of property lines. Staff Report – Brad Roy: On October 3, 2007, the LMC adopted a policy which requires a 100ft setback to property boundaries. To do what the plan is on this site we need an exemption from that policy. **Staff Recommendation:** Staff recommends the Land Management Committee consider if this proposal warrants an exception to the departmental policy. Rumpca will only be allowed to mine within the setback area adjacent to the Rohl mining area so it's not granting the exemption for the whole piece. Sanden asked if we are talking about the piece we just granted a conditional use permit. Roy Stated yes. **Sanden moved to approve the Exemption to Nonmetallic Mining Policy to allow mining within 100 feet of property lines/Holst seconded. All in favor. Passed.**

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

Departmental Update and Future Agenda Items

Pichotta stated there are no items or public hearings scheduled for the next meeting and noted that the next meeting would be May 16.

Motion to adjourn at 6:21pm by Aubart/Gulbranson seconded. All in favor. Motion passed.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING REVISED AGENDA
Wednesday, April 18, 2018 – 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: May 2 nd & 16 th , June 6 th & 20 th , all in 2018.	Chair
3	Elect Temporary Chairperson	Acting Chair
4	Elect Committee Chairperson	Acting Chair
5	Elect Committee Vice-Chairperson	Chair
6	Approve minutes of the April 4, 2018 Land Management Committee meeting.	Chair
7	Public hearing to consider and take action on a request for a conditional use permit for an Accessory Residence in the Rural Residential 12 District, pursuant to Pierce County Code Chapter 240-40A, for J & D Trading Co., David Chadima, owner on property located in the NW ¼ of the NW ¼ of Section 20, T26N, R19W, Town of Oak Grove, Pierce County, WI.	Lund
8	Public hearing to consider and take action on a request for 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
9	Discuss take action on Exemption to Nonmetallic Mining Policy to allow mining within 100 feet of property lines.	Roy
10	Discuss take action on Travel/Training Requests.	Pichotta
11	Future agenda items.	Pichotta
12	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.

(4/6/18)

- **Revised April 9, 2018 @ 8:54am.**

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, April 4, 2018

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

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

Absent: Ken Snow

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

Next meeting dates: April 18th, May 2nd & 16th, June 6th & 20th, all in 2018.

Chairperson Fetzer stated before we get started he would ask that everyone silence or shut off their phones. Anybody that did not sign in at the podium, please sign in. During the public hearing, please use the microphone at the podium unless you are sitting at a table and have a microphone in front of you. State your name and address, please. Please no talking when somebody else is making a statement just so we can get all the correct information on our recording. Thank you for the cooperation.

Approve Minutes: Sanden moved to approve the March 21, 2018 Land Management Committee minutes/Aubart seconded. All in favor with Jeff Holst abstaining from voting because of absence at the last meeting. Motion Passed.

Committee will convene into closed session pursuant to §19.85(1)(g) Wis. Stats. For the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved: advice of counsel re: CUP for Prescott Sportsman's Club.

6:04pm, Aubart moved to convene into closed session/Holst seconded. Roll call vote: Holst – yes, Aubart – yes, Sanden – yes, Fetzer – yes. Motion passed. Chairperson Fetzer asked everybody to step outside.

6:39pm, Aubart moved to reconvene in open session/Holst seconded. Roll call vote: Holst – yes, Aubart – yes, Fetzer – yes, Sanden – yes. Motion passed.

Chairperson Fetzer reiterated to have everyone silence their phones and when you are speaking to come to the microphone at the podium. State your name and address and please sign in if you haven't already.

Public hearing to consider and take action on a request for a conditional use permit for Private Outdoor Recreation in the General Rural Flexible 8 District, pursuant to Pierce County Code Chapter 240-39E, for Bill Hovel, agent for Prescott Sportsman's Club Inc, owners on property located in the SE ¼ of the NW ¼ of Section 6, T26N, R19W, Town of Oak Grove, Pierce County, WI.

Staff Report – Brad Roy: The Prescott Sportsman's Club owns a 40 acre parcel in the Town of Oak Grove. They are applying to use the property for a variety of outdoor activities for club members and the public. The application proposes, "Activities related to the enjoyment and recreation of the outdoors and continuing education experiences that will enhance the public's appreciation of the outdoors." In February, 2017 the club

presented an application for a Trap Shooting Range which was denied by the Land Management Committee due to a high likelihood of lead migration off the site as well as inconsistency with the public interest as it relates to the Town of Oak Grove and their Comprehensive Plan. The applicant has indicated that they will likely continue efforts to pursue the establishment of a firearms shooting range at this site in the future. The property is located in the SE ¼ of the NW ¼ of Section 6, Town of Oak Grove. The property is zoned General Rural Flexible 8. Access to the site is off of 620th Ave.

- 240-15 Purpose and intent of Zoning Districts.
- General Rural (GR). This district is established to maintain and enhance agricultural operations in the county. The district also provides for low-density residential development which is consistent with a generally rural environment and allows for nonresidential uses which require relatively large land areas and/or are compatible with surrounding rural land.

General Rural-Flexible (GRF/8). This district is established to achieve the same objectives as the General Rural (GR) District but to allow a greater density of residential development with the approval of the town board.

- “Private Outdoor Recreation” is defined as: “Land uses which offer recreation activities primarily outdoors, including such uses as private parks, sportsmen’s clubs, golf courses and ski hills, and which are operated for members or on a commercial basis for members of the public and may include multiple related uses managed as one operation.”
- The site is currently being used for agriculture and woodlands. The surrounding land uses are agriculture, low-density residential, and undeveloped land. The City of Prescott’s compost site/former landfill is on the neighboring property to west.
- Member only activities proposed are:
 - Picnics
 - Up to 4 picnics a year (May through October) to be held on a weekend for members and their families. Picnics will be held between the hours of 10am and 7pm.
 - Meetings
 - Regular meeting once per month, generally between 7pm and 10 pm.
 - Board and committee meetings, with less than 15 members, up to 4 times per year.
 - General outdoor activities: hiking, gardening, apple harvesting, camp fires, snowshoeing, cross country skiing
 - Small farming of food plots or other grains
 - Raising of various livestock and poultry (such as pheasants and quail).
 - Tree cutting for firewood.
 - Hunting and trapping as it relates to the available Wisconsin DNR licenses
 - No more than 4 individual hunters with a gun at any one time.
 - No more than 4 days per week, based on DNR regulation hours.
 - Days would be filled by member lottery pick if more member interest is high enough.
 - Firearm use will be appropriate for the targeted game.
- Member and Public (the public is only allowed when a member is present) activities proposed are:
 - Educational and practice clinics (fishing, trapping, forestry, wood projects, air guns)
 - Limited to 3 per year.
 - Clinics would be scheduled between the hours of 8am and 3pm.
 - Clinics will include instruction and practice.
 - Clinics will only include air guns.
 - Youth and disabled hunts related to the available Wisconsin DNR licenses
 - No more than 2 armed individual hunters at any one time.
 - No more than 4 days per week, based on DNR regulation hours

- Includes bow or gun (12 or 20 gauge shotgun).
- Learn-to-hunt turkey program for first time turkey hunters
 - 10-25 participants
 - Program is 1 day between the hours of 8am and 3pm.
 - Program includes group instruction and training, lunch, and learning stations related to blind setup and turkey decoy placement.
 - Approximately 1.5 hours to have participants shoot their shotgun at target to understand shot pattern.
 - Will work with the DNR to organize the event.
- Fundraising Events
 - Two events held annually on weekends between the hours of 8am and 4pm.
 - Carnival type events with various stations to view and participate.
 - Bow competition with no more than 5 shooting at any one time and with 2 members supervising at all times.
 - Air gun competition with no more than 5 shooting at any one time with 2 members supervising at all times.
- Bow range and course for practice, leagues and events
 - No more than 2 days during the week and one weekend day.
 - Weekday hours are 4pm to dusk. Weekend hours 8am to 4pm.
 - No more than 5 shooters at any one time with 2 members supervising at all times.
- Air gun range and course for practice and future adult and youth leagues
 - Guns would consist of BB, CO2 or pneumatic.
 - Ammunition would be lead free BBs or pellets, or bio-degradable BBs.
 - No more than 3 days during the week (4pm – dusk) and one weekend day (8am – 4pm).
 - Air gun range has no more than 5 shooting at any one time with 2 members supervising at all times.
 - Shooting no farther than 25 yards.

Long term plan is to construct a clubhouse for the members for meetings, picnics, seminars and events as well as up to 5 pavilions and/or out buildings for the various activities. The Club is also proposing to place a storage container on the property. Equipment to be used includes motorized vehicles such as tractors, cars/trucks, lawnmowers and UTVs/ATVs. Vehicles will be used from dawn to dusk. Hours of operation for certain activities were listed. The hours of operation for the remaining activities are 7am-10pm., with exceptions for club member only events may extend to 12am on weekends only. No more than 6 exceptions annually. The following items will be stored outside: bow targets, lawn equipment and tractor/implements, lumber for projects, and portable hunting stands. Portable toilets will be used for all fundraising events as necessary. State code requires one portable toilet per 50 people. The Club is proposing to construct two parking lots on the south end of the property. The southeast parking lot will use an existing farm access. A new driveway will need to be constructed for access to the southwest parking lot. Pavilions will be constructed near each parking lot. The clubhouse is proposed to be constructed near the southeast parking lot. Dimensions of the structure have not been provided. Commercial plan approval may be needed. The site has moderate slopes. The total elevation change from the south of the property to the north is approximately 90 feet. The highest point is near the road access and the lowest by the west half of the north property line. There are no mapped wetlands or wetland soil indicators on the site. Multiple grass waterways run through the property. There is no navigable water on the site, but an intermittent stream runs through the northern portion of the property. The intermittent stream carries enough water that the floodplain also extends onto the property. The club is proposing to construct a pond at the intersection of two of the waterways. No dimensions or depths were provided. The proposed pond is not located in the floodplain. Two pavilions are proposed near the pond. The Town of Oak Grove recommended “partial approval and partial denial” of this request on March 6, 2018. The Town Recommendation is attached. The Town has no issues with parts of the application, but has issues with others.

- Supported Activities:
 - Regular picnics

- Regular meetings and campfires
- Hiking, gardens, apple harvesting
- Small farming of food plots or other grains throughout the property
- Raising of various live stock or poultry
- Cutting trees for firewood
- Winter activities such as snowshoeing or cross-country skiing
- Educational and practice clinics (such as fishing, trapping, forestry, building) which total no more than 3 calendar days per year and occur between the hours of 8am and 3pm as proposed, provided the clinics do not involve activity that would constitute a “sport shooting range” as defined by Wis. Statute 895.527 or create a nuisance that would unreasonably impact neighboring properties.
- Two fund raising events annually, which shall be no more than two calendar days
- Archery range, only if an archery range is not considered a “sport shooting range” as defined by Wisconsin Statutes Section 895.527
- An air gun range is only supported by the Town if it is conducted within a building and is not considered to be a public “sport shooting range” as defined by Wis. Statute 895.527. No high-power air guns would be allowed to be used on the property and all air guns must be used indoors.

Supported Structures, The Town of Oak Grove supports the construction/placement of the clubhouse, pavilions or outbuildings (up to 5) and storage container subject to proper permitting. Hours of operation. The Town recommends that “Club only” events go no later than 10pm. The Town does not object to the other proposed hours so long as the noise/sound generated by the activities remain at a level that does not unreasonably impact the neighboring property owners’ enjoyment of their property, especially in the evening and on weekends. Town Concerns: The Town is of the position that a firearm shooting range at this location is not appropriate given the proximity of neighbors, the proximity of animals and livestock which can be sensitive to loud noise or shooting, and the potential for decreased safety and issues with lead migration. In response to Chapter 9 of the Oak Grove Comprehensive Plan which calls for all conditional uses:

- Consider recommending approval of conditional use permits only when the proposed conditional uses will not conflict with or negatively impact the use and enjoyment of nearby or surrounding properties and land uses
- Ensure that the proposed conditional use will be compatible with surrounding land uses that exist when the proposed use commences

“Given that the use of and/or approval of this site to target practice could potentially vest the Club with the “right” to an expanded sport shooting range, the Town does not support any activities that may ultimately result in the establishment of firearms shooting range of any kind. The Town strongly objects to any activity that would be considered a “sport shooting range” as defined by Wisconsin Statutes Section 895.527, and recommends denial of the conditional use application as it relates to firearms and “sport shooting ranges.” The Town is concerned with protecting farmland, limiting noise and traffic and a reduction in the quality of life on surrounding properties.”

The Town has concerns regarding the potential impacts of the following activities:

- Air gun range and course for future adult and youth leagues
- Bow range and course for target practice and competitive events or leagues
- Hunting and trapping
- Learn to hunt programs such as annual spring turkey hunt (including learning to pattern a shotgun)
- Youth or disabled hunts related to available Wisconsin DNR licenses

The Town does not support hunting activities on the property and is concerned with noise that can result as well as potential safety issues from multiple hunters using long-range rifles. If hunting is approved, the Town suggests a mechanism to limit numbers of hunters present at one time to a safe and reasonable level.

The Town requests that a deed restriction be placed upon the property which would prohibit the property from ever being used for a public “sport shooting range.” The Town is concerned with the use of any guns on the property. The only gun use that would be supported by the Town is the use of air guns within a building as previously described. The Town is concerned that “air guns” is a broad category inclusive of weapons posing significant safety hazards, and that an outdoor air-gun range would create a nuisance for surrounding properties inconsistent with the Town’s Comprehensive Plan.

Town also has the following concerns:

- Protecting farmland and preserving the quality of rural life on surrounding properties.
- Property boundaries and wants the applicant to have all the property boundaries surveyed and marked.
- Dogs running at large on the property.
- Consumption of alcohol on the property.

Staff requested a legal opinion from Pierce County’s Corporation Counsel regarding the potential implications of the use of firearms, air guns, and archery equipment on the site, including the implications associated with the establishment of a “range” for their use. Staff has been advised that the Town’s concerns regarding the potential vesting of rights if a “sport shooting range” were authorized on the site, appear to be valid. Given the definitions of “sport shooting range” contained in Wisconsin Statutes, even the establishment of an archery range or air gun range would constitute a “sport shooting range” with all the expansion rights and protections that accompany that designation. Staff has also been advised that the “patterning of shotguns” on the site (proposed as part of “learning to hunt” seminars) would constitute a “sport shooting range” as defined. Staff was also advised that occasional incidental hunting on the site, similar to that occurring on private land in much of the County, would not constitute a “sport shooting range”, and that such use could be allowable as long as all state and local regulations and restrictions are adhered to.

Staff Recommendation: Staff recommends the LMC determine whether the proposed use in 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 public interest, nor detrimental or injurious to public health, safety, or the character of the surrounding area, staff recommends approval of this request with the following conditions:

1. All activities shall be conducted consistent with the application unless modified by a condition of this permit.
2. No weapons (including firearms, air guns, and archery equipment) shall be used on the site except when used for lawful hunting purposes.
3. All hunting activities shall be conducted as presented in the application and shall follow all DNR and local regulations.
4. Plans for parking areas shall be submitted to Land Management Department staff for review and approval.
5. Portable toilets (1 per 50 people) shall be provided onsite for all activities except for incidental hunting.
6. Club only events shall end by no later than 10pm.
7. Information and plans regarding structures to be built shall be provided to Land Management Department staff for review and construction shall commence with one year of the date of issuance of this permit for structures presented in the application. For structures not built within one year, a Land Use Permit shall be required.
8. A Land Use Permit shall be obtained for any structures and signs not described in this application.
9. All structures shall comply with Uniform Commercial Code requirements, if applicable.
10. Access approval shall be acquired from the Town of Oak Grove, a Uniform Address Number (UAN) shall be assigned, and an address sign acquired and placed.
11. Final designs of the pond shall be submitted to Land Management Department staff prior to construction to determine permitting requirements.

Chairperson Fetzer stated before we start with the public hearing he would appreciate that if you want to get your name on the record and state you are for or against it, be succinct with your words and get to the point. We have a lot of people that want to talk tonight.

Chairperson Fetzer invited Bill Hovel forward: Mr. Hovel stated the club decided to take a different approach for their property. One correction on the staff report on page 3, bullet point 2, Equipment to be used. The second sentence that states, "Vehicles will be used from dawn to dusk." That was just related to the UTV/ATV's. Everything else they would be able to drive there past dark. The other questions he has is more around the no weapons in the recommendation. With the application we took our best stab at trying to give you guys a general view of where they are headed and what they want to do so he added a lot of things in here. Things that may not come true in the next two/three years but it is something he wanted you guys to have a good understanding on what they are planning on doing if they could afford to down the road. That's why you are seeing a lot of these things where Brad says you didn't give a comprehensive plan for your pond or you didn't do this or you didn't do that. He is trying to give an overall perspective, that's why. Not a lot of guidance in the zoning. It just says Outdoor Private Recreation. They would like to use their property like any other private land owner as best they can. But also taking some consideration into their neighbors and how they use theirs. We have laid it all out, based on your recommendation, if you want to talk about the no weapons recommendation. Where you say "No weapons (including firearms, air guns and archery equipment, that's pretty hard to take, especially for archery and air guns, he thinks they are pretty quiet and don't do a lot of damage. They would like to give their club owners an opportunity to actually shoot at targets, close by, at least from Prescott. It's a good range for someone to come out and actually shoot their bow if they want to. It's one of those things where he knows we're all hooked up on "Sports shooting range" and there is very vague definition in all the statutes in Wisconsin. He thinks he hit every one of them. He too, always thought a sport shooting range was created around firearms and all of a sudden it grew into weapons and now he doesn't know what a weapon is; a bow, a gun, a rifle, a knife, a sling-shot. He is hoping the board tonight can take that into consideration for us, to at least give us a little feeling that you are listening. We are trying to be the best we can to get something out of our property. The other one would be to have events up until midnight for six times a year. He didn't think that was too out of the realm. He sees that we have it recommended no later than ten. He would like to understand where you are coming from to say coming from 10:00pm to midnight is a big deal, and what is the deal. Just so he can understand the evidence behind that. Those were the only two points he had on the entire application and recommendation. Roy stated on the recommendation to 10:00pm, going off your application from last year, there was 35 members. The likelihood of a large group of people assembling at the site could create nuisances if it goes until midnight that isn't typical of a residence. But these are recommendations that we make, they are certainly not binding. Chairperson Fetzer stated we will get into the public comment and the rest we will address after that. **Chairperson Fetzer opened the hearing to the public.** Tom Huber, W9278 460th Ave, Hager City, WI, a few of the items the Sportsman have asked for in the application are an air rifle range, a bow range and a patterning range. As stated in the staff report, Pierce County's Counsel has indicated that if these ranges are approved they will probably benefit from all the expansion rights and protections associated with a shooting range in Wisconsin. At that point the citizens of Oak Grove and Pierce County will have lost any and all influence or control they might have involving these ranges. This isn't an issue where someone can just say "approve this and trust us". From the very beginning of this permitting process there hasn't been a lot of trust generated by the club. The first shooting range was hidden in a proposal for the high school trap team. The second one here, the shooting permit is hidden behind the air gun, bow and patterning ranges. If we end up doing this, we'll end up with a shooting range eventually. He feels this is an insult to the citizens of Oak Grove and Pierce County and he urges you to not approve the air gun, bow and patterning ranges on this application. Dave Serres, W11102 620th Ave, he echoes the sentiments of Tom. There are a lot of things that sound all nice and flowery. Early on in the meetings he said he wouldn't have a problem agreeing to any of this if you put it down in writing that you never, ever would have guns, shotguns, pistols, anything that would disrupt the life style. He was told that they thought that was unfair so that tells him with the vagueness of the gun clubs or the statutes of what a gun range is. They have told us straight out that their plan is to someday have a gun range. There are people who live right next door. Their people said

the people next door had a recording of 80 decibels. OSHA mandates that you wear hearing protection at 85 decibels. The difference between 80 and 85 is pretty much indistinguishable. We are talking about potentially harmful. It may not be for a large group of people but for people who are tax payers in Oak Grove. The ground water contamination issue, they think they can handle it. You only know when it's too late if it isn't handled right. Right now we have people living so close. There is one lady that has a grooming facility and if a gun range came in, her income would go away. Because 90% of the dogs are very jittery around guns, she can't afford stuff like that. Every tax payer, nobody has changed their stance. This is something we are strongly against. This is something we deem as harmful to our neighborhood and nobody in the Sportsman's Club will be affected by the adverse changes. They are all coming in from miles away, having their fun and everyone around that is going to suffer. He doesn't see how that's even an item you can consider. He is strongly, strongly against it and thinks for the people that live in the area, Oak Grove Township, this would be a harmful addition. Sarah Palodichuk, she doesn't have a strong feeling about a sportsman club, one way or the other. She thinks it's probably a good thing to have one because of the nature of our community but she does think there are protections that need to be in place. She would ask that you don't approve anything tonight that could be construed as a sport shooting range. She doesn't think that statute 895.527, just reading it on its face, she doesn't think it allows for towns to have appropriate control over a sports shooting range once it's established. She also doesn't know what constitutes establishing a sports shooting range. If you are worried about it, she wouldn't put that into place. The reason that she doesn't think you should do that though, is because local control is really important. So then to the Town of Oak Grove Board, please do something about it. That statute allows the Town of Oak Grove to put nuisance regulations in affect before something is established like that. So if you are worried about it being established, respond. There are three things you can respond to: sound, hours and civil liability. So if we want to protect local control then we have be proactive about it. She knows it came before us last year and that probably would have been the right response a year ago is to start working on that. The sportsman club is a good thing it's just that the slippery slope is intimidating to everybody. So instead of being intimidated by the slippery slope, you just got to cut off the slope and decide where that is. She said it's a good thing but it's only good if you don't live in the area. She can't speak for the people that live close enough to hear it and be affected by it. She just wants to echo Tom and Dave and that they are strongly, strongly against this in every possible way. Mary Bolin, N5801 1200th St, Prescott, she would agree with what Dave, Tom and David have also said that she is opposed to this. She thinks the idea that there being a sportsman club is not a bad idea, she just doesn't think there is any place in Oak Grove Township that it is appropriate. She sold real estate for many years and she believes putting one in Oak Grove Township is going to hurt the other tax payers. It's going to negatively impact the values. It's going to negatively affect those people who pay the taxes that are surrounding there to their enjoyment and peaceful living and their properties. She thinks if the sportsman's club wants to have special events, instead of giving them a conditional use permit, they should apply to the township for a special event, individually. They will be given direct guidelines of what they can do. Crystal Zeverino, W12246 620th Ave, she doesn't want to go into depth, everybody has already said enough. We're all showing with most of the residents being here that we don't want this. For numerous concerns, everybody has spoken enough between this one and the last meeting that we had. Everybody remembers her obnoxious father that was here before. He lives next to a shooting range. She has been dealing with this her whole life and she moved to the country so she didn't have to deal with this anymore. She is totally against having any sort of outdoor shooting range. They want peace and quiet that is why they move out to the country. They pay high enough taxes for all that. We deserve to have peace and quiet. Dean Rogge, N6042 Cty Rd QQ, Mr. Rogge stated he will go on record as saying being for what Tom has said and against the sports club. Trent Huber, Oak Grove Township, his family and he live real close to the Sportsman's Club property off of 620th Ave. Two things he wants to point out that haven't been mentioned yet is the intersection of 620th and Highway 10, in his opinion is a very dangerous intersection. It doesn't need any additional traffic added to it, at least a high volume amount of traffic. The second thing, the high intensity usage or hunting on the 40 acre parcel is over and beyond what an individual land owner would place on a similar property if they were just hunting on it with their family. He is opposed to anything that would establish a shooting range at that location. David Zeverino, wanted to add that he is highly against the hunting part as well. He just wanted to go on record for that. Pichotta note that in the

LMC member packets there were a number of emails that he received in opposition primarily to the sports shooting side of things: Thomas Nelson, Deborah Nelson, Jody & Dee McDaniels, Amy Jo Most, Athena Stifter, Patty Perrier, Mary Bolin and Michelle Huber. Sharon Phillipps, Oak Grove lives about a mile and a half to the east, she is a fifth generation and plans on passing it down to a sixth generation and she would like them to go out there and enjoy that property and not have to listen to guns shooting. It's just too much. They have tried to upgrade it from what it was. She is deathly against this whole operation and hopefully you will take the town's recommendations. Thank you very much. Michelle Huber, lives on 650th Ave very near the proposed site. She has been trying to understand the shooting range protection act and what the definition by Wisconsin State Statutes, what falls into that definition of a shooting range. It seems you get mixed information depending on who you speak with, even attorneys that work in land law. She is a new member of the Oak Grove Planning Commission and she has been attending some workshops and having conversations with attorneys that deal with this sort of thing. Her husband and her have also met with attorneys since last year when this first came up, trying to educate themselves on what they are dealing with and what the implications might be. She thinks it's important to point out that one attorney that they talked to stated occasional, incidental hunting which is referenced in the staff report by a private land owner, similar to that occurring on private land in much of the county, cannot be compared to a facility such as a sportsman's club holding organized hunting events. This type of activity, this person states, would fall in the category of a shooting range according to Wisconsin Statute 895. If you research shooting ranges, some of the things that come up, facilities that are for hunting. Her concern about the hunting activities is that it might end up falling within that shooting range protection act area. She has printouts of some local, what's called a shooting range where they charge money to go hunt on the land. She is opposed to this. Eric Penk, 475 Monroe St, Prescott, WI, he is hearing everything about this controversy with the gun range. They are not asking for a gun range. You guys have full control of it with the CUP permit. You guys are governing the CUP permit. That is the set standard. It doesn't go in this deal with previous gun ranges or the law that's out there. You guys are in control of it. Not us. Pierce County has control of the CUP permit, they can pull it if we go beyond our CUP permit privileges. Dave Serres, what he said is we have control, his experience is the best way to eliminate a problem is never, ever let it happen in the first place. If we have control, now is the time to use it by not letting this happen. **Chairperson Fetzer closed the public hearing.** Bill Hovel stated he is going to echo what Eric said. This is a CUP. It is a contract between us and the County. That is why we have these CUP's. We state what we want to do and if we are out of bounds of what we put on there then we get slapped. If we continue to do that, it gets pulled. That's his understanding of why they continue to go through our processes. If we want a sport shooting range, we would come back and have to start all over again and have to start and tell you exactly what we want for that. The one piece on it is, the only place in there that we are shooting an actual firearm, is for one day for one and one-half hours. That is to be able to have our first time turkey hunters see how a pattern is on an actual piece of target. We do that today where we are a half mile from the property. We have been putting on the first time turkey hunt for ten years approximately and it's been about a half mile from that property today. Not sure how that is different than what I'm asking for. Mr. Hovel stated all they are asking for is one day, for one and a half hours shooting at a target. The rest of it is a bow which is quiet and an air gun which is quiet. Holst stated in his opinion, state statute sends us conflicting messages. He agrees that sportsman's clubs are a viable and needed thing in our community today. It teaches young people how to enjoy the outdoors and to live with them and live in peace and do things in a safe manor. It gives them something that probably gets them away from the video games and the arcades and computers, all the crap that leads you down the path that's maybe not the best for you. With that being said, with conflicting definitions in state statutes, he is afraid that a nice quiet bow shooting range, even an indoor bow shooting range, under today's definition in state statute would be constituted as a shooting range and provide you with all the necessary legal mumbo jumbo to kick the door down and build an outdoor trap-shooting range or a clay target or whatever you wanted to shoot. The same is said of your air soft guns, your pellet guns, all that stuff, they are a weapon according to Wisconsin law. He can't support that part of the application. The rest of it, he thinks you are entitled to use your property. If we deny you to use an outhouse on your property, we are doing you a disservice. He thinks we are doing them a disservice if they deny them the use of four people going to shoot the one pheasant that might live in Oak Grove Township and on your land.

Sometimes just being in a field, even if you don't kill anything, that's usually one of the better hunting trips cause you ain't got to clean anything when you get done. He sees no problem with allowing hunting to be regulated the way they propose to do it on their land. It would be no different than you or I allowing people to hunt on our land. Sanden stated he thinks Jeff really hit the crux of it, the ambiguity and the statute makes it so that anything that is considered a weapon could open the door and that is the issue. He doesn't think the issue is whether an air rifle or a bow is loud, it's the legal implications. He also agrees that the other uses they are certainly entitled to as far as a sports club that doesn't open the door to be construed as a sports shooting range. He believes the 11 conditions as recommended by staff define that in a way that we could allow them to use it as a sportsman's club but not fall under the definition of sports shooting range. Aubart stated that is really the problem with the statute and how we end up going down a road we don't want to go down. Until that can be resolved he doesn't see an ability to approve shooting. Then we do lose any control and it's problematic. Chairperson Fetzer stated he agrees and would like to add, we are trying to work with people to make it good for them and we want to work with you guys too, to do the best we can. After consultation with legal counsel, there is a lot of areas that are very gray, you can look at it the way you want to look at it. It makes it tough for us on the board to say "Good for this but not for this". It just makes it very difficult that way and to open up a box, it really makes it hard. Bill Hovel asked if we put in the CUP that the Sportsman's Club and the County agree that this is not considered a sports shooting range and would need to come back for a whole separate CUP for that. What if you put that into the language knowing that both parties agree to that and understand it? Then both parties totally agree. We weren't coming here to say this was a sports shooting range in the first place. Everybody took it that way. He is trying to get around that concept by saying would the County be willing to put in their legal opinion to say this does not constitute a sports shooting range based off of these statutes within Wisconsin at this point and time? Holst stated he doesn't think that we can do that, he thinks we would like to but he doesn't think that we can. State statute takes precedence over us. Mr. Hovel stated that's the hard part, how would we ever get a bow range in? If we gave up everything and just had a bow? His advice would be to talk to the people that represent you at the state level and get a definition that's uniform and understandable. Mr. Hovel stated how does a private land owner get to do it? Chairperson Fetzer state we all do it on our land, it's a fact. Pichotta stated doing it on a commercial basis or for club members triggers the need for that CUP. Mr. Hovel stated we can go to a private property and do it. **Sanden moved to approve the conditional use permit for Prescott Sportsman's Club for Private Outdoor Recreation, finding that the use of this property for many of the proposed club activities, is not contrary to the public interest, nor is it detrimental or injurious to public health or safety and will not unacceptably alter the character of the area. Noting, based on evidence received from legal counsel, that some of the proposed activities could result in expanded activities that could result in substantially increased impacts to public health and safety and would create an issue with the public interest as it relates to the Town of Oak Grove and their comprehensive plan. Given this I would move to approve this conditional use permit with conditions #1 through #11/Aubart seconded. Sanden stated that condition #2 addresses weapons and that is included in the motion. All in favor. Passed.**

Public hearing to consider and take action on a request for 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.

Staff Report – Brad Roy: The applicant is requesting to operate a year-round resort on the property. The resort will include 42 campsites, 24 cabins, a support structure with bathrooms and showers, and infrastructure (new roads, septic, electrical and water services). A Bar and Grill and mobile home are currently on the property. A previous owner operated a campground on the site, but that use has discontinued. The applicant received a conditional use permit (CUP) for a campground on the 5 acre parcel on June 4, 2014. The LMC terminated the permit on October 1, 2014 for failing to comply with the established conditions. The parcel is five acres and has two zoning districts. The northwest portion (volleyball courts) is zoned Commercial and the remaining property is zoned General Rural. Resorts are Conditionally Permitted in the General Rural zoning district. The applicants

submittal does not include any area zoned Commercial. 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 applicant has stated that he is in the process of purchasing the neighboring property to the west and intends to make that his primary residence. The proposed design is for camping cabins lining 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'. Each campsite will have 1500 square feet, 2 parking spaces, 1 space for a camping unit and the remaining area will be left open. Each proposed campsite is set back at least 50' from the property lines. 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 anticipates each cabin to be approximately 25' x 15' however final dimensions have not been determined; the applicant will bring additional information to the meeting. All of the cabins will have heat. The cabins are to be setback 10 feet from property lines. The cabins will need to meet the uniform commercial code. Resorts do not have any predetermined requirements such as setbacks and density. However, Pierce County Code 240-39A regulates campgrounds. The following requirements are applicable to the request:

1. Each campsite shall be plainly marked and surfaced with gravel, asphalt or other surface to free the site of mud.
2. The maximum number of campsites shall be 15 per acre.
3. Minimum lot size shall be 5 acres.
4. Each campsite shall be a minimum of 1,000 square feet.
5. There shall be two off-street parking spaces for each campsite.
6. All sites shall meet the required setbacks from roads and from the ordinary high-water mark and shall be located at least 50 feet from all exterior lot lines.
7. No more than one mobile recreational vehicle shall be allowed on any individual campsite.
8. No porches, lean-to's or additions shall be constructed outdoor immediately adjacent to a camping unit. Canvas screen rooms or awnings shall be allowed.
9. A wooden deck may be provided adjacent to a camping unit subject to the following:
 - a. The deck shall not exceed 256 square feet in area.
 - b. The deck may be enclosed by open railings but shall not have built-in benches or tables.
 - c. The deck shall not have a permanent foundation in the ground.

The proposed campsites satisfy all of the dimensional requirements of PCC 240-39A. 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 is to also include retail space within the structure. A rezone of that area (including the Bar and Grill) to commercial will be pursued in the future. The Land Use Permit for the shed had the following condition, "Not to be used for Camping/commercial use/activity. Need red stamped Commercial Plan approval before camping/commercial activity can be done. Must be at least 10 feet from the lot line."

- Pierce County Code 184 regulates campground under the Public Health Department. Permits are issued on an annual basis. Public Health campground regulations reference WI Administrative Code DHS 178 which address items such as:
 - Physical Layout
 - Water Supply
 - Sewage Disposal Systems
 - Toilets
 - Sanitary Stations
 - Garbage and Refuse

There is an existing sanitary system and holding tank that has been claimed to be used as a dumpstation for the campground of the previous owner. 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. Staff is unclear if all campsites will have water, sewer and electrical services. The applicant will provide that information at the meeting. 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. No dimensional information has been provided at this time. A survey of the site will be completed to verify all lot lines and setbacks prior to any resort construction. The applicant presented this request to the Town of Isabelle on December 18, 2017. The Town provided a list of recommended conditions as well as a list of concerns. The LMC should review Town Recommendations to determine which are appropriate for inclusion in any final approval.

Recommended conditions:

1. Each site shall not be occupied by more than six persons.
2. The number of vehicles at each campsite shall not exceed two (2) cars or six (6) motorcycles. For combinations of vehicles one car is equivalent to three motorcycles. Thus, one car and three motorcycles would be one limit. If four motorcycles exist, no cars would be permitted.
3. The campgrounds shall be closed to non-campers between 10pm and 6am. All visitors must leave the park by 10pm. No camping party may set up or take down a camping unit between 10pm and 6am.
4. Fires are allowed in fire rings and grill only. All fires shall not be left unattended and all fires shall be extinguished before being left unattended. The burning of garbage, plastic, glass, cans or other recyclable items shall not be permitted. To minimize the spread of diseases, firewood shall be purchased locally. Locally is defined as within a 25 mile radius of the site not including the State of Minnesota.
5. Electrical generators shall not be permitted at campsites.
6. Excessive noise is inconsiderate of fellow campers and of the general residences of the areas near the campground and bar area. Noise levels shall not exceed 80 decibels, DBs, at the property lines of Parcel #014-01019-0700 at any time. Additionally, the noise level shall not exceed 55 DBs 200 feet west of the West property line of Parcel #014-01019-0700 – which is the West property line of Parcel #014-01018-0910. In addition, noise levels shall not exceed 70 DBs (with the exception of air conditioners) at the property lines of Parcel #014-01019-0700 for a time duration of eight (8) hours commencing at 10 pm each day of the week except Friday and Saturday. The start time of the 70 DB limitation on Friday and Saturday shall be no later than 11pm.
7. Fireworks shall not be permitted at any time on Parcel #014-01019-0700.
8. The campground shall comply with all applicable codes and regulations of Pierce County and the State of Wisconsin such as but not limited to Pierce County Code 240, Pierce County Code Chapter 184, pierce County Public health Department, and Wisconsin Administrative Code Chapter DHS 17.
9. Storage at any campsite shall be limited to 80 square feet. Open storage shall not be permitted.
10. The warm weather camping season shall run from May 1st through October 31st. Approved electric, sewer, and water hookups shall be provided during the warm weather camping season for each campsite as shown in Exhibit B. Cold weather camping shall be permitted if and only if permanent restrooms as defined by applicable Wisconsin Codes are operational. Year round residences shall not be permitted at the designated campsites and cabin sites.
11. The maximum number of campsites including cabin sites as shown in Exhibit A shall be limited to 66.
12. The campground shall comply with all requirements listed in the Conditional Use Permit. The Conditional Use Permit is subject to an annual review by the Town of Isabelle, the Perce County Public health Department, and the Pierce County Land Management Department. Non-compliance with applicable requirements of the CUP may result in the immediate termination of the CUP.
13. The Town of Isabelle shall be provided with documentation verifying compliance the applicable Pierce County and State Codes including but not limited to sanitary codes, plumbing codes, electrical codes, and building codes.

Town Concerns:

1. One of the primary concerns is potential noise levels from Parcel #014-01019-0700.
2. The width and orientation of the roadways and campsites as shown appear to make parking and maneuvering campers difficult for normal drivers.
3. Six people at each of 66 campsites for a potential total of 396 people plus the bar patrons seems like far too many people for the area.
4. No screening per Section 240-31 is shown on the site layout.
5. Appears to be no intention of complying with DHS 178.04 – obtaining State approval before construction begins.

Staff Recommendation: Staff recommends the Land Management Committee determine whether the proposed use in 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 Resort with the following conditions:

1. The resort shall be conducted as described in the application, unless modified by a condition of this permit.
2. A survey of all property lines, existing structures, and setbacks for cabins and campsites shall be completed. Land Management Department staff shall verify side yard setbacks and minimum campsite dimension requirements prior to campground operation.
3. State Plan approval for the required improvements to the sanitary dump station, holding tank, and sewer services, as well as associated service contracts and contact information, shall be submitted to the Land Management Department prior to construction.
4. If the applicant does not own the neighboring property to the west, a Screening plan shall be submitted to the LMC for approval. Any required screening shall be established prior to resort operation.
5. Internal roads, camping pads, and water and sanitary improvements shall be constructed or implemented prior to operation of the resort. Staff shall be contacted to verify prior to operation.
6. All advertising signage shall comply with the Pierce County Zoning Code.
7. Applicant shall also comply with all 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-DHS standards etc.).
8. The applicant shall comply with conditions _____ as recommended by the Town of Isabelle dated December 18, 2017 unless specifically modified by another condition of this CUP.
9. Applicant understands that expansion or intensification of this use will require issuance of a new conditional use permit. If the applicant has questions as to what constitutes an expansion or intensification, Land Management staff should be contacted.
10. This permit shall expire in one year. A status report shall be presented to the LMC in 6 months to verify compliance.

Something to consider for condition #8 when looking at the Town recommended conditions, a few years ago we made amendments to our campground code. What we tried to do is get out of the management of the campground so we removed a lot of those pre-existing, pre-determined conditions. When looking at the Town's concerns, think about what we need to focus on and what constitutes just basic campground management should be left to the applicant. Us, as staff sat down and looked at them and came up with a list of ones we feel are more appropriate. If you want, we can discuss that further. Chairperson Fetzer asked John if he would want to add anything. Mr. Grabrick stated in 2014 he had a conditional use permit and we had a squeaky wheel next to them which has now been removed. At the last meeting when the conditional use permit was pulled, he would like to apologize for his attitude when he left this room. He was a little more than heated under the collar. Chairperson Fetzer stated they appreciate that. Mr. Grabrick stated they have put a lot of thought into this resort and campground and he and Brad have spent a few moments together going through this. Right now in our area

the existing campgrounds are full. They get calls five or six times a week looking for space for people from Treasure Island or people that are looking to come fishing. So he knows that they will be well used. Their plan is to put forth this resort following all the appropriate codes. They will make sure that everything is in, based on codes. They have contractors giving them bids on the new roads, which include digging out the road, putting in 10 inches of breaker rock, covered by five inches of class five. We will have a minimum town road of nine tons so that we can bring these units in without mud without having any problems. One of the things mentioned in here are the plans for services. They will have water and electric to all 42 campsites. They are working with a designer that works with campsite sewers. It looks like we will probably do embedded, dropped tanks and have them pumped on a weekly basis. The recommendation from the designer was a 300 gallon drop tank under the camper with a flag system. They are working with an individual in Bay City who has been pumping their port-a-pots for the last four years, who will give them a contract on that which they will provide to Land Management. There will be eight cabins and a bathhouse that will share a new septic system. That will be designed to fit within the space noted on the plan. Only those eight which will be a 16ft x24ft will include a kitchenette and a bathroom. The remainder of the cabins will be dry cabins. They will sleep between four to six people and it will be air conditioned and heated and they will have to go to the bathhouse. They own four port-a-pots. When they get done with the full design they will probably put in four more, although most campers have their own bathrooms in them. They will make sure they have at least one port-a-pot for every 50 people just to conform with code. Chairperson Fetzer stated he appreciates the apology. The committee has to do this not to be best friends and to give in to everything. They have to answer for stuff they have on a CUP. If a CUP gets pulled they have to have reasons. It happens rarely but it does happen. **Chairperson Fetzer opened the hearing to the public.** Jeanette Sweasy, N1027 530th St, Bay City, on the Isabelle Planning Commission, stated she would like them to succeed and would like more taxes coming out of Isabelle. She does have some concerns and just wants to bring them up. She wants to make a correction on the recommended conditions. Those really weren't from the township, they have been modified from the request that John brought to the township so he came up, we did go through them and change some of them but they didn't originate from the township. She would like to reiterate for the township, the plan commission and herself. #1 he has big plans. Isabelle did a survey, it's been several years. The primary thing was that the residents want a quiet, rural environment. He has divided this into three phases; 66 sites with six people, if he maxes out that's 396 people with cars, vehicles and motorcycles. Her concern and some people in the township is that's like a little village/little town. It's not like an event. It's not a one-time thing. This is every day and every night. She thinks it's too much for the township and for that one road going in and out. So if he could just scale back and have fewer sites. If he could complete phase one and then look at the other two phases. That's only the first 17 campsites. She would like to see him succeed with that. If he puts in all the infrastructure; water, sewer, roads and everything. Her concern is what if it doesn't work. If he just does phase one before he goes on to phase two and three, at least it limits things. She doesn't remember the numbers that John used. She doesn't think the town wants have a business that will fail. It just sounds like it's real big and real dense. The other thing she wants to talk about is the parking. You have a map of the individual campsite. We were trying to figure out how you can fit those two vehicles in there with the camper. Bringing the campers in and out, on the big plan, it looks like it could be real difficult to take campers in and out. She thinks it would be better if the camp sites were bigger. She understands Pierce County needs two vehicles per campsite, if either the site itself was larger or fewer sites. Plan Commission did spend a little time with that wondering how that could work. Having it fit with the comprehensive plan. She's not sure this will fit with Isabelle Township's idea of quiet and rural. She does want him there. She knows Isabelle is concerned about the tax base. Campsites might not bring in as much money as a house or two. It is a residential area. She hopes they aren't looking at a short-term increase in tax base at the expense of long range plans of a small village in the township. Asking the committee to consider the scale of the project and see if it can't just be smaller, less dense. **Chairperson Fetzer closed the public hearing.** Roy read a letter from L. Ron Bartels, The Town of Isabelle has provided its recommendation relative to this CUP. The Town expressed concerns in its recommendations. Compliance by John Grabrick in a timely manner with State of Wisconsin and Pierce County rules and regulations is the main concern. An example is a recently built building that will allegedly be used as a storage building. It is no secret that in the future this building will be used for showers and other facilities for

the campers. Comments have also been made that the existing onsite septic system is sized for 30 campsites. Both of these items require documentation and permits for their intended use prior to construction. Issuing a CUP seems premature if the appropriate permits are not obtained. Roy stated, as for the structure, the applicant made it very clear that the intended purpose of that shed was to ultimately be used for the resort and campground. It was a timing thing that it needed to get built before winter and so we issued just a regular land use permit for storage. The applicant was well aware that commercial plan approval before the use could ever be done for the resort or campground. He was very upfront on what the intended use of that structure was ultimately going to be. Mr. Grabrick stated that Brad got the actual recommendations from the Town. As far as the building goes, he has had the state inspector out for other things and has had him tour the new structure. He has a set of drawings that are being duplicated so they can be sent in for state approval. As he has viewed the structure already, he doesn't see any issue for it. What we will get into and the majority of it is what the interior is; the handicap accessible toilet that's required, the shower and such. This has been pre-planned to that point. We just wanted to get things moving before we had everything, knowing we still had to have state approved plans before it could be used for its intended use. Chairperson Fetzer asked what cabins they are projecting, C1 – 8 or different ones. Mr. Grabrick stated C1 – 8 will be the first group that they put in and they will be the wet cabins. So the bathhouse and the first eight cabins all have a natural downhill flow toward where the septic system will be. They have a designer working on that right now. That will get approved along with the new cap for the existing storage facility. He checked with County Health and it was sized for 30 campers when it was first put in. Their mistake was they didn't put a sloped slab on it. They put a flat slab on the top. In order to conform to state it has to have a curve on three sides and has to be sloped in toward the drain line so that if you have an accidental spill, you can use the water hose to get everything into the hole. Holst asked if that will be rectified. Mr. Grabrick stated yes it will. They have a large list of things once the weather permits. Once the snow is gone so they can get the surveyor out, they already know where the irons are, they just need him to locate the actual property line and a couple midpoint spots to make sure everything conforms. Once he puts some reference points in then they can shoot in the pads. A concern that seems to be brought up is the space they have in the campground. With the exception of one small piece of roadway that is twenty-six feet in width, everything is thirty or thirty-one feet. If you have ever taken a tape measure to a street you know they are thirty feet wide. So if you can't drive on a city street, you won't make it in our campground. Holst stated most roads are generally twenty-six feet. Mr. Grabrick stated if an individual is incapable of backing a trailer up, he has a bobcat on site with a swivel point on the fork and he will park them. That gets into campground management. Holst stated 1500 square feet comes out to 30 x 50, is that the approximate size. Mr. Grabrick stated that is the exact size we are shooting for, if you go to any of the local campsites, none are going to come even close to that size. Holst stated he was in a campground up north that was about the size of the table, his spot. Roy stated he has the town recommendation. Aubart asked if it's what we're looking at here. Roy stated yes, what he put in there was his attempt to be word for word, there might be a few typos. Sanden asked if Mr. Grabrick has purchased the land to the west. Mr. Grabrick stated they are in the process if the financing comes through within the next couple of weeks they should be closing by April 23rd. Sanden asked if the owner has left. Mr. Grabrick stated the squeaky wheel left, the other owner is still on site and they have been pushing hard for the closing to happen so that they can finalize their divorce. Sanden asked if he can interpret updating the code in respect to campsites. Are you implying that many of the township recommendations are incorporated in the new policy? Roy stated what we did when we amended the code, we did have limitations on how many people could be on a campsite. We took those out. It was our feeling that isn't something for this committee or staff to determine, that would be better left for the campground manager to determine what a campsite is able to handle. Chairperson Fetzer stated just to police that stuff would be difficult. Roy stated when there is a list of conditions, he doesn't want to say any of them aren't valid but we need to look at what the role of this committee is and what the roll of staff is. In particular what we can enforce? Holst stated why don't you narrow it down for us, we can't read your mind. Sanden but to Jeanette's point, the four hundred plus would constitute off-site impacts which is under the purview of this committee. Chairperson Fetzer asked if this is phase one. Are we not looking at any of the other phases at this time? Roy stated we weren't presented with a phase. What we were presented was phases in general but to be built out as demand called for it. Chairperson Fetzer stated so

we're looking at the whole. Holst asked if you could narrow it down what you believe we should be looking at for the Town recommendations. Roy stated we felt condition 4, 6, 7, 10, 11 & a modification to number 12 would be appropriate. Number 12 stating, "Applicant shall provide an annual status report to the Town of Isabelle". Sanden stated condition 6, about noise level and you were mentioning what is enforceable? It gets into a lot of detail about the decibels at the next lot after midnight and after 10pm. Would you see that as difficult to enforce? Roy it would be but he also knows that was one of the main concerns and in fact an agreement was made between the applicant and the Town in our office regarding noise and decibel levels. He didn't feel comfortable removing or modifying that in any way. Mr. Grabrick asked if he could address that one. He stated they've had outdoor bands in the past. That is where the main concern for noise comes from. It has nothing to do with the actual campground itself. Obviously we are going to exceed some of these decibels when we're out there running heavy equipment. A bobcat, a chainsaw, all of these approach 95 to 100 decibels. If you know anything about decibels it's a logarithmic. 80 to 85 is 50 times higher when you get to 85. OSHA says between 80 to 85, if it's eight hours or more you have to wear hearing protection. They are worried about us having an outdoor band and having a lot of noise. We have spoken in length on this. If the bar decides to have a band on commercially zoned property, Pierce County doesn't have a noise ordinance, but we want to be good neighbors. We have a directional shape between the airport, the train tracks, if you have ever listened to a jet take off or listened to a train come down with the whistle, it's much heavier than a rock & roll band would be. We want to direct any of that sound to the residence to the west. It would be toward the east where trees would buffer it. We have already agreed that we would never have a band outside later than 10pm. Most of the time we are going to put the band inside but we can with directional speakers and such, stop it from going to the neighborhood. Our intention is to have maybe three bands a summer outside. It's not that it's going to be a concert hall every weekend but they wanted to make sure they don't have a noise problem with the neighbors. The average jet taking off is 120 decibels. The train coming through is running at about 115 to 120. We are between a couple of really noisy areas. The campground is not the issue with the noise, it's the bar and the band outside. Ms Sweasy asked if she could clarify something on the phases. They agreed he would do it in phases and if you look on the sheet he was going to complete phase one before he started on either phase two or phase three. So phase one was just campsites, just 17 campsites. Mr. Grabrick stated the actual agreement to that was they would get phase one done before they opened. So that they could get things out but it's going to be on demand because if he has a waiting list of 40 people he isn't going to wait a year or two years. When Brad and he talked about this, everything in the CUP has to be done within a year or we have to come back for more permits for buildings and for signage. It's going to be a revenue stream thing. He's not just going to build 24 cabins if he only has people wanting two cabins. The infrastructure, when you are out digging trenches and putting roads in makes more feasible sense to do that all at one time because you are only mobilizing the equipment one time, so the road ways, the waterlines, the electric lines will all be in this summer. The camp pads will also be in with that because you haul gravel in once, you don't want to be tearing your roads up. The campground itself will flow as the summer progresses. The cabins will come in as the cabins are needed. Right now he knows of the first eight cabins, he has reservations for six. Whether they build them on site or build pre-builds and set them on a concrete slab. Whatever needs to be done. Sanden asked Brad as to condition #12 for modifying, are you thinking like a six month annual review? Roy stated that was looking at an annual review for the Town of Isabelle. We are recommending for this committee review it, it expires in a year, status report at six months. What he felt was best and the same for the Public Health Department, he doesn't know what their review schedule is. So he doesn't know if this should state any other department except the Town of Isabelle so they are recommending "Applicant shall provide an annual status report to the Town of Isabelle". Each County Department can set up the schedule they feel is appropriate. Sanden asked about our condition #3 dealing with the septic system, were you stating that the permitting would basically take care of what Jeanette's concern was about the capacity of the septic system. Roy stated what he is going to need to do to get state approval is submit what the tank is supposed to hold. The state will review it and they send us a plan. Construction won't take place until it's approved by the State. A plumber has to have that. We would inspect the installation of it. He feels any septic issues will be taken care of just by making sure all necessary permits are obtained. Holst stated

that if the State permits are not obtained the CUP becomes null and void. Roy stated if the State permits aren't obtained, any septic system used on that is out of compliance. Holst requested clarification on the recommendation regarding #12 of the Town conditions. Roy stated we are recommending, "Applicant shall provide an annual status report to the Town of Isabelle". Aubart state he is a little fuzzy on that too Brad, what does that do? What is the effect of that? Roy stated it appears something that the Town wants. Aubart asked if it is essentially a status report to the Town of Isabelle. Roy stated the conditional use permit is subject to an annual review by the Town of Isabelle, the Pierce County Public Health Department, Pierce County Land Management Department. He thinks the Town just wants to be updated as to how things are going. Aubart stated it's really just a status report because the actual CUP is issued by this committee. Roy stated correct but it would be an opportunity for the Town to have a meeting, listen and if there are any complaints or concerns, which they could pass forward to us. Holst stated the Town will bring things to us that we're not aware of in a much quicker timeframe than annually if there are problems. **Sanden moved to approve the conditional use permit for a resort for Big Dog Daddy's Roadhouse LLC, John Grabrick, 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, modifying condition #8 to include the Town of Isabelle recommended conditions #4, 6, 7, 10, 11 and 12, modifying #12 to "Applicant shall provide an annual status report to the Town of Isabelle/Aubart seconded.** Chairperson Fetzer stated before we go to the vote, the reason we do these CUP's is if there are issues with the campground or a gun range or any of that stuff and if our staff receives phone calls, people can get called back in, we are the mediator for businesses and individuals and neighbors to try to work things out. Holst stated he would like to commend the applicant on the detail he has brought forward this time and the straightforwardness and the whole general feeling of trying to get along with the County. It's very nice and much appreciated. **All in favor. Passed.**

Discuss take action on a request for renewal and potential modification of a conditional use permit for a Farm & Home Based Business, Construction Design Management, in the General Rural Flexible 8 District for Kevin G. Peterson, owner on property located in Lot 5, in the E ½ of the SE ¼ of the SW ¼ of the SE ¼ in Section 20, T27N, R19W, Town of Clifton, Pierce County, WI.

Staff Report – Adam Adank: In 2011, the applicant received a Conditional Use Permit for a Farm and Home Based Business. The business is named Construction Design Management (CDM). The applicant makes erosion control logs that are used for construction site stabilization by using special bagging equipment to fill erosion socks with wood, corn stalks, and giant miscanthus grass. Due to several complaints being received since the last renewal, staff is referring renewal of the CUP to the Land Management Committee for review and potential modification. Condition # 5 states "renewal shall be referred to the Land management Committee if complaints or compliance issues arise." The legal description for the property is Lot 5, CSM V5, P53, in Section 20, Town of Clifton. The property is 6.782 acres in size. The property is zoned General Rural Flexible 8. Surrounding properties are all zoned General Rural Flexible 8. Adjacent land uses are residential and agricultural. Section 240-36(E) allows farm and home based businesses as accessory to single family residential uses subject to the following:

1. The farm and home based business shall be conducted by the owner of the dwelling unit. No more than eight persons not residing on the site may be employed in the business.
2. If located in the dwelling unit, the farm and home 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.

The applicant stated that up to 3 employees work at the business during times when the erosion socks are being made. Business operations are run out of a Quonset storage shed that is 40 ft by 120 ft with an addition that is 16 ft by 90 ft (6,240 sq. ft. total). The applicant has stated that approximately 3,184 sq. ft. of the Quonset storage shed is used for personal storage, personal vehicles, and a general use shop. The remaining 3,056 sq. ft.

are used for business activities. Equipment utilized for this business includes: trucks, trailers, skid steers, and erosion control equipment. The original application states that all of the equipment is to be stored in the shed except that trailers are parked outside. Pierce County Code Ch. 240-54 (A) Parking Requirements - requires 2 off-street parking spaces for contractor establishments. There is one service door and the site has more than 2 parking spots currently available. Established hours of operation are 8 a.m. to 5 p.m. Monday thru Friday, Closed on Saturday and Sunday. The applicant currently has two wall signs present on the property (photo attached). Pierce County Code § 240.60 (K) establishes that a wall sign may not exceed 15% of the area of the side of the building to which it is attached and it cannot extend more than six inches from the building wall nor beyond the end of the wall. After review, both signs were determined to be compliant. In May of 2017 staff received a complaint about a hoop structure placed on the property. Staff contacted the applicant and subsequently issued a LUP for a 32 ft. by 40 ft. hoop structure (1280 sq. ft.) that is currently used to store mulch for the erosion socks. This brought the total sq. footage of area utilized by the business to 4,336 sq. ft. Staff has received several complaints since the last renewal. The latest complaint was November 20, 2017. Staff visited the site on November 21, 2017 to determine if any compliance issues existed. The following is a list of complaints brought up by the anonymous caller and staff's response to each complaint.

1. A complaint that equipment used to operate the business was being stored outside and erosion socks were being stored outside under tarps. Staff observed one delivery truck and two trailers parked outside. Several pallets of erosion socks were being stored outside under tarps behind the Quonset hut and essentially out of public view. Staff is of the position that the equipment being stored was consistent with what was presented in the application and that the temporary storage of product behind the Quonset hut was not a compliance issue. Limited outdoor storage has been typically allowed of other Farm and Home Based Businesses, but was not explicitly addressed in either the application or conditions of the permit. Staff has proposed language to allow limited outdoor storage for LMC consideration.
2. A complaint that pallets were laying around the site and mulch was spilling out of the hoop structure. Staff observed a few stacks of pallets neatly stacked in the hoop structure and another few stacks of pallets stacked behind the Quonset hut, essentially out of public view. Staff also observed a small amount of much piled up right outside the front of the hoop structure. Staff's position was that the site was being well maintained and no compliance issues existed.
3. A complaint that erosion socks were being stored by the driveway and delivery trucks were making pickups during the night. Staff spoke with the applicant regarding this issue and he stated that approximately twice last summer individuals arrived later than anticipated to pick up products, but that in both cases pickup had occurred before 9:00 PM. Staff views these pickups as isolated occurrences that do not constitute a pattern warranting enforcement action.

Staff contacted the Town of Clifton regarding this CUP renewal. No issues or concerns were reported other than the complaint listed in the staff report.

The existing conditions are:

1. Activities shall be conducted as presented in the application, including hours of operation.
2. Any proposed advertising signs shall comply with the zoning code standards and any necessary permits secured.
3. No more than 8 persons not residing on the site shall be employed in the business.
4. The entire business area shall not exceed 5,000 square feet in an accessory structure.
5. The CUP shall be renewed every 2 years. Renewal may be completed administratively if no complaints or compliance issues arise. Renewal shall be referred to the Land Management Committee if complaints or compliance issues arise.
6. Applicant understands that expansion or intensification of this use will require modification to this conditional use permit.

Staff Recommendation: Staff recommends the Land Management Committee consider whether existing conditions remain adequate to protect public health, public safety and the character of the surrounding area. If no additions or changes to the established conditions are determined to be necessary, staff recommends the

Land Management Committee renew this conditional use permit for a Farm & Home Based Business with the following conditions (suggested changes in **bold**):

1. Activities shall be conducted as presented in the application, including hours of operation **unless modified by another condition of this permit.**
2. Any proposed advertising signs shall comply with the zoning code standards and any necessary permits secured.
3. No more than 8 persons not residing on the site shall be employed in the business.
4. The entire business area shall not exceed 5,000 square feet in an accessory structure.
5. The CUP shall be renewed every 2 years. Renewal may be completed administratively if no complaints or compliance issues arise. Renewal shall be referred to the Land Management Committee if complaints or compliance issues arise.
6. Applicant understands that expansion or intensification of this use will require modification to this conditional use permit.
7. **Limited outdoor storage is allowable if screened to the extent practical by existing buildings.**
8. **A Uniform Address Number (UAN) shall be assigned and a sign acquired and placed at the business driveway.**

Chairperson Fetzer asked Mr. Peterson if he would like to add anything. Mr. Peterson stated the name is Construction Debris Management, not Design, just so you have that correct. Adank stated he also wanted to add he has a couple pictures from March 29th of the site too. There is a little better picture of what's being stored behind the hut. Sanden asked if the pictures in the packet were provided by the applicant or provided by staff. Adank indicated that staff took these the day after the complaint. Sanden asked if he took these in the packet. Adank stated yes. Mr. Peterson stated the complaint on the 20th and you were out there on the 21st. You will notice there is no trailer. He has a 36 ft car hauler that they haul freight in. The fact that it's not there when the picture was taken, chances are he was not there the Monday before because they do overnight trips on hauling. The fact that the complaint came in, the trailer's not there tends to let him believe that the day that the complaint was made, the property was looking in the exact same shape as the day you took the picture. The complaints are coming from Peggy Steffl who is present. She placed flyers on the mailboxes of all our neighbors yesterday to try to get them to come and to back her and also stated in here if the board does not, again she will contact an attorney, which she did a year ago. We went through a few little letter writing campaigns and got that settled at that point. He has been on the property since 1996 and he has been running his construction business and other stuff out of that shed which was built in 1964. Everybody that is complaining about the process that we're down there has moved in after we've been there. The first complaint that he really received that got the County involved and he has been doing seminars for the County Land Management up until that point so they knew where he was, came about the same time that Tom and Sharyn Tock bought their property. They bought the property and it sat for two years without anybody living in it as they were finishing out stuff. That is when the very first complaint started coming in. The second complaints with Peggy started coming in after they put their home on the market. Peggy told me she was ticked at me because there was a person that came and looked at their home and he happened to stop by and talk to me down at the shed. He never got back to them and it was at that point that the complaints started. We do try to keep our place pretty neat. The product that we are currently working on, giant miscanthus, we were approached by a national company that is growing it. It is a grass product so it is agricultural. It is four times more absorbent than straw and wood mulch. It is a perennial crop that they are using to reclaim gravel pits. We got this product out of Wisconsin out of the Mathis Construction sites. He noticed on one of the pictures that Ms Steffl has shows a lot of miscanthus coming out of our hoop. They told us when they were bringing the first group. They were going to bring enough to put in our shed and then they were going to be bagging it in ag bags offsite. He was not there when they finished. The first day they were trying to hustle everything in and they dumped it without getting it into the ag bags on another location. What he dislikes about having this outside is miscanthus comes in at the 10% moisture content. In order for it to work efficiently in their socks and not create mold, they have to keep it at that level. The general feeling that he tries to do with the hoop building is keep the product in there no more than three quarters full so it doesn't get wet. When it's sitting outside like they left it, they had to get enough temporary tarps until they could get

enough sock going and get it filled. The lower picture on this one probably would have been taken the year before. That's a picture of wood mulch. When we were on a job site a few times, a semi would come in and drop 50 yards of wood mulch. When the semi would dump it and would leave it outside the shed, when we would get home that afternoon if we were on a job site, we would take the skidder and push it in because we can't afford to leave that out to get wet because then they get the mold and the mildew growing. The reason we are here is because of the complaints. Aubart stated the way the staff report reads this is an anonymous complaint. That's what they are and you went to the site to look at that and we're not able to verify the complaint as being valid, would that be a fair statement? The complaint is what it is. Roy stated the issue we've always had is there was some equipment stored outside, typically things behind the Quonset. In the original application it said the only thing that would ever be stored outside is trailers. So it kind of fell in an issue of is this a compliance issue or not due to the appearance of the property, every time he went out it appeared to be a well maintained property. However, having some pallets behind a Quonset hut, should that be viewed as a violation? He didn't think it was but he also knew at this renewal we could bring it to the committee and have more clarification. Aubart asked if it would be a violation of the existing recommendations. What you were saying is that was in the original application but not in the conditions. Roy stated the original application stated no outside storage except for trailers. Adank stated in the conditions it says "activities shall be conducted as presented in the application including hours of operation". The application states, "most" will be kept in shed with trailers parked outside. Equipment that will be operated on premises is truck and trailers, skid steers, erosion control equipment. It kind of says most will be kept in shed. Roy stated we were left with something very subjective, it was never addressed officially in a condition. Holst stated most is anything over the 50.1 percent. Roy stated we didn't feel it was right to treat it as a violation, however we wanted to bring it back to the committee at the next renewal, which is tonight. Chairperson Fetzer stated just to get some clarification on that. Aubart stated he is really struggling here, what is the problem? Roy stated the storage of equipment and materials outside. Aubart stated that's not the problem here. When you look at this property, it is a clean property. If this is the standard, there are a lot of other properties I wish looked like this. Holst stated that Clifton is an Ag Enterprise Zone and this is a farm based, agricultural based business in an Ag Enterprise Zone. He runs a relatively clean place here. What is clean to me may be different to somebody else, I accept that, but we have to use a standard that kind of is acceptable by this committee and he thinks, he doesn't see them in violation of anything. He does think it might clean it up if added the bolded conditions. Make it clearer. He appreciates how straightforward he is. If his 36 ft trailer would have been parked in front of the mulch pile when whoever drove by and took the pictures, they wouldn't have seen the mulch pile. Chairperson Fetzer stated he appreciates the fact that when there is a complaint, staff goes out to verify. When they get complaints they have to go out and check things out. It's not like they are going to pre-call and Hey, get this cleaned up before I come out. Peggy Steffl asked if they get to say anything. Chairperson Fetzer stated yes although this isn't a public hearing. Ms Steffl stated the photos don't represent what is typically out there at all. She has stacks of pictures. She certainly doesn't take a picture everyday but she has a nice sampling of what it looks like and they do call before they go out. They tell me that they are going to call before they go out. Chairperson Fetzer stated he can't believe that. Mr. Peterson stated they never call me. Ms Steffl stated Brad has told me I'm going to give Kevin a call and I'll stop out in a couple days. She has several pictures and Kevin has several violations and they never get reported. Whoever wrote this up stated there were no issues or concerns reported. After they kinda play with your head, saying no issues or concerns were reported with the Town of Clifton other than the complaints listed in the staff report. So there are issues and people on the Clifton Town Board work with Kevin so they are partners with Kevin. So they stay neutral. Let me give you what I gave the neighbors, I don't know how Kevin got a copy because I didn't give him one. These were just a small sampling of the pictures. She has pictures of him trying to start a recycling center at his property with twenty, rusty construction bins and old sheet metal and tarps constantly with old pallets strewn all over the place. She has piles of pictures of that stuff. To say that this is accurate on the report is ridiculous. Mr. Steffl stated that just the pictures you have in this renewal application shows violations. These very pictures, you've got a truck parked outside and trucks are supposed to be parked inside. You show the hoop house, that's intensification and expansion. That business has been intensifying and expanding for the last several years. They now do bulk handling, bulk

storage. It's pretty inaccurate in the current CUP. The current CUP talks about, basically implies the business is just storing a few things in the shed and operating a few skid steers and trucks. This is a manufacturing business. There is production. There is bulk handling. There is bulk storage. There is fabrication. If you look at your definition in part 240 of the code, operating within a residential neighborhood, the current CUP in that original eight year old or seven year old CUP is extremely misleading and extremely inaccurate as to what's been happening to that site over the last few years. More power to Kevin, he's got a good business going there, it looks like but it has been intensified, expanded. One of the provisions is, intensification or expansion requires a modified CUP. The original language from 2011 is still in that CUP. He doesn't believe that the provisions, even in the 2016 renewal are being followed. This hoop house is an example of expansion and intensification. Yet he doesn't believe the CUP has ever been modified to indicate that. The CUP doesn't really indicate that you are doing bulk handling, bulk storage. It doesn't indicate that there is trucking going on which is another industrial pursuit. There is a lot of stuff going on there. There is a mask under the umbrella of a farm & home business. Chairperson Fetzer stated he will take exception to the claim that our staff make a phone call before going out to check things. We have to deal with things and complaints that come in and I'll guarantee these people don't call up and say, give warning on people coming out. Am I correct? Roy stated that is correct. Ms Steffl stated she must have misunderstood. Chairperson Fetzer stated that upsets him greatly because we have good people in our County on our staff and we try to work with people, whether it's a business owner or neighbors. Roy stated first of all, this is an agricultural zoning district with a farm & home based business, putting up another structure but staying under the 5,000 sq ft. limitation has never been viewed that as an intensification. One thing that we do run into a lot, as staff, when it comes to complaints, is what is an intensification versus what is business growth. If things are getting busier on his site, it doesn't mean it's intensified it means the business has grown and is becoming busier. Holst stated an intensification would be an increase in employees, up and over the eight. It would be an increase of square footage over the 5,000 sq ft. It would be if he went from making erosion socks to widgets. Ms Steffl stated he added two delivery trucks last year. Pretty much there is always trucks outside. Ms Steffl stated she believes he is also running a delivery trucking business out of that CUP area. He also had a sign for another business. He finally took that down. Sharyn Tock, W11328 740th Ave, I'm dismayed Kevin, that you would say that the complaints started when Tom and I bought the place. When we bought the house in 2010, there was just the Quonset hut and that was it. There was nothing stored outside of it, just a dilapidated Quonset hut. It gave us pause, do we want to drive by that all the time but we thought it's just like an old cattle barn was what we were told. Fine. Things did not start getting stored outside until about the last few years. You can even see in the pictures you have taken, there is some kind of metal things next to this basketball hoop that is always there. Chairperson Fetzer noted that this is in an ag district so some of this stuff isn't going to pertain. Ms Tock stated we have no problem with the business, we want to be good neighbors, we just don't like looking at all this stuff piled up behind the Quonset hut. Chairperson Fetzer stated that's a trailer. Mike Rodewald stated the hoop structure that is there is placed on top of an old feed lot concrete. It does not have a foundation and it's bolted down to temporary blocks. He is having a hard time in his opinion, calling it a permanent structure since it has not foundation and it's what he would consider temporary. He has been buying material from Kevin for probably five years at least. Most of the time when he goes out there, he doesn't think it's ever looked anything different than the pictures Brad is showing. As far as other materials, other trailers for temporary storage of socks sitting out waiting for me to come pick them up. Jim and Deb Barron, the closest neighbor, directly south, he has lived there since '78 before the development and Kevin went in. That Quonset hut was Tagler's show barn. Up until Kevin took over, he could hear the roof rattling with the tin coming off. There has been a lot of that junk left by the previous owner, Tagler's, farmers. It has been constantly improving. Sometimes there is something outside. If Peterson's skid steer is running, he can hear it. His house is right on the road. He has been there for over forty years. He has more issues, he doesn't but others do, when Huppert's are combining beans and the semi is on the road. Their semi comes up turns around in the development and then their chase car blocks it. This is just part of living in Rural Flexible Ag zoning. We also farm for the farmers market. We have piles of bagged leaves on the hill. We have piles of tomato cages on the hill. We have a high tunnel on the hill. Our place probably looks a lot worse than Kevin's does. He has an old Massey Harris tractor and an M tractor that sit out in the field all summer

because they are ready to be used. They are not sitting in a parking spot, trailers move; equipment moves. His place has been improved consistently over the years, even prior to the conditional use permit. He would appreciate if it was continued on. One thing there is somebody watching him. Holst stated under this type of use in this type of district, are they required to have site plan review? Roy stated no, we have not typically done that. Mr. Steffl stated that he doesn't think anyone wants Kevin to lose his CUP. We don't want Kevin to go out of business. He would just as soon see his business continue to grow just under the confines that are defined in the CUP. Follow the provisions that are there and he thinks everything would be fine. He thinks every one of those complaints that were read, would not have been a complaint had the provisions in the CUP been followed. It's not about driving Kevin out of business, he likes Kevin, he's a good guy, it's basically just follow the provisions in the CUP. That's all they are asking. Mr. Peterson stated the attorney that wrote the letters to him went way beyond what's in the CUP. Holst stated perhaps what you are talking about should be discussed in a court of law. This is specific to this permit application tonight. Phil Gribble, W11338 740th, he is Kevin's neighbor to the north. He was the first person to buy a lot on their development in 1994. He has been there longer than anybody, even before Kevin was there. You are getting two different pictures, the pictures you took after the complaint and it looks just fine, right. These other pictures, he has been there a long time. Those pictures are out of context. Sure that was there when they took the picture but that's not what it looks like most of the time. It might happen every once in a while. So they dump a truck and Kevin takes care of it. It's never been an issue for him or his family in over twenty years that they have been there. They want that on the record. Chairperson Fetzer stated he appreciates every ones input, he honestly does. Just so you know, you have eyes on you obviously. Mr. Peterson stated his wife is harder on him than the neighbors. There was some stuff down there for a while that he had sold and the guy didn't come to pick up which really is what started this. When you have those bins sitting there and you are trying to get rid of and you are calling saying I need you down here. Chairperson Fetzer stated it's all about perception and the best we can do to appease people. We do go through that on our farm also. **Holst moved to approve the renewal of the conditional use permit for a Farm and Home Based Business for Construction Debris Management, Kevin Peterson with new conditions #1 - #8/Aubart seconded. All in favor. Passed.**

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

Departmental Update and Future Agenda Items

Public hearing for a conditional use permit for an Accessory Residence in the Town of Oak Grove by David Chadima.

Public hearing to consider a request for a Nonmetallic Mining Operation in the Town of Clifton for John Rohl. The one that the Kinni River Land Trust has been involved in. Chairperson Fetzer asked if it's been a closed mine for a while and now they are opening it back up. Pichotta stated yes.

Motion to adjourn at 9:06pm by Sanden/Aubart seconded. All in favor. Motion passed.

Respectfully submitted by S. Hartung

AMENDED
LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, April 4, 2018 – 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: April 18 th , May 2 nd & 16 th , June 6 th & 20 th , all in 2018.	Chair
3	Approve minutes of the March 21, 2018 Land Management Committee meeting.	Chair
4*	Committee will convene into closed session pursuant to §19.85(1)(g) Wis. Stats. for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved: advice of counsel re: CUP for Prescott Sportsman's Club	Closed Session
5*	Committee will return to open session and take action on closed session item, if required	Open Session
6	Public hearing to consider and take action on a request for a conditional use permit for Private Outdoor Recreation in the General Rural Flexible 8 District, pursuant to Pierce County Code Chapter 240-39E, for Bill Hovel, agent for Prescott Sportsman's Club Inc, owners on property located in the SE ¼ of the NW ¼ of Section 6, T26N, R19W, Town of Oak Grove, Pierce County, WI.	Roy
7	Public hearing to consider and take action on a request for 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
8	Discuss take action on a request for renewal of a conditional use permit for a Farm & Home Based Business, Construction Design Management, in the General Rural Flexible 8 District for Kevin G. Peterson, owner on property located in Lot 5 in the E ½ of the SE ¼ and the NE ¼ of the SE ¼ in Section 20, T27N, R19W, Town of Clifton, Pierce County, WI.	Adank
9	Discuss take action on Travel/Training Requests.	Pichotta
10	Future agenda items.	Pichotta
11	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.

(3/30/18)

*Amended 03/30/18

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, March 21, 2018

Present: Jon Aubart, Joe Fetzer and Eric Sanden

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

Absent: Jeff Holst and Ken Snow

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

Next meeting dates: April 4th & 18th, May 2nd & 16th, June 6th & 20th, all in 2018.

Approve Minutes: **Sanden moved to approve the March 7, 2018 Land Management Committee minutes/Aubart seconded. All in favor. Motion Passed.**

Public hearing to consider and take action on a request for a conditional use permit for Expansion of a Nonconforming Structure in the Agriculture Residential District, pursuant to Pierce County Code Chapter 240-67A(2), for John & Jill Erickson, owners on property located in Lot 1, Certified Survey Map (CSM) V2, P171, in the SW ¼ of the SW ¼ of Section 14, T24N, R15W, Town of Maiden Rock, Pierce County, WI.

Staff Report – Emily Lund: The applicant’s property is at the north end of 80th Street. The 80th Street Town Road right-of-way is located between the garage and house. The existing house is a nonconforming structure located ~42 ft from the center line and ~9 ft from the Town Road right-of-way. The applicants propose to expand the existing house to the south by adding 20’ x 29’ single-story with basement. The applicants intend to maintain the existing setbacks from 80th Street so the addition is out of the Town Road right-of-way. The 2.23 acres is located in Section 14, Town of Maiden Rock. The property is zoned Agriculture Residential. 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 §240-27C states, “Town highways. Except as provided in Subsection E, the required setback for all structures fronting on all town highways shall be 75 feet from the center line of the road or 42 feet from the edge of the right-of-way, whichever is greater.” No permit renewal is needed for this request. The existing topography is a very gradual 5% slope to the Northeast throughout the property. The Town of Maiden Rock recommended approval of this request on February 21, 2018 without any conditions. The Town did not reference its Comprehensive Plan, so it is assumed that the plan is silent on this request.

Staff Recommendation: Staff recommends the Land Management Committee consider the above and determine whether the proposed expansion would be contrary to the public interest, or detrimental or injurious to public health, safety or character of the area. If found not contrary to the above, staff recommends the LMC grant this conditional use permit for the expansion of a nonconforming structure with the following conditions:

1. Activities shall be conducted as submitted in the application and as presented to the LMC. If plans are modified, the applicant shall go back to the Town for review and back to the LMC for reconsideration.
2. The applicants shall maintain the 42 ft setback from the centerline of 80th Street so the house expansion is out of the road right-of-way.

3. The proposed expansion shall not be located within the 80th Street Town Road right-of-way.
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 proposed expansion shall be completed within 12 months of CUP approval.
6. Applicant shall contact the Town Building Inspector, All Croix Inspections, to determine if a building permit is required and shall secure any permits determined to be necessary.

Chairperson Fetzer asked if this is a dead end road. Applicants stated yes. **Chairperson Fetzer opened the hearing to the public.** No public comment. **Chairperson Fetzer closed the public hearing.** Jill Erickson stated they appreciated staff taking the time and for coming out to the property to look at things. **Sanden moved to approve the conditional use permit for the expansion of a nonconforming structure for John & Jill Erickson, due to the fact it is not contrary to public interest nor detrimental or injurious to public health, public safety or the character of the surrounding area, with conditions #1 - #6/Aubart seconded. All in favor. Passed.**

Public hearing to consider and take action on proposed Ordinance Amendments to Pierce County Code Chapter 240-29, Height Requirements, Chapter 240-32A(1), Minor Structures and Chapter 240-32D, Accessory Structures.

Staff Report – Brad Roy: As was discussed a couple meetings ago, we have had issue with new construction meeting the 35 foot height limitation on residences. We didn't make any additional language changes since this was last presented. This code amendment will allow for residential structures located in agricultural zoning districts to be increased to a maximum of 45 feet in height provided that all required setbacks and yards are increased by not less than one foot for each foot the structure exceeds 35 feet. Height shall be measured from the lowest exposed portion of the structures exterior. If you recall, we wanted to limit this to the ag districts given that development patterns have already been established in most residential districts so allowing for taller structures might not be the best thing in those locations. Moving on to Minor Structures: this code amendment is to establish that non-habitable structures, of not more than 100 square feet, which can be easily moved and meet applicable setback requirements, are exempt from permitting. Any structures 100 square feet or less would be considered a minor structure and would not require a land use permit. Moving on to Accessory Structures, this one got a little complicated, looking at shipping containers, previously the code said that they had to be considered personal property and we couldn't permit them permanently. It also required that trailers and boats be considered personal property and limited the time that they could be placed on a property. Roy believes everyone was in agreement that it didn't seem reasonable. We took a look at that section and just tried to clean it up. In the end, we pretty much scrapped it all and started over. Now we are looking at Temporary Accessory Structures: structures such as, but not limited to, manufactured homes and shipping containers may be temporarily placed on a parcel only upon issuance of a land use permit subject to the following:

1. The land use permit shall expire no more than 12 months from the date of issuance and the accessory structure shall be removed from the premises upon expiration of the permit. A subsequent land use permit for a temporary accessory structure on the same parcel shall not be issued until 12 months has elapsed from the expiration of the previous permit.
2. Only one such accessory structure shall be permitted at a time.
3. A manufactured home may be permitted as a temporary accessory structure only in the agricultural districts.
4. Accessory structures such as shipping containers may only be permitted on a temporary basis in the residential districts.

Staff Recommendation: Staff recommends the Land Management Committee review the proposed revisions and if determined to be appropriate, approve said revision and forward a recommendation to the Finance and Personnel Committee and the County Board of Supervisors for approval and adoption.

Previously, you could only do the shipping containers in the residential districts temporarily but this would allow for shipping containers to be permanently permitted in an agricultural district. A manufactured home could be temporarily permitted in the ag district. We have seen in the past, where somebody in an ag district

gets a good deal on a mobile home and isn't sure what to do with it and they just need a place to store it. This would allow them to get a \$50 permit just to store it. They don't have to hook it up to anything, it can just sit there for a year and then they have to decide what to do. That couldn't be done in a residential district. Sanden asked Brad what the definition of a manufactured home is. Roy stated it's lengthy. Sanden said what he is saying and these are becoming more popular. They used to call them pre-fab homes. Now they have gotten pretty hi-tech where they will build the walls in some factory somewhere and ship it out. Roy stated we do not consider that to be a manufactured home. In fact, one thing we would like to do in the future is get rid of all of our references of a manufactured home since we deal with land uses. A home is a home. It's just a residence no matter how it is built. Pichotta stated that he has a couple thoughts on this, under condition #4 Accessory structures such as shipping containers may only be permitted on a temporary basis in the Residential Districts. It may be that we need to explicitly say that no such limitation on the use will occur in the agricultural districts. When we drafted this, we felt it was inferred and that took care of it but he now thinks additional discussion with County Corporation Counsel should take place. Pichotta noted that these amendments are going to take some time to get in front of the County Board simply because we are not going to get it in front of F & P at the next meeting. It's going to be a month and a half before we get it to F & P and then we will likely get it before the County Board in May. So it is going to take some time. He also noted that we did send a public hearing notice to all the Town Clerk's and a copy of the staff report to all of the Town Chairs. The fact that none of them are present tonight seems to indicate that they're comfortable with what we are up to here. Aubart asked if he is asking that we change the proposed language, it's hard to approve it then. Pichotta stated the expectation when you hold a public hearing is that there may be additional changes made to it based on discussion and comments that are received. You wouldn't need to bring it back for another hearing. His intent of bringing up the potential for added language is so if it's a little different when you see it at County Board, you are aware of why. Sanden asked if temporary is defined someplace. In other words in residential district what is meant by temporary? It only gets one 12 month permit and then it can't be renewed? Pichotta stated that is exactly what that means. **Chairperson Fetzer opened the hearing to the public. No public comment. Chairperson Fetzer closed the public hearing.** Sanden expressed his gratitude to staff for staying ahead of the game and making very common sense, workable, streamlined language. Chairperson Fetzer stated just cleaning stuff up as you see fit. It makes good sense. **Sanden moved to approve the proposed ordinance amendments to Pierce County Code Chapter 240-29, Height Requirements, Chapter 240-32A(1), Minor Structures and Chapter 240-32D, Accessory Structures and forward a recommendation to Finance and Personnel Committee and the County Board of Supervisors for approval and adoption /Aubart seconded. All in favor. Passed.**

Discuss take action on Travel/Training Requests. Pichotta stated he has one travel/training request for Kevin Etherton to an in-person training/workshop held by the Census Bureau in Madison. It's a local update of census address operation. We are starting to get questions from other municipalities in the County and it makes sense to have a point person. There will be no cost associated with the workshop itself. Given that it starts at 9:00am and its four hours away, he would like to send him down the night before and put him up in a hotel. There would be that cost. The dates would be April 4th and back on the 5th. **Aubart moved to approve the travel/training request for Kevin Etherton to attend the Census Bureau Workshop in Madison on April 4th & 5th/Sanden seconded. All in favor. Passed.**

Departmental Update and Future Agenda Items

Public hearing for a conditional use permit for a Private Outdoor Use for the Prescott Sportsman's Club on their 40 acres they own in the Town of Oak Grove.

Public hearing to consider a request for Big Dog Daddy's Roadhouse, he is proposing a campground/resort on his parcel, which will consist of camping as well as cabins.

Request for a renewal of a CUP for a Farm & Home Based Business, Construction Design Management by Kevin Peterson in the Town of Clifton.

Motion to adjourn at 6:23pm by Sanden/Aubart seconded. All in favor. Motion passed.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, March 21, 2018 – 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: April 4 th & 18 th , May 2 nd & 16 th , June 6 th & 20 th , all in 2018.	Chair
3	Approve minutes of the March 7, 2018 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 Agriculture Residential District, pursuant to Pierce County Code Chapter 240-67A(2), for John & Jill Erickson, owners on property located in Lot 1, Certified Survey Map (CSM) V2, P171, in the SW ¼ of the SW ¼ of Section 14, T24N, R15W, Town of Maiden Rock, Pierce County, WI.	Lund
5	Public hearing to consider and take action on proposed Ordinance Amendments to Pierce County Code Chapter 240-29, Height Requirements, Chapter 240-32A(1), Minor Structures, and Chapter 240-32D, Accessory Structures.	Roy
6	Discuss take action on Travel/Training Requests.	Pichotta
7	Future agenda items.	Pichotta
8	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.

(3/9/18)

PIERCE COUNTY WISCONSIN
DEPARTMENT OF LAND MANAGEMENT & RECORDS
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MINUTES - Pierce County Land Management Committee Meeting, March 7, 2018

Present: Jon Aubart, Joe Fetzer, Jeff Holst, Eric Sanden and Ken Snow

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

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

Next meeting dates: March 21st, April 4th & 18th, all in 2018.

Approve Minutes: **Snow moved to approve the February 21, 2018 Land Management Committee minutes/Aubart seconded. All in favor with Holst abstaining. Motion Passed.**

Public hearing to consider and take action on a request for a Map Amendment (Rezone) from General Rural Flexible to Commercial District for Jared Murphy, agent for Ellsworth Community School District (Lindgren School), owners on property located in the NW ¼ of the SW ¼ of Section 12, T25N, R18W, Town of Trenton, Pierce County, WI.

Staff Report – Emily Lund: The applicants are requesting to rezone the 8 acre parcel on which the Lindgren School is located. The School District accepted an offer from Hager City Glass to purchase the property contingent upon the property being rezoned to Commercial. Hager City Glass has outgrown their current facility and would like to move to this location, but needs the property to be zoned Commercial to operate their business (General Retail and Services). The property is in Section 12, Town of Trenton. Current land use is institutional, undeveloped and wooded. Adjacent land uses are agricultural, residential and wooded. The current and adjacent zoning is General Rural Flexible. Pierce County Zoning Code §240-15 Purpose and Intent of Zoning Districts is described; General Rural, General Rural Flexible and Commercial. 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. The value of land for agricultural use according to the USDA Web Soil Survey shows that the properties are in Prime Farmland or Farmland of Statewide Importance. The Town of Trenton recommended approval of this request on 2-13-2018 and identified one goal and four objectives from Chapter 8: Land Use of their Comprehensive Plan in support of the recommendation:

Goal 3: Provide for orderly development.

Objective 1: Seek to enhance the Town’s potential for quality growth and development without adversely affecting the existing services and facilities.

Objective 4: Maintain future land use activities that are compatible with existing natural resources and co-exist with agricultural activities.

Objective 5: To encourage non-residential development to balance the economic base.

Objective 6: Promote an organized development pattern that will minimize conflicting land uses and provide for controlled rate of development.

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

Chairperson Fetzer opened the hearing to the public. No public comment. **Chairperson Fetzer closed the public hearing.** Holst stated he thinks this is a reasonable use of this land. It is consistent with their comp plan. **Holst moved to approve the map amendment (rezone) from General Rural Flexible to Commercial for Jared Murphy, agent for Ellsworth Community School District (Lindgren School) and forward a recommendation to the County Board of Supervisors/Sanden seconded. All in favor. Passed.**

Public hearing to consider and take action on a request for a conditional use permit for a Multi Family Dwelling in the Rural Residential 20 District, pursuant to Pierce County Code Chapter 240-17, for a senior living facility by Bernard Schoeder, agent for Ellsworth Community School District (Prairie View School), owners on property located in the NE ¼ of the NE ¼ of Section 1, T24N, R18W, Town of Trenton, Pierce County, WI. Chairperson Fetzer invited Bernard Schoeder forward: Holst asked if this is the same piece of property that we have been reading about in the paper for several months. Mr. Schoeder stated the same piece. Holst stated very good, he is familiar with it then.

Staff Report – Adam Adank: The Prairie View Elementary School was recently closed due to the construction of a new Hillcrest Elementary School in Ellsworth. Consequently the Prairie View Elementary School building is now vacant and has no current use. The applicant intends to convert the existing one story, 23,840 sq ft school building into a senior living facility for adults age 55 and over. The applicant has stated that there will be no direct care or care for hire services provided. The building will be renovated to include 16 units total. Five of the proposed units will be 2 bedroom and the remaining eleven units will be 1 bedroom. Each unit will be approximately 31' x 32' and provided with a kitchen, bathroom, living area and its own interior and exterior entrance. The facility will also include a 40' x 60' community room and kitchen, an office area and a community restroom. The applicant plans to purchase a total of 9.00 acres located in the Weberg's Pine View Subdivision. The parcels are located in Section 1, Town of Trenton. The property is zoned Rural Residential 20. Adjacent zoning districts are Rural Residential 20, Commercial and General Rural Flexible. Adjacent land uses are agricultural and residential. PCC §240-88 defines Multiple-Family Dwelling as, "A building containing three or more dwelling units." PCC Table of Uses allows Multiple-Family Dwellings in the Rural Residential 20 zoning district with the issuance of a conditional use permit and does not reference any code provisions. The applicant proposes to utilize the existing exterior building shell and renovate the interior of the building. The footprint of the existing building will not change. The applicant has a building plan review appointment scheduled with the Department of Safety and Professional Services (DSPS) on March 22, 2018. The applicant was granted variance approval from the DSPS on December 12, 2017 to not install a sprinkler system due to lack of municipal water supply and allow the construction/use of a corridor with increased fire ratings not normally allowed by code. The applicant anticipates a 6 month to 1 year construction schedule with hopes to start renting out the dwelling units by January 2019. Access to the site is off of 170th Avenue which is a town road. The site has 4 existing light posts near the front of the building along 170th Avenue and an additional 2 existing light posts along the south east portion of the existing building as shown on the site plan drawing. The applicant proposes to place mounted lights on the exterior of the building at each private dwelling entrance. The school has an existing Private On-site Wastewater Treatment System (POWTS) sized large enough to accommodate the wastewater flows from the proposed 16 dwelling units. However, the existing drainfield is located on a 40 acre parcel that was sold to Larry, Adam and Eric Swanson in July of 2017. The applicant has stated that he will be designing a new drainfield to be located on parcel 030-01163-0900 on the west side of the property as indicated on the site plan. The applicant proposes to put a sidewalk around the entire building that connects to each of the 4 main entrances. Vegetation between the building and sidewalk will be removed. Each private outdoor entrance will also have its own individual concrete apron as shown on the site plan. The applicant has stated that all basketball hoops and playground equipment will be removed from the site. The applicant has proposed to convert the two temporary classrooms on the west side of the building to residential uses and move to a vacant lot on the property at a future date. Off-street parking per Pierce County Zoning Code Chapter 240-54A requires two parking spaces per dwelling unit for residential uses. The proposed senior living facility will have 16 dwelling units requiring 32 parking spaces. The proposed site plan delineates 37 parking spaces on the north side of the facility with the option for an additional 27 parking spaces on the south

end of the facility. The Wisconsin Department of Natural Resources requires an asbestos inspection for multi-family housing with five or more units. The Department of Health Services requires licensed inspectors and risk assessors to identify lead paint. When building surfaces or components are being renovated in any residential and child occupied buildings built before 1978, lead paint must be assumed present or identified through testing. The Trenton Town Board recommended approval of this request on 2-13-18 without any concerns or recommended conditions.

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 multiple family dwellings with the following conditions:

1. Activities shall be conducted as submitted in the application and as presented to the LMC.
2. The applicant shall work with the State of Wisconsin Commercial Building Inspector, Joe Merchak, to ensure compliance with the Commercial Building Code requirements. Applicant shall receive all necessary permits from the Department of Safety and Professional Services (DSPS) and other agencies as required.
3. The applicant shall work with the Wisconsin Department of Natural Resources and Wisconsin Department of Health Services to ensure all lead paint and asbestos regulations are followed during renovation activities and any future building maintenance/repairs.
4. The applicant shall work with a certified soil tester and certified plumber to obtain a State Sanitary Permit and install a new POWTS drainfield prior to the rental of any dwelling units.
5. Any advertising signs shall comply with the zoning code standards and any necessary permits shall be secured prior to sign installation on or off property.
6. The proposed project shall be completed within 12 months of CUP approval. No renewal of this request will be necessary provided the use is established within 12 months of approval.
7. Applicant understands that expansion or intensification of this use will require modification to this permit or potentially, issuance of a new conditional use permit.

Chairperson Fetzer opened the hearing to the public. Larry Swanson, Town of Trenton, wanted to know if this permit is limited to the school only and not the entire nine acres for multi-use or multi-family buildings. Pichotta stated this permit would just authorize the use of the school. Anything in addition to that would qualify as intensification or expansion and would potentially require a new permit. So he is only authorized to work within the existing footprint of the school. Joyce Wilson, the two buildings that are attached, on here it says "the applicant has proposed to convert the two temporary classrooms on the west side of the building to residential". Is that also senior housing? Mr. Schoeder stated no, and that is just in the talking stage. Ms Wilson asked where on the property would it be located? Mr. Schoeder stated if it was located on the property, it would be located on the northeast corner and that if they are put in there, they will be completely remodeled and look like a duplex with two garages in the center. Ms Wilson asked if that would also be senior living? Mr. Schoeder stated that would be open to anybody. Chairperson Fetzer asked if that would be considered intensification. Pichotta stated yes, that wouldn't be part of this particular project. That would require a separate permitting process. Jim Wilson, stated we have a lot of children in that area, would there be any chance that you could leave that playground open for the kids? There is a lot of after-school activity. He was just curious if there would be a possibility of leaving some of the playground open for the kids in the area. Mr. Schoeder stated he really doesn't have anything against it but he has been encouraged by so many people to get rid of it. Mr. Schoeder asked if they live close by there. Ms Wilson stated right next door. Mr. Schoeder stated he would give them some of the playground equipment. Ms Wilson asked with there being so many kitchens, how many units, there is no sprinkler system or anything required? Mr. Schoeder stated the way that building is designed, it's got two firewalls. Every apartment is encapsulated. It's all concrete block so that is why we got this variance. There wouldn't have been any question about this in 2015. This is a new law that has come into effect now and it's really a project killer because it costs a lot of money. We wouldn't even be here talking if we would have had to

put that sprinkler system in. Mr. Schoeder stated there will be fire alarms in there, smoke detectors in every apartment, a security system also. Chairperson Fetzer asked if there is any further public comment.

Chairperson Fetzer closed the public hearing. Sanden stated he knows this is covered in condition #4, but have you looked into the soils in the area and if it's going to be conducive to a standard septic system because it's going to be a 16 unit. Adank stated that Bernard got a quote from Pelke Plumbing based on the soil evaluation from where the drainfield is located now. Holst stated its pretty sandy soil. If any place in the County perks, it should be there. **Holst moved to approve the conditional use permit for a multi-family dwelling for Bernard Schoeder, agent for Ellsworth Community School District (Prairie View School), 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 - #7/Snow seconded. All in favor. Passed.**

Public hearing to consider and take action on a request for a conditional use permit for General Retail & Services (hosting weddings and events) in the General Rural Flexible 8 and Light Industrial Districts, pursuant to Pierce County Code Chapter 240-36E by Julie Jacques, agent for Neal Wallace, owner on property located in the SE ¼ of the SE ¼ of Section 35, T27N, R20W, Town of Clifton, Pierce County, WI. Chairperson Fetzer invited Julie Jacques forward:

Staff Report – Emily Lund: The applicant is requesting a CUP to begin hosting seasonal outdoor events (e.g. receptions, graduations, birthdays, farm-to-table meals, etc) from April through October. Food and beverages will be catered to the site by vendors. No structures are proposed at this time; tents, tables and chairs would be brought to the site for use at an event. The applicant obtained a CUP for General Retail & Services for a Greenhouse located on this site on 10-3-2012. The property is located in Section 35, Town of Clifton. The property is zoned General Rural Flexible and Light Industrial. Pierce County Code §240-36E and Chapter 240 Attachment 1 Table of Uses allows General Retail & Services with a conditional use permit in the Light Industrial District. General Retail & Services is not a permitted use in the General Rural Flexible District. Pierce County Code §240-88 defines 'General Retail & Services' as "Establishments that provide goods and/or services to the consumer." Adjacent zoning districts are General Rural Flexible to the north and west; and Light Industrial to the east and south. Adjacent land uses are agriculture, light industrial and wooded. The 7.69 acre property has multiple grain bins, pole sheds, storage sheds and a greenhouse. The grounds will be utilized for event/gathering activities (e.g. weddings, receptions, etc.). The applicants want to keep the look and charm to enable farm-style events. The business will be located outside and operate seasonally from April to October. Hours of operation are proposed to be from 10AM to 12AM (Midnight), with tear down allowed to 1AM. They propose to have one event per day and up to two events per week. Applicant proposes to build a new pergola for the events in the future. The pergola size has not yet been determined. The applicants will apply for a land use permit prior to construction. The applicants plan to explore the possibility of updating an existing pole shed for indoor events and to provide a permanent restroom. The applicants won't be catering or providing alcohol. Food and beverages will be bought from off site and catered into the event by those individuals renting the site. Event holders will need to rent their own tents, tables and chairs from elsewhere, bring them to the site, set them up and take them down. Event holders will also need to hire their own music or other entertainment. The applicants will require that vendors performing services for the event holders supply copies of insurance and licenses. The applicants will not allow the use of fireworks. The business will be operated by the applicant, agent and 3 part-time employees. Access is north of State Highway 29 and west of 1250th Street. The applicants plan to landscape the property, including lining the main parking area with shrubs, flowers and trees. The applicants plan to have ample space for a typical wedding (250 guests), up to a maximum of 500 guests per event. Pierce County Code §240-54 specifies minimum parking provisions shall be 1 parking space per 3 guests and 2% of the total number of spaces shall be ADA approved. The plans submitted show ample parking area to fulfill this requirement, however, a portion of the proposed parking area is located in the General Rural Flexible 8 District, in which General Retail & Services is not a permitted use. The applicant is proposing to provide satellite toilets on site for customer use. The applicants propose to rent luxury restroom trailers from Onsite Companies. The typical ratio is one satellite toilet per 50 guests. Solid waste disposal bins are provided. PIG is hired to remove

collected recycling and waste. No outdoor advertising signs are requested at this time. There is an existing light pole located north of the greenhouse. No additional lighting is proposed. The Clifton Town Board recommended approval of this request on 2-6-2018. The Town said it is consistent with their comprehensive plan and did not specify any concerns or suggested conditions in their recommendation. 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."

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

If found not to be contrary to the above, staff recommends the LMC approve the proposed use with the following conditions:

1. Activities shall be conducted as presented in the application unless modified by a condition of this CUP.
2. All activities shall take place in the Light Industrial district.
3. Adequate portable outhouses (1 per 50 people), or other acceptable restroom facilities, shall be provided.
4. Hours of operation shall be April to October from 10AM to 1AM.
5. 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.
6. Applicant shall secure a Land Use Permit for all future structures or signs prior to construction or installation. Applicant shall also 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.).
7. Maximum occupancy shall be limited to 500 people, with 2 events per week and 1 event per day.
8. There shall be at least 167 off-street parking spaces available. A minimum of 5 parking stalls shall be ADA compliant.
9. The use shall be established within 12 months of CUP approval. This CUP shall be renewed every 2 years. Permit may be renewed administratively if no compliance issues arise.

Chairperson Fetzer opened the hearing to the public. No public comment. **Chairperson Fetzer closed the public hearing.** Sanden asked Lund if condition #2 implies that the proposed site plan will be changed to move the overflow parking out of the General Rural Flexible. Pichotta stated yes. Ms Jacques asked we can't have overflow parking in that location? Lund stated we will have to make it so it is in the Light Industrial District. She wasn't sure if it was to be a determination at the meeting tonight. Ms Jacques stated the other parking, the main parking is in the Flex 8 district. Lund stated the main event parking, as long as it's in the gray area then it's accepted. Ms Jacques stated it isn't, it's in the Flex 8. Lund stated so we might have to move the parking location. Ms Jacques stated there isn't enough parking area then. Lund stated we might have to sit down and look at this to see where we can put it because there are areas to the east of one of the big grain bin. Ms Jacques stated those are farm fields that they actually use as farming. Sanden asked if it would be acceptable if they were to modify condition #2 and say, all activities except overflow park must occur within the Light Industrial District - would that be acceptable? Pichotta stated that is acceptable. Snow asked about condition #7, you are limited to two events per week, with one event per day so basically you are only going to be open two days a week? Ms Jacques stated this isn't going to be a main business. This is just a diversification from the greenhouse. That is their main business so they would like that opportunity to rent it once a week, maybe twice. Snow asked so it can be opened any day during the week? Neal Wallace stated the greenhouse is now operating seven days a week until the 4th of July. They are supplementing that by having some events, weddings, etc that aren't really retail, but events. Those may go on through the summer. Ms Jacques stated it isn't going to be a high-buck, fancy place, we don't have the money to build a big beautiful thing so this is kind of going to be the inexpensive place to come have your wedding and put up a tent. Holst stated you are hoping to fill a niche that's probably not being met right now. Ms Jacques stated when they were looking to put her own daughter's

wedding on, they were looking at, that place was \$20,000 and this place is \$30,000. They are looking at filling that cheap-seat niche. **Sanden moved to approve the conditional use permit for General Retail & Services for Julie Jacques, agent for Neal Wallace, 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 - #9, amending condition #2 to read "All activities, except overflow parking, shall take place in the Light Industrial District."/>**Aubart 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 NE ¼ and the NW ¼ of the SE ¼ of Section 16, all in T27N, R15W, Town of Spring Lake, Pierce County, WI.

Staff Report – 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. The operation has remained mostly on the surface which has contributed to issues of noise, dust and appearance. The applicant still intends to move the operation of the quarry floor below the surface elevation. Timing of the move is dependent on product demand. A status report conducted in November 2013, modified the CUP to allow nonproduction hours from 6pm to 8pm Monday through Friday for maintenance and preparation. At that time condition #4 was also modified to require County Materials to work with the Land Conservation Department to ensure that the site is internally drained. The property is located in Section 9 and Section 16, Town of Spring Lake. The property is zoned General Rural. When crushing equipment is placed onsite it is located within the quarry, below grade. The wash plant and other operational structures are located above the quarry. This makes the operation more noticeable visually and audibly. County Materials intentions are to place the structures within the quarry, as space allows, limiting the impacts to the surrounding areas. The dry screening plant has been moved to the quarry floor. The original operation plan states that excavation would create a floor elevation of 1050ft, where all activity would be conducted. The average current floor elevation is 1100ft and the processing area has an approximate elevation of 1160ft. The average floor elevation of the quarry is 1100ft. County Materials has begun to lower the floor to 1070ft. The original CUP allowed no more than 30 unreclaimed acres at any given time. In April 2012, the number of allowable unreclaimed acres was increased to 40. This increase was supported by the Town of Spring Lake. During a site visit of the facility on February 26, 2018 Operations Manager, Ted Peterson, stated that the mine is currently at the maximum allowable unreclaimed acres and would like to increase the maximum allowable unreclaimed acres from 40 to 50 acres. Because of the short notice, staff recommended addressing this request as a CUP modification at a future LMC meeting. This would allow for County Materials to get a recommendation from the Town of Spring Lake. A Fugitive Dust Plan was developed and approved by the Town of Spring Lake and the LMC in June of 2012. In 2014, condition #4 stated, *storm water measures shall be reviewed and internal drainage verified by the Pierce County Land Conservation Department as soon as practical. If determined to not be internally drained, engineered plans shall be submitted for Land Conservation review within 90 days. Failure will result in this issue being placed on the next available LMC agenda for potential suspension of the CUP.* The Land Conservation Department inspected the site soon after the 2014 renewal. It was determined that the mining area is internally drained. A small portion of the processing area (~2,500 square feet west of the scale) drains to the North and not into the quarry. The water runs to a small sediment basin. Land Conservation believed that the measures in place are adequate with proper maintenance of the basin and limiting the contributing area. In 2016, condition #4 was changed to read, *storm water measures shall be implemented and maintained consistent with the Land Conservation Department recommendations.* The operation has 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 the town has not received any complaints since the last renewal and has no concerns at this time. The existing conditions #1 through #28 are listed in the staff report.

Staff Recommendation: Staff recommends the Land Management Committee determine 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 submitted consistent with submitted plans.
8. Mine operation and design shall be consistent with the approved plans. Zoning Office shall be notified of any deviation from the plans.
9. Zoning Office shall be notified if ground water is encountered.
10. All structures and signage shall be permitted by the Zoning Office.
11. An elevation benchmark shall be established.
12. The reclamation financial assurance information shall be reviewed and approved by Corporation Counsel before mining commences.
13. Applicant shall comply with NR 135 Annual Reclamation Permits.
14. Property owners located within 1000 feet shall be given reasonable notice of all planned blasting. This request shall be waived for landowners who request not to be given notice.
15. Well tests for nitrates, suspended solids and dissolved solids shall be conducted for all existing wells within 1000 feet of the proposed mining operation to establish a baseline, and for all other properties agreed upon by County Materials (Jones, etc.). This shall be completed prior to blasting. Wells shall be tested annually thereafter. All results shall be provided to the Zoning Office.
16. A copy of the Storm Water Pollution Prevention Plan and Spill Prevention Control and Countermeasures shall be submitted to the Zoning Office.
17. The recycling of concrete products shall be allowed.
18. This CUP shall be reviewed for renewal in two years unless compliance issues arise.
19. County Materials Corporation shall conduct operations on the site consistent with the standards specified in the letter from CMC to Pierce County dated 3/13/07.
20. All loaded trucks shall be covered (tarped) prior to leaving the site.
21. The quarry shall have no more than 40 unreclaimed acres at any given time. The storm water pond and processing area are to be included in the unreclaimed acres.
22. Applicant shall conduct decibel readings during mining operations at; the property line, 1320 ft from the property line and at 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.
23. A four-strand, barb-wire fence shall be placed around the active mining operation along with appropriate signage.
24. A lockbox with access key shall be made accessible to emergency personnel.
25. Applicant shall provide a status report to the LMC at the request of the Town of Spring Lake.

26. Stockpiles shall be a minimum of 10 feet below the height of the berm at all times.

27. The Fugitive Dust Plan shall be implemented as approved.

28. Applicant is allowed to water anytime necessary to mitigate off-site dust impact.

Jim Small stated he doesn't have anything to add just wanted to say it's good to see everyone again. It's been two years and Ted was planning on coming, but he called this afternoon with the flu and didn't want to share with everyone. Ted talked to the Town. Jim stated that he doesn't get out there as often as he used too. He stated he knows Ted at least three or four days a week is out watching things. Jim still gets out there occasionally. He still takes the water samples so he can meet with the neighbors or at least talk to them on the phone to get permission and see if they have any issues. Most of them he talks to in person when he grabs the water sample. Everything seemed OK. As for the addition, he thinks they will have some areas that stockpile in the northwest corner too close and we'll meet with staff once it greens up to see if they can get some acres closed. They finally do have a face on the east side, the high wall that they can start putting material on 3:1 slope so that will take a lot of the overburden. It's a little tight still down in there due to where the rock is in the valley in there. We are getting some areas ready to reclaim if you guys are willing to close it out. It would be too tight. He thinks they are going to be over 40 even with that. Holst stated it takes a long time to establish a mine, a working mine and get everything to where you anticipated being when you start the mine. He thinks that they have progressed well and have done a good job of satisfying the wants and needs of the local people. Correct him if he is wrong, whatever we have asked them to do, whatever the Town has asked them to do, they have done. They have been a good neighbor. Mr. Small stated they have certainly tried. He thinks only once this season did they have a blast that was after 2:00pm. He thinks Ted called one of the guys. Mike Jacobson stated he got a call. Mr. Small stated they are watching all of the permit conditions very closely. He thinks it's been working out well with Ted there. Jim thinks he was at one town meeting in 2016 and Ted has been there a couple times since. We make sure to talk to the town occasionally, even when things are going good. Sanden asked, do I take that as far as the acres increasing, the allowable unreclaimed acres from 40 to 50. Was that what you were referring to? Mr. Small stated right. Sanden stated it's not now but may in the near future be required. Mr. Small stated yes, and they will try to get on the town for the April meeting then so with the Land Management Committee in a few months. Mike Jacobson stated they are doing a good job. He would ask County to make sure they got that fence up like they are supposed to. The snowmobile trail ran by it this year, they let us go by, which thank you for letting us do that. If you go off it, you are in a lot of trouble because it's straight down. That is on that east side running along 128. We are looking forward to some reclamation going on. He would say the sand maybe on condition 26 is above the berm. He knows you are having a hard time getting rid of that so he brings that just as, it's above it, but he knows you have a lot of it. Richard Johnson stated we haven't had any complaints from neighbors in the last year. Mr. Jacobson stated no, but he hears from Bill Klanderman saying he can see it from his place. Same with Tyvold's but it's not the noise or the dust. They have done a fantastic job of getting that under control. Chairperson Fetzer asked if they contact them. Mr. Jacobson stated Ted is very good on the phone. He gets a call or a text quite often. Chairperson Fetzer stated to just let us know if we need to do anything over and above. Mr. Jacobson stated they are here to serve. Chairperson Fetzer stated we are here to help you guys too. He asked if we need any action on this. Pichotta stated motion to renew. **Snow moved to renew the conditional use permit for CMC-Spring Valley (County Materials) for Nonmetallic Mining, with conditions #1 through #28/Holst 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 General Rural Flexible 8, Agriculture Residential and Industrial Districts, pursuant to Pierce County Code Chapter 240-37A for Wisconsin Industrial Sand Company, agent for William McCusker, MOAP LLC, Troll King LLC, WTW Properties, Helen Holst Revocable Living Trust, William F Holst III and William F Holst IV, 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. Jeff Holst recused himself from discussion and voting due to possible conflict of interest.

Staff Report – Andy Pichotta: In 2012, WISC obtained a Conditional Use Permit for a new underground mining operation in the Town of Diamond Bluff. On May 21, 2014, a Conditional Use Permit was obtained to expand the mine into the Town of Oak Grove. The mining process will be consistent to those at Maiden Rock and Bay City. The mined materials will be screened, trucked and conveyed in the tunnels. The sand will either be washed at a new proposed plant at the mine entrance in Diamond Bluff or in the proposed plant expansion at the existing Hager City processing plant. The washed sand will be dried and further processed in Hager City. The mining permit encompasses 59 parcels totaling 1,867 acres in Diamond Bluff and 27 parcels totaling approximately 985 acres in Oak Grove. Activities on the site will include blasting and screening underground as well as stockpiling and loading on the surface. The LMC, at the required 1 year status report on August 7, 2013, by WISC, found that “action” had commenced at the Diamond Bluff site within 12 months and that the “use” had been established. The property is located in Sections 1, 2, 3, 4, 10, 11 and 12, in the Town of Diamond Bluff as well as Sections 25, 33, 34, 35 and 36, in the Town of Oak Grove. These properties are zoned General Rural Flexible 8. Access to the mine entrance site is off of 1005th St, WisDOT recommends the intersection be upgraded to the B1 class. 1005th St will need significant upgrades. A road agreement was reached with the Town of Diamond Bluff. The Wind River runs through the mine entrance site and the eastern edge of the site is in the General Floodplain District. The entire mining process takes place underground using room and pillar mining. The sandstone will be mined in parallel tunnels approximately 30-foot wide separated by 70-foot wide sandstone pillars. The mining is accomplished by drilling and blasting. The applicant is proposing to operate the facility 24 hours a day, seven days a week with up to 22 employees. WDNR regulates and monitors discharge water through the WPDES permits. The WPDES permit ensures that water samples are collected and analyzed to demonstrate that water is not discharged that could negatively impact surface water. The mining operation is required to develop and implement a Storm Water Pollution Prevention Plan and a Spill Pollution Control and Countermeasures Plan. Waste materials will be placed back in the mining tunnels. The WDNR Bureau of Air Management permits and monitors emissions of nonmetallic mining and processing operations. Their jurisdiction ranges from extraction to shipment. Wisconsin Department of Safety and Professional Services (DSPS) establishes uniform limits on permissible levels of blasting to reasonably assure that blasting does not cause injury, damage or unreasonable annoyance to persons or property outside any controlled blasting site area. A Fugitive Dust Plan has been developed for the operation. The plan details the measure to be taken to reduce roadway dust from stockpiles and roadways during periods of dry or windy conditions. A Land Use Permit for Filling and Grading in the Shoreland area was issued in September 2017, for construction of the storm water ponds. The applicants are currently completing a Hydraulic and Hydrologic Analysis of the ponds in the Floodplain. An archeologic study is also currently being completed with the DNR and Historical Society. The existing conditions #1 through #33 are listed in the staff report.

Staff Recommendations: Staff recommends the Land Management Committee consider whether any other additions or modifications to the established conditions are necessary to help mitigate impacts on public health, safety, the public interest and character of the area and renew the permit with the following conditions:

1. Applicant shall submit verification of lease agreements before mining is conducted.
2. Comprehensive water testing will be conducted annually for residential wells located within the boundaries of the mined area. 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, two times each year. Test results and the base line data tests shall be provided to the Department of Land Management.
3. A 100-foot buffer shall be maintained from the active mining to the boundaries of non-leased properties. Mining under a leased property shall be a minimum of 100 feet from any well. A 200-foot buffer shall be maintained around structures.
4. Any intensification of use or change in approved plans will require the issuance of an amended conditional use permit.
5. A map of mining activity and areas of future expansion shall be provided to the Zoning Office annually.
6. Applicant agrees that any erosion issues that arise shall be addressed to the satisfaction of the county.

7. Verification of an agreement with the Wisconsin DOT shall be submitted before mining extends under Hwy 35.
8. WISC shall develop a plan to respond to damage claims to wells or structures by surrounding land owners. WISC shall offer pre-blasting surveys to residents or owners of dwellings or other structure within 1500 feet (or as established by the applicable Town) and shall respond to claims of impacts/damage.
9. A ground water response plan, including accurate determinations of the groundwater level and which details resources to be used to protect the quality of groundwater beneath and adjacent to the extraction operation and a proposed response to encountering groundwater shall be provided. Groundwater elevation shall be monitored annually and the results submitted to the Zoning Office.
10. Engineering analysis shall be conducted to demonstrate slope stability for the reclamation of the mine entrance area. Reclamation shall be according to submitted plans and shall be completed within one year of ceasing mining operations.
11. A formal road agreement for 1005th St with the Town of Diamond Bluff shall be established and provided to the Zoning Office prior to any site disturbance. Road agreements shall be established with the appropriate municipality prior to any use of Town or County roads.
12. Applicant shall obtain all necessary permits for the proposed development within the Floodplain and Shoreland area.
13. Applicant shall pay the Nonmetallic Mining fee to the Zoning Office prior to site disturbance.
14. The financial assurance for reclamation shall be reviewed and approved by Corporation Counsel before mining commences.
15. WISC will 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 from such emissions.
16. The operator shall provide notice to the County of any orders to cease and desist from MSHA.
17. All loaded trucks shall be tarped in a manner acceptable with the Town of Diamond Bluff.
18. 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. If they are not required, applicants shall submit verification from those agencies stating that the plans are not required.
19. Applicant shall implement Fugitive Dust Plan as presented. Modifications to the Fugitive Dust Plan may be required by the LMC if warranted.
20. Applicant shall identify blasting frequency and all blasting shall be done by a certified state licensed blaster. All surrounding land owners within 1500 feet shall be given notice of the blasting schedule. Blasting shall be restricted to six days a week.
21. Applicant shall follow all recommendations and receive all necessary permits from WI DNR, Department of Safety and Professional Services, WisDOT, MSHA and other agencies, if required.
22. Applicant shall obtain all necessary permits for structures or signs not discussed in this plan from the Zoning Office.
23. An annual audit, detailing mining activities to date and demonstrating adherence to approved conditions shall be submitted to Pierce County Land Management Department by January 31st.
24. This permit shall expire in two years. Applicant shall come before the LMC for a status report in one year.
25. Reclamation shall be according to submitted plans and shall be completed within one year of ceasing mining operations.
26. Any polyacrylamide flocculants must be used consistent with WI DNR permit requirements.
27. Prior to beginning any mining activity within the Town of Oak Grove the applicant shall request to be placed on the agenda of the Oak Grove Town Board to review uses occurring in proximity to parcels authorized for mining. Concerns raised by the Town shall be presented to the LMC for review and potential CUP modification.

28. No ventilation shafts shall be developed until after such time as the proposed location is reviewed by the applicable Town and approved by the LMC.
29. Any secondary access portal shall require issuance of a Conditional Use Permit for an expansion of this use.
30. Mining shall not occur on/under property zoned Light Industrial.
31. State Hwy 35/1005th Street improvements shall be completed before operation begins.
32. Clearing and benching of portal sites shall be completed before operation begins.
33. Applicable permits must continue to be pursued.

Chairperson Fetzer invited Rich Budinger forward. Mr. Budinger thanked everyone for taking the time to review the conditional use permit renewal. He introduced staff, most of which the committee has met, but one they have not: Mark Krumenacher, Eric McLeod, Lauren Evans – Sustainable Development Coordinator, Bob Sapp, who is new, General Manager for the operations up north which includes Maiden Rock, Bay City, Diamond Bluff, this operation, Hager City, Menomonie, WI and also on the other side of the river in Shakopee, Michele Maxson – Environmental Coordinator and Mark Waters – Process Engineer. For the most part, Mark and Rich will be able to answer questions. Mark has been working on the project on-site, storm water pond and development and that sort of thing. Rich gave a brief update. We were here last April for an update, the one year and Maiden Rock as well. Operations are continuing to be positive within all of their operations in Pierce County producing sand at Maiden Rock, loading unit train rail cars, unit trains at Hager City. Bay City; they are continuing to be active there, frequently inspected by MSHA but they haven't been pulling any sand out of the mine recently. They are active: ventilation, ground control, the normal mining activity. Hager City is active with the rail yard. They are operating the plant from time to time to keep things ready and available for more sand when the markets return to hopefully what they were three years ago, here in the near future. Can't tell you exactly when business will return to the levels that they were experiencing in the past but they are hopeful that it will be soon with the price of oil as it is increasing. They also are pursuing other industrial uses besides oil and gas industry and that is going pretty well for them, trying to diversify their product portfolio more and more. They have over 50 employees at Maiden Rock and Hager City. They have an additional 20 plus at Menomonie and they are currently hiring, increasing their operating schedule to 24/7 at Maiden Rock. Even during the downturn that they experienced, they continued to invest in their community through volunteer hours. They still maintained expectations as far as their sustainable development program. They are proud of that and continue to do that as long as there are people working in the business model, they will be giving back to the community as much as we have in the past. Sanden asked if this office or the few affected Townships received any complaints since the last renewal? Pichotta stated no, much of what they are doing is permitting and pursuing permits other than mining. Chairperson Fetzer stated there are a couple people from Oak Grove here, do you have anything that you would like to say. Debbie McClure stated that Andy touched on it a little bit. She was just wondering about an update around Diamond Bluff, what is going on down there and the last year when we got together for the review and looked at the report, there is quite a few infrastructure type things that you were doing there, wondering where you are at with that and how your schedule looks now for when you anticipate being able to start mining in Diamond Bluff. Is that report available, the one that was January 31st. Mr. Budinger asked if it was the activity report. Ms McClure stated the annual audit. Mr. Budinger stated they have an annual report that they submit. Mr. Budinger stated once a year and they recently submitted one, even though this is a CUP renewal they submitted an activity report. Andy, you may have that. Pichotta stated yes, we have that. Mr. Budinger stated you didn't mention a lot of that activity, some was mentioned in the staff report but not all of it. Pichotta stated yes. Ms McClure asked if that is something they can get a copy of. Pichotta stated certainly. Mr. Budinger stated Mark has been working on the project so he can give an update. Mark Waters stated we have been working on their hydraulic plan for the pond design. They have been working on the grading issue and getting permits updated to where they need to be, some of the studies that need to be done in the area. They have kept up on all the regulations that they need to follow. It's an ongoing process for them. Ms McClure asked if they have started anything with the road. Mr. Waters stated nothing with the road except engineering design. Mr. Budinger stated the idea is that the road will eventually be asphalt to control dust. It's a gravel road right now. Any kind of construction activity, so when they commence construction, they will protect the road at

that point. By doing that, it will control any kind of track out that would happen during construction. The other idea is that before construction begins, they want to make sure that they are doing their erosion control work. The first thing they intend to do is put in a stormwater pond. As they essentially break ground and start doing foundations and start doing a development, they are susceptible to the two-three inch rains they could see in the spring and the next thing you know that soil wants to move. So they want to make sure they protect the Wind River, it's a major concern of theirs. The pond that they design will slope down to that point. Everything that goes down from the slope will go through that pond. They are in the process of doing that. They had every intention of breaking ground this last fall but we're working with the DNR on continued permitting for storm water. So general permit or individual permit, we should have heard from them a couple days ago but he doesn't think that they have heard from Jim Devlin, the agent that is helping with the stormwater permitting plans. It's been an on-going basis, literally every week we are in communication with the DNR. As of right now, they do not have any firm schedule on breaking ground. They want to take care of the first few steps which are the pond, erosion control, establishing the grade. Their intention is that if the market conditions return and they are very active at all of their facilities and Diamond Bluff is under construction. He can't tell you exactly when construction will begin. Tom Breen asked Andy if all of these things required are in your hands then, the map of mining activity and the ground water elevation results and copies of plans and audits. You have those and they are available for public perusal. Pichotta stated they certainly would be. Chairperson Fetzer asked if there are any other questions. **Snow moved to renew the conditional use permit for a Nonmetallic Mining Operation for Wisconsin Industrial Sand Company with conditions #1 through #33/Aubart seconded. All in favor. Passed with Holst not voting.**

Discuss take action on a request for renewal of a conditional use permit for Heavy Industrial Use for a proposed wash plant in the Industrial District pursuant to Pierce County Code Chapter 240-37E, for Wisconsin Industrial Sand Company owner on property located on the West 10 acres of the SE ¼ of the NW ¼ of Section 12, T25N, R19W, Town of Diamond Bluff, Pierce County, WI. Jeff Holst recused himself from discussion and voting due to possible conflict of interest.

Staff Report- Andy Pichotta: In 2012 WISC obtained a Conditional Use Permit for a new underground mining operation in the Town of Diamond Bluff. The mining application stated that no washing would be done on site. In 2014, the applicant modified the plan and obtained a CUP to construct a wash plant to wash the sand from the mine. The washed sand will be trucked to the WISC dry plant in Hager City. The proposal included the construction of a wash plant, conveyors and a new load out tank building. The application also stated that a temporary wash plant may be constructed for use during the construction of the permanent wash plant or the material may be trucked offsite and brought back for processing after the plant is operational. The mining application detailed the conversion of the existing residence into an office and construction of a maintenance building. The proposed hours of operation of the plant are 24 hours per day, seven days per week. Front end loaders, trucks, mining equipment and conveyors will be routinely operated outside of the mine. The site plan for the plant was approved by the LMC on June 18, 2014. The Wind River runs through the mine entrance site and the eastern edge of the site is in the General Floodplain District. On January 7, 2015, the LMC approved an expansion of the existing WISC processing facility in Hager City, which, it was stated at that time, would remove the need for the proposed wash plant in Diamond Bluff. In the past, WISC has wanted to maintain the flexibility of having each option for the location of a wash plant. Clarification of WISC's future plans should be requested. The property is located in Section 12 Town of Diamond Bluff. The property is zoned Industrial. The mined sand will be conveyed to a scalp screen to remove coarse sand and water will be added creating slurry. The material will then be pumped to the wash plant through a slurry pipe. The wash plant will remove clays and fine material from the sand. Flocculants will be used to remove the clays and fines and will remain in the material which will be placed in the tunnels. The wash sand is conveyed to storage bins. Trucks will be loaded inside a new load out tank building. The process, when fully implemented, has been designed so that the sand will not be exposed to the open-air. Two high capacity wells will be needed for the wash plant. The WDNR permits high capacity wells. The proposed system will reuse 90-95% of the water. The proposed operation will include the need to develop and implement a Storm Water Pollution Prevention Plan and a Spill Pollution

Control and Countermeasures Plan. WDNR regulates and monitors stormwater and process water through the WPDES permits. WISC will obtain the WPDES permit if necessary. A Fugitive Dust Plan has been developed for the operation. There may be some temporary storage of mined sand as the adits to the mine are being constructed. Once mining operations are in full production outside storage will not be needed. Access to the mine and processing facility site entrance is off of 1005th St, WisDOT recommends that the intersection be upgraded to the B1 class. 1005th St will need significant upgrades. A road agreement has been reached with the Town of Diamond Bluff. A Land Use Permit for Filling and Grading in the Shoreland area was issued in September, 2017, for construction of the stormwater ponds. The applicants are currently completing a Hydraulic and Hydrologic Analysis of the ponds in the Floodplain. An archeologic study is also being completed with the DNR and Historical Society. The existing conditions are listed #1 through #11 in the staff report.

Staff Recommendation: Staff recommends the Land Management Committee determine whether or not the 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 the Land Management Committee to renew this CUP with the following conditions:

1. Activities shall be conducted consistent with the submitted plan, unless modified by another condition of this CUP.
2. Applicant shall follow all recommendations and receive all necessary permits from WI DNR, Department of Safety and Professional Services, MSHA and other agencies as required.
3. Any unforeseen dust, erosion and/or stormwater issues that arise shall be addressed to the satisfaction of the county.
4. Applicant shall obtain all necessary permits for construction and signage for the site.
5. WISC 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.
6. The operator shall provide notice to the County of any orders to cease and desist from MSHA.
7. The Fugitive Dust Plan shall be adhered to.
8. All polyacrylamide flocculants must be used consistent with WI DNR permit requirements.
9. The applicant shall complete the WisDOT recommended upgrades to STH 35 and receive all necessary permits and approvals.
10. Applicant understands that any expansion or intensification of this use will require CUP modification or potentially issuance of a new Conditional Use Permit.
11. This permit shall expire in two years. Applicant shall come before the LMC for a status report in one year.

Chairperson Fetzer asked Rich if he wanted to add anything. Mr. Budinger stated no, they did a great job covering it. He thinks what we talked about before applies to this as well. Thank you. **Aubart moved to approve the renewal of the conditional use permit for Heavy Industrial Use, a proposed washplant for Wisconsin Industrial Sand Company with conditions #1 through #11/Sanden seconded. All in favor. Passed with Holst not voting.**

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

Departmental Update and Future Agenda Items

Public hearing for a conditional use permit for expansion of a nonconforming structure for John & Jill Erickson in the Town of Maiden Rock.

Public hearing to consider and take action on proposed ordinance amendments to Chapter 240-29 Height Requirements, Chapter 240-32A(1) Minor Structures and Chapter 240-32D Accessory Structures which are the ones that we talked about a few meetings back.

He noted that we did also get a completed application from the Prescott Sportsman's Club for a Private Outdoor Recreational Use in the Town of Oak Grove. The public hearing will be on April 4.

Motion to adjourn at 7:23pm by Snow/Aubart seconded. All in favor. Motion passed.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, March 7, 2018 – 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 21 st , April 4 th & 18 th , all in 2018.	Chair
3	Approve minutes of the February 21, 2018 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for a Map Amendment (Rezone) from General Rural Flexible to Commercial for Jared Murphy, agent for Ellsworth Community School District (Lindgren School), owners on property located in the NW ¼ of the SW ¼ of Section 12, T25N, R18W, Town of Trenton, Pierce County, WI.	Lund
5	Public hearing to consider and take action on a request for a conditional use permit for a Multi Family Dwelling in the Rural Residential 20 District, pursuant to Pierce County Code Chapter 240-17, for a senior living facility by Bernard Schoeder, agent for Ellsworth Community School District (Prairie View School), owners on property located in the NE ¼ of the NE ¼ of Section 1, T24N, R18W, Town of Trenton, Pierce County, WI.	Adank
6	Public hearing to consider and take action on a request for a conditional use permit for General Retail & Services (hosting weddings and events) in the General Rural Flexible 8 and Light Industrial Districts, pursuant to Pierce County Code Chapter 240-36E by Julie Jacques, agent for Neal Wallace, owner on property located in the SE ¼ of the SE ¼ of Section 35, T27N, R20W, Town of Clifton, Pierce County, WI.	Lund
7	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
8	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 Wisconsin Industrial Sand Company, agent for William McCusker, MOAP LLC, Troll King LLC, WTW Properties, Helen Holst Revocable Living Trust, William F. Holst III and William Holst IV, 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
9	Discuss take action on a request for renewal of a conditional use permit for Heavy Industrial Use for a proposed wash plant in the Industrial District pursuant to Pierce County Code Chapter 240-37E, for Wisconsin Industrial Sand Company, owner on property	Roy

	located on the West 10 acres of the SE ¼ of the NW ¼ of Section 12, T25N, R19W, Town of Diamond Bluff, Pierce County, WI.	
10	Discuss take action on Travel/Training Requests.	Pichotta
11	Future agenda items.	Pichotta
12	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.

(2/23/18)

PIERCE COUNTY WISCONSIN
DEPARTMENT OF LAND MANAGEMENT & RECORDS
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MINUTES - Pierce County Land Management Committee Meeting, February 21, 2018

Present: Jon Aubart, Joe Fetzer, Eric Sanden and Ken Snow

Others: Andy Pichotta, Brad Roy and Shari Hartung

Absent: Jeff Holst

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

Next meeting dates: March 7th & 21st, April 4th & 18th, all in 2018.

Approve Minutes: **Aubart moved to approve the February 7, 2018 Land Management Committee minutes/Sanden seconded. All in favor. Motion Passed.**

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 – Brad Roy: Belle Vinez was here in 2016 to request an expansion to year-round operations. A food and wine plan detailing how food operations are incidental/subordinate to winery operations was approved in 2014. The winery opened to the public in May of 2015. It includes a variety of structures. We, as staff, haven't received any complaints since the status report last year. Staff reached out to Town of Clifton Chairperson, LeRoy Peterson, who indicated that the Town has no concerns about a renewal. The existing conditions are listed #1 through #26 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 help mitigate impacts on public health, safety, the public interest and character of the area. 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 applicant shall obtain necessary licenses from the Town of Clifton.
6. Applicant shall obtain all other necessary permits from state and municipal agencies.
7. The parking lot shall have at least 71 parking spaces. There shall be no on-street parking.
8. Seating capacity for the pavilion and plaza shall not exceed 120.
9. Applicant shall install signs detailing the need for reservations and no parking on the street.
10. Hours of operation shall be 11am to 9pm.
11. 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.

12. No beer or liquor shall be served in the tasting room.
13. Lighting shall comply with the Land Management Department policy.
14. Sound system shall only be within the structures.
15. No audio bird repellent shall be used onsite.
16. Weddings and special events may not exceed established business hours and must be conducted consistent with the other conditions of this permit.
17. This Conditional Use Permit shall expire in 2 years.
18. Applicant understands that any intensification or expansion of the use will require the issuance of a new Conditional Use Permit.
19. Berm shall be established on the east perimeter of the property with adequate vegetative cover.
20. Adequate vegetative cover shall be established to visually screen the parking lot from the road.
21. Applicant shall adhere to the approved Food and Wine Plan and shall ensure that food operations remain incidental/subordinate to winery operations.
22. Sound shall be limited to no more than 80 decibels at the property line.
23. Promoted access route shall be along County Road M.
24. Arrangements shall be made to establish a visual screen along the southern property boundary, if requested.

Staff recommends removing condition #10 because it's no longer necessary and condition #24 because it is redundant. Staff also requesting to modify new condition #17, that this permit would expire in two years but no longer have the one year status report. Chairperson Fetzer asked if this is the status report? Roy stated no this is the renewal. Chairperson Fetzer asked if without complaints, it could be renewed administratively. Roy stated if the committee is comfortable with doing that, we could do that. Pichotta stated that as staff we were thinking it would be appropriate to create the potential for administrative renewal after one more renewal cycle. Chairperson Fetzer noted that we didn't have any problems at the last renewal, did we? Roy stated they were in, in 2016 to request expansion. One neighbor was opposed to it but there were no compliance issues. At the status report last year there had been no compliance issues or complaints. After talking to the Town, I know that they haven't received a complaint within the year. Sanden noted that the last condition has been modified as well. Roy stated yes, the one neighbor directly to the south, there is an opening in the tree line. At one point, the neighbors said they wanted a fence, which the applicants had agreed to put in but then that neighbor changed her mind and didn't want the fence. We wanted to leave it open for that dialog to be able to continue. Chair Fetzer asked Mr. Zimmerman if he wanted to add anything. Josh Zimmerman stated that Brad covered it pretty well. We did open in 2015, the committee approved expanding our hours in 2016, thank you. What the expanded hours means is, we are open year-round now. We do operate the business limited hours in the winter. Our typical hours in the summer are Thursday through Sunday. In the winter we do scale back to Friday evenings, Saturday, Sunday but we close earlier Sunday than we typically would in the summer. Just because we have had so many issues in the past with neighbor complaints and to be fully transparent, law enforcement was called out to our facility twice this past year. The first time was in regards to loud music coming from the winery. When the officers arrived on scene, they actually found out that music was coming from another neighbor's horse barn. Then the other incident was there was concern we were staying open past our 9:00pm hour, which is a Wisconsin State Law for wineries, so officers arrived to our facility at 9:01pm and verified that everyone was out of the building and we had no issues. Again, fully compliant with both of them but just wanted you to be aware that law enforcement was dispatched twice last year. The only CUP requirements that we should just touch on to make sure we are still compliant is our road parking condition. We have never had an incident with customers parking on that road. We have 76 stalls so very rarely do we ever fill those. The only time this has ever happened is we host a charity event every year that gets very busy. So when that does happen, we have spill-over parking in our production parking lot for vendors and different things like that. The last aspect would be the wine sales and having food and retail being subordinate to that. Based on end-of-year numbers that we have reconciled, we are still fully compliant there. Wine sales still dominate with 67% of total sales. Sanden stated he appreciates his candor.

Snow moved to renew the conditional use permit for Belle Vinez Winery, Shannon and Angel Zimmerman with conditions #1 - #24/Sanden seconded. All in favor. Passed.

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

Departmental Update and Future Agenda Items

Public hearing to consider a request for a rezone from General Rural Flexible to Commercial for the Lindgren School in the Town of Trenton.

Public hearing to consider a request for a conditional use permit for multi family dwelling in the former Prairie View School in the Town of Trenton.

Public hearing to consider a request for a conditional use permit for General Retail & Services to host weddings and events in the Town of Clifton.

Discuss take action for renewal of a conditional use permit for County Materials for their facility in the Town of Spring Lake.

Request for renewal of a conditional use permit for Nonmetallic Mining by WISC in the Town of Diamond Bluff/Oak Grove facility.

Discuss take action on renewal of a conditional use permit for Heavy Industrial Use for the proposed wash plant associated with that same mining operation.

Motion to adjourn at 6:11pm by Aubart/Snow seconded. All in favor. Motion passed.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, February 21, 2018 – 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 7 th & 21 st , April 4 th & 18 th , all in 2018.	Chair
3	Approve minutes of the February 7, 2018 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
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A quorum of County Board supervisors may be present.

(2/9/18)

PIERCE COUNTY WISCONSIN
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MINUTES - Pierce County Land Management Committee Meeting, February 7, 2018

Present: Jon Aubart, Joe Fetzer, Jeff Holst, Eric Sanden and Ken Snow

Others: Andy Pichotta, Brad Roy and Shari Hartung

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

Next meeting dates: February 21st, March 7th & 21st, April 4th & 18th, all in 2018.

Approve Minutes: **Snow moved to approve the December 6, 2017 Land Management Committee minutes/Aubart seconded. All in favor with Jeff Holst abstaining because of absence at the last meeting. Motion Passed.**

Discuss take action on a proposed amendment to Pierce County Zoning Code Chapter 240-29 Height Requirements.

Staff Report – Brad Roy: Recently we have been getting more requests for two-story homes and then depending on the lot they would have a walkout out the back. Measuring those to get the 35 foot height limitation: we've had builders and potential home construction people say they are having a hard time meeting that 35 foot height limitation with the way we've always done are averaging. To come up with a way to make those determinations, it's becoming complicated. We were challenged on our previous method of determining structure elevation so now we are looking at the ground elevation. Our GIS person can do that but that takes more time and if he's not in we can't give somebody an answer. One thing we came up with was to grant an exemption for residential structures in the ag districts for a total height of 45feet. That would essentially measure from the lowest exposed point to the highest point which in essence allows a person to build a two-story home and have a walkout basement. Then we wouldn't need to do all the ground elevation averaging. It just simplifies the process. The language we have written down probably will get changed before we hold a public hearing. We're wondering if the committee is OK with the concept. Pichotta stated it would be similar to how we do commercial structures, if you recall. They can go up to a certain height but for every foot they go up, they have to be another foot back from the setback. Sanden asked for argument sake what would happen if that structure that is 35 feet and has been permitted and does have a walkout. It still meets that by measuring up to 45 feet but what if it doesn't account for the one foot setback. Pichotta stated it was already constructed and would be a pre-existing nonconformity. Would it to occur, it was already existing and we missed something. Sanden stated now if you are going to go above, it measures 45 feet from the walkout. That means now it is 10 feet above the setback and now you have to account for 10 more feet of setback. Maybe when it was originally built that wasn't a requirement but like you said it was a nonconforming use. Pichotta stated we are not proposing to do this in the Rural Residential Districts because typically when you have a Rural Residential District the lots are smaller and often times you have an established pattern. So rather than allow somebody to necessarily pop one in that is 10 feet higher than all of the neighboring houses, that is why we are proposing to do it in all the ag districts. Holst asked if that included Ag Residential. Pichotta stated that would be an ag district. Pichotta stated we are looking for guidance if you are comfortable with this we will finalize the language and bring it back for a public hearing. We have a couple different proposals here for your consideration tonight and we would probably bring them all forth at the same time. Chairperson Fetzer asked if the biggest reason it was at 35 feet was for fire. Pichotta stated it was his understanding the ability for folks to

reach that height used to be part of it. Aubart stated that modern equipment has changed that. Holst asked if we need action or just direction. Pichotta stated direction if there is consensus. Committee consensus to move forward.

Discuss take action on a proposed amendment to Pierce County Zoning Code Chapter 240-32A(1) Minor Structures.

Staff Report – Brad Roy: This was something that we have brought to you in the past but never scheduled a public hearing because we have always tried to group them. This would allow structures 100sq feet or less to not require a permit. Everyone's garden shed that they get at Menards, won't require a land use permit so long as they still meet the 10 foot setbacks and setbacks to the road. We get complaints from some people that the cost of the permit is almost as much as the cost of the shed they are putting up. They don't feel a permit is necessary and in a lot of the cases, he would agree with them. Snow asked about the tiny houses that people are starting to move into. Roy stated that is still a residence so it still requires a permit. Pichotta stated unless it's on wheels. Roy stated this would be for non-habitable structures. We're just looking for direction. Committee consensus to schedule a public hearing. Pichotta stated it doesn't have a permanent foundation and could be easily moved, knowing that easily moved is pretty subjective. Chairperson stated yes, skids on the bottom. Pichotta stated that is the thought. Holst stated everybody thinks that you don't need one now if you have skids on the bottom of it. Pichotta stated technically every time that you move it, you should get another permit.

Discuss take action on a proposed code amendment to Pierce County Zoning Code Chapter 240-32D Accessory Structures regarding shipping containers.

Staff Report – Brad Roy: 240-32D requires some personal property to be permitted as an accessory structure, one of those being a shipping container. Others are boats, truck bodies, buses and trailers. We have always thought: I don't know where someone was supposed to put their boat and trailer other than in their yard and it doesn't seem reasonable to require a permit. Also these permits are only good for eight months and then you are left telling someone you can keep it for a while but you have to move it. What we are looking to do is strike boats, truck bodies, buses, railroad cars, trailers from that section and also we would add that shipping containers located in residential districts would need to be permitted as accessory structures but in the ag districts they would just be permitted as a permanent structure. Those are getting to be more common. People aren't buying sheds they are buying shipping containers. We can now permit them permanently. Holst asked if we have any people using them as homes yet. Roy stated we do have one out in the Town of Clifton. He doesn't know if it's been built yet, he thinks it was late last year. Holst stated if you go to other parts of the country they are pretty common. Roy stated it was a unique design, he thinks there were five of them. Hartung stated there were seven, two wide, three long and one upright for the stairs. Roy stated it's out by the Riviera Airport. They said they went to the association and everyone was OK with it. Roy stated we do not enforce covenants. Pichotta stated as part of this too, we're proposing to go from eight months to twelve months for a temporary use. The thought behind allowing them into residential districts is, you see where someone will put one of these in their yard and move all their stuff into it and do some rehab on their house and then move it all back when they are done. Or similar to those pod storage you see on TV. Sanden stated they do have those companies that drop it off and you fill it up and they come and haul it away if you are moving. Does that require a permit? Pichotta stated technically it would. If they did it rather quickly, we probably wouldn't know about it, especially since we aren't out there patrolling. Roy stated he doesn't know what the timing is. Our code allows for something, if it's not there for more than seven days. Chairperson Fetzer stated we could add a week or half month in there but if something is sitting for longer than that, you know. Roy stated our code says seven days. We would be reasonable and we're not going to be out there on the day eight with a ticket. We would talk to them ahead of time. Pichotta stated the reality is that the code calls for a permit to store a boat in your yard. We've never even thought about enforcing that. That's just kind of non-reasonable. Consensus? Chairperson Fetzer stated it looks good.

Discuss take action to authorize staff to apply for and accept a Strategic Initiative Grant available through the Wisconsin Land Information Program (WLIP).

Staff Report – Andy Pichotta: If you recall, when we talked budget last year, he brought up the fact that they hadn't yet announced whether a Strategic Initiative Grant was going to be offered this year and he would bring it back if they did, here we are. The Strategic Initiative Grant is for \$50,000.00 and it's to achieve some of the benchmarks that the program that the State has established. Basically, we are on benchmark number three: completion of county parcel fabric. We were going to utilize dollars out of the Land Records Modernization fund versus the grant to do these same things. They were actually proposed in our budget. But instead of having to tap that fund, we can use these grant dollars to do it. That means that we can retain those fees for use in the future because that's a non-lapsing fund. The projects are listed: ESRI Parcel Fabric, Parcel Updates and Changes just kind of maintenance on the system, Update Software/Hardware in the Register of Deeds Office and also acquire a building footprint to be used on not the aerial photos but basically your political maps (?). If you are comfortable with that he would recommend that the Land Management Committee authorize staff to apply for and accept the available Strategic Initiative Grant Funds. Aubart asked Andy what the updating of the Fidar Software, we just had something on F & P on Monday. Julie was in and they were talking about it. Pichotta stated they wanted to acquire some new microfiche readers. Holst stated he thinks they acted on that earlier. **Aubart moved to authorize staff to apply for and accept a Strategic Initiative Grant through the Wisconsin Land Information Program (WLIP)/Holst seconded. All in favor. Passed.**

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

Departmental Update and Future Agenda Items

Zimmerman winery, Belle Vinez, is up for renewal.

Town of River Falls; assuming they get us the necessary information. They did a rezone that needs to be approved by the LMC.

Pichotta wants to get some guidance from the committee in regards to the Outdoor Recreation Plan. We have been waiting for Mississippi River Regional Planning to give us a final document for a very long time. We finally got it, do you want to see it before we schedule a public hearing or should we just schedule a public hearing. Sanden asked if there was anything controversial. Pichotta stated not at all, it's just a wish list of projects and inclusion in the plan makes them eligible for certain grants. Chairperson Fetzer stated he would like it to go to public hearing right away. Committee consensus.

Motion to adjourn at 6:21pm by Snow/Sanden seconded. All in favor. Motion passed.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, February 7, 2018 – 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 21 st , March 7 th & 21 st , April 4 th & 18 th , all in 2018.	Chair
3	Approve minutes of the December 6, 2017 Land Management Committee meeting.	Chair
4	Discuss take action on a proposed amendment to Pierce County Zoning Code Chapter 240-29 Height Requirements.	Roy
5	Discuss take action on a proposed amendment to Pierce County Zoning Code Chapter 240-32A(1) Minor Structures.	Roy
6	Discuss take action on a proposed code amendment to Pierce County Zoning Code Chapter 240-32(D) Accessory Structures regarding shipping containers.	Roy
7	Discuss take action to authorize staff to apply for and accept a Strategic Initiative Grant available through the Wisconsin Land Information Program (WLIP).	Pichotta
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.

(1/26/18)

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, December 18, 2019

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

Others: Andy Pichotta, Brad Roy, Emily Lund, Adam Adank 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.

Set next meeting dates: January 15th, February 5th & 19th, March 4th & 18th, and continuing with the first and third Wednesdays of each month, all in 2020. Committee consensus to continue with current schedule.

Approve Minutes: **Gulbranson moved to approve the September 4, 2019 Land Management Committee minutes/Sanden seconded. All in favor with Joe Fetzer and Jeff Holst abstaining because of absence at the last meeting. Passed.**

Public hearing to consider and take action on a request for a conditional use permit for a Farm & Home Based Business for a Trucking Company in the General Rural Flexible 8 District, pursuant to Pierce County Code Chapter 240-36D, for Zeverino Investments LLC, David Zeverino, agent for James & Lori Boles, owners on property located in the NW ¼ of the NE ¼ of Section 1, T26N, R20W, Town of Oak Grove, Pierce County, WI. Chairperson Fetzer invited David Zeverino forward. Mr. Zeverino stated we can start with the staff report.

Staff Report – Emily Lund: Mr. Zeverino created DZ Trucking LLC in 2010 and started a dump truck hauling business. He currently owns the five adjoining land parcels located to the south of the land pertaining to this request. If this CUP is approved, Mr. Zeverino intends to purchase the parcel from James & Lori Boles through the recently created Zeverino Investments LLC and move his business to the site. The agent's home is situated on a 140.56 acre parcel and is located in Section 1, Town of Oak Grove. The agent proposes to purchase a 29.25 acre parcel that is located in the NW ¼ of the NE ¼ of Section 1, T26N, R20W, in the Town of Oak Grove. The property is zoned General Rural Flexible 8. Pierce County Code (PCC) §240-36D allows for farm and home based businesses accessory to permitted single-family residences through issuance of a CUP in agricultural zoning districts, subject to the following:

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

Current land use is agricultural. Adjacent land uses are agricultural and residential. Mr. Zeverino is seeking this CUP to allow the construction of a new 80ft x 120ft building. The business is intended to be operated out of 5,000 square feet with the remaining 4,600 square feet of the structure intended for use as personal storage. The business portion includes a shop to repair and maintain six dump trucks, an office for dispatching and business administration, with the remaining area to be used for personal storage of tractors and vehicles. A large parking lot is located around the building where dump trucks will be parked and maintained on the property daily. As you can see on the map, there are two possible project areas. PCC §240-55B states "parking lot landscaping

design shall be done in accordance with minimum landscaping requirements on file at the Zoning Office.” The Land Management Committee’s 2-7-2007 adopted policy requires screening stating, “Vegetation 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.” To comply with this policy, Mr. Zeverino has proposed to construct a berm on the north and west side of the building and parking lot and plant trees on the berm to soften views from neighbors and public view. PCC §240-54G discusses lighting stating, the Land Management Committee’s 2-7-2007 adopted policy also discusses lighting standards for power and orientation of light fixtures stating, “ No exterior light fixture may be placed or oriented 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.” The site will not be open to the public and dump truck hauling is performed off-site. Normal business hours of operation are 6AM to 6PM, Monday thru Friday. The applicant proposes to have seven total employees: six for driving dump trucks and one mechanic. PCC §240-54A requires two off-street and one handicapped parking spaces.

Driveway access is off State Road 29. The owners and agent have contacted Jill Proud and Dan Anderson from Wisconsin DOT. Once the land is in Mr. Zeverino’s name or has an accepted offer to purchase, the WisDOT will proceed with a “rural commercial use access application. The applicants will also need to secure a driveway permit from WisDOT and will need to obtain a Uniform Address Number and sign from the Department of Land Management. Applicants will need to hire a Wisconsin Licensed Master Plumber to obtain a state sanitary permit prior to securing any other permits. The applicants plan to establish one on-site advertising sign with this CUP that will state the company name and telephone number. The sign face area is proposed to be 6ft x 4ft and shall not exceed 24 square feet per PCC. Applicants currently utilize Paul’s Industrial Garage (PIG) for trash pick-up and propose to utilize that service at the new business location. The Oak Grove Town Board recommended approval of this request on 11-18-2019 without identifying any specific conditions or concerns. 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.”

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 a farm and home based business with the following conditions:

1. Activities shall be conducted as presented in the application, including hours of operation.
2. The business shall be conducted by the owner of the dwelling unit.
3. No more than 8 persons, not residing on-site, shall be employed at the site at any given time.
4. The entire business area shall not exceed 5,000 square feet in an accessory structure.
5. There shall be at least two parking spaces delineated, with a minimum of one space for handicapped parking.
6. Applicants shall establish a vegetative screen within 12 months by constructing a berm on the north and west side of the building and parking lot and plant trees on the berm to soften views from neighbors and from public view. (The LMC should consider whether establishing tree size and number is necessary.)
7. No exterior light fixture may be placed or oriented so that the lighting element or associated convex lens is visible from an adjacent lot line or public road right-of-way easement line.
8. The applicants shall secure a driveway permit from WisDOT and shall obtain a Uniform Address Number and sign from the Dept of Land Management.
9. Applicants shall hire a Wisconsin Licensed Master Plumber to obtain a state sanitary permit prior to any other permits.
10. The business/storage building shall maintain a 10ft setback from rear and side lot lines; 110ft setback to the centerline or 77ft from the right-of-way of State Road 29, whichever is greater; and shall not exceed 35ft in height above grade elevation. Applicant shall submit documents demonstrating compliance with all setbacks for each building.

11. Applicants shall work with the Town Building Inspector, All Croix Inspections, to determine whether or not commercial plan review and approval is required from the Dept of Safety & Professional Services.
12. The applicant shall secure a permit from WisDOT for an advertising sign. The advertising sign shall not exceed 24 square feet, comply with the zoning code standards, and signs shall be located outside the state road right-of-way.
13. Applicant shall comply with all relevant local and state ordinances and regulations and secure all necessary permits and licenses (e.g. Department of Safety & Professional Services (DSPA), etc.).
14. This conditional use permit shall be renewed every two years. Permit may be renewed administratively if no compliance issues arise.
15. Applicant understands that expansion or intensification of this use may 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.

Chairperson Fetzer opened the hearing to the public. Ted Bowen, Town of Oak Grove, asked if there would be a noise ordinance in the future, he is concerned about jake braking. Chairperson Fetzer asked Mr. Zeverino if he was going to be trucking in and out of his place. Mr. Zeverino stated the only time they would be trucking in and out would be while building the berm, if they were hauling dirt to build the berm. Otherwise, no, the trucks go out, they work for the day and then they come back. Mr. Bowen stated more or less like a garage. Mr. Zeverino stated yes, they won't be hauling anything in and out except when they are building the berm or constructing the driveway. Our guys won't use the jake brakes empty. That's why they are building on the state highway versus the town road, plus it's safer getting in and out too. Chairperson Fetzer stated if it becomes a problem, either you talk to your neighbor, or bring it to our attention and we will address it. **Chairperson Fetzer closed the public hearing.** Sanden asked about the screening issue. Can we let the applicant put in what he thinks is prudent and if that becomes an issue, either before the two year time limit or before, reassess and have him add to it? Pichotta stated we certainly could. Chairperson Fetzer asked Mr. Zeverino if he has a plan for screening. Mr. Zeverino stated building the berm and then evergreens. Chairperson Fetzer asked size wise? Mr. Zeverino asked whether there is a limit as to how close can he go to the property line? Pichotta stated there is not. Mr. Zeverino asked about the berm, if they are to build it vertically, can they go right up to the property line? Pichotta stated yes. Mr. Zeverino stated it could be 20 feet wide and 8 – 10 feet high and then they would plant evergreen trees, probably two rows, and stagger the trees on the top of the berm, natural grass on the side. Chairperson Fetzer stated it sounds like you have a really good plan already. We've done enough of these before, is there a certain size on the trees? Roy stated 8ft to 10ft has been a typical height. The staggering of the two rows has depended on the species of the trees to figure out how wide is it going to grow to. Mr. Zeverino stated are you talking 8ft maximum or minimum for height? Holst stated when you transplant them; they start at 8ft. Mr. Zeverino stated anything bigger, they usually die, you have to water the heck out of them. Holst suggested to let the applicant choose to seed the size of trees to his choosing and let them grow to where he feels they need to be. Chairperson Fetzer agreed with that because it sounds like he has a good plan already. **Holst moved to approve the conditional use permit for a Farm & Home Based Business for a Trucking Company for Zeverino Trucking LLC, David Zeverino, agent for James & Lori Boles, owners on property located in the NW ¼ of the NE ¼ of Section 1, T26N, R20W, Town of Oak Grove, due to the fact that the proposed use is determined to not 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 - #15/Sanden seconded. All in favor. Passed.**

Discuss take action on a request for Height Exemption for a proposed Wireless Communication Service Facility, pursuant to Pierce County Code Chapter 240-29D, for Verizon Wireless, Brian Kabat, agent for Kurt & Tracy Henn, owners on property located in the NE ¼ of the SE ¼ of Section 25, T25N, R16W, Town of Salem, Pierce County, WI.

Staff Report – Adam Adank: Wireless Communication Service Facilities are permitted with a Land Use Permit. However, Pierce County Code Chapter §240-29 requires towers to comply with the height requirements of other commercial structures. Verizon Wireless is seeking a height exemption pursuant to Pierce County Code

§240-29D to construct a new Wireless Communication Service Facility (WCSF) exceeding 35ft in height in the Town of Salem. The complete project proposal includes erecting a self-support wireless communication tower with a total height of 199ft, constructing an equipment platform, and installing supporting equipment to improve broadband and wireless services in the county. The proposed WCSF is located in the Town of Salem. The property is zoned Primary Agriculture and requires 10ft side and rear yards in this zoning district. Adjacent properties are zoned Agriculture Residential, General Rural, and Primary Agriculture. Adjacent land uses are residential, agricultural, and woodland. Access to the site will be off of County Road CC. The site is currently an agricultural field owned by Kurt & Tracy Henn. The proposed structure is a self-support lattice tower with a height of 190ft. A 9ft lightning rod is to be placed on top of the tower which makes the overall height of the structure 199ft. PCC §240-41C(3)(d) states, “WCSF Support Structures shall comply with the height requirements of §240-29D.” PCC §240-41C(3)(d)[1] states, “If engineering certification reveals that the WCSF support structure, or an existing structure, is designed to collapse within a small area than the requirements of §240-29D the certification fall zone shall be applied to the setback requirements of §240-29D.” Certified fall zone engineering certifications state “*In the unlikely event of total separation, this would result in collapse within a radius equal to 40% of the tower height.*” Therefore the maximum certified fall zone radius is 79.6 feet. PCC §240-29D states, Industrial and commercial structure heights may be granted exemptions by the Land Management Committee, provided that all required setback and yards are increased by not less than one foot for each foot the structure exceeds 35 feet. PCC §240-27C addresses town road setbacks and states, “Except as provided in Subsection E, the required setback for all structures fronting on all town highways shall be 75 feet from the centerline of the road or 42 feet from the edge of the right-of-way, whichever is greater.” PCC §240-27B addresses county highway setbacks and states, “Except as provided in Subsection E, the required setback for all structures fronting on county highways shall be 100 feet from the centerline of the road or 67 feet from the edge of the right-of-way, whichever is greater.” Using the 79.6ft fall zone radius, the structure has a right-of-way setback of 111.6ft from County Road CC and 86.6ft from 230th Ave; side and rear yard setbacks are 54.6ft. In the proposed location, the tower is approximately 124.5ft from the County Road CC right-of-way and 330ft from the 230th Avenue right-of-way. The proposed tower is over 900ft to the nearest side or rear property line. No structures are located within the 79.6ft fall zone of the proposed tower location. Staff will verify appropriate setbacks prior to issuing a Land Use Permit for the structures. PCC §240-88 defines:

FALL ZONE – the area over which a support structure is designed to collapse.

SUPPORT STRUCTURE – an existing or new structure that supports or can support a mobile service facility, including a mobile service support structure, utility pole, water tower, building or other structure.

YARD – A required area on a lot, unoccupied by buildings and open to the sky, extending along a lot line to a specified depth or width.

YARD, REAR – A yard extending along an entire rear lot line from the rear lot line to the depth or width as specified in the yard requirements for the applicable district.

YARD, SIDE – A yard extending along an entire side lot line from the side lot line to the depth or width specified in the yard requirements for the applicable district.

State statutes do not allow a permit for a WCSF to expire. This allows the applicant to receive a Land Use Permit for a WCSF and construct it at any time in the future. In order to monitor possible future changes on neighboring property, prior to the construction of the WCSF, staff is suggesting placing an expiration date on this approval.

Staff Recommendation: Staff recommends the Land Management Committee review the proposed WCSF height exemption and determine if any changes or modifications are necessary. If none, staff recommends the LMC grant approval of the height exemption with the following condition:

1. This approval shall expire in two years if construction of the proposed WCSF has not commenced. In such case, a new height exemption will be needed prior to construction.

Mr. Kabat stated that Adam covered it very well and he stated that his client continues to work hard to improve service for the benefit of residents of the County and they can't do that without the support of the land owners they work with and the support of this committee. They do appreciate the support. Gulbranson asked when do

you have to put a light on, 200ft, is it? Mr. Kabat stated 200ft and above, below if the FAA mandates it. Gulbranson suggested that you are OK on this one. Mr. Kabat stated we are.

Sanden moved to approve the request for Height Exemption for a proposed Wireless Communication Service Facility for Verizon Wireless, Brian Kabat, agent for Kurt & Tracy Henn, with condition #1/Gulbranson seconded. All in favor. Passed.

Discuss take action on a request for Height Exemption for a proposed Wireless Communication Service Facility, pursuant to Pierce County Code Chapter 240-29D, for Verizon Wireless, Brian Kabat, agent for Ellsworth Baseball Association Inc, owners on property located in the NW ¼ of the NW ¼ of Section 2, T24N, R18W, Town of Trenton, Pierce County, WI.

Staff Report – Adam Adank: This structure is 150ft with a 9ft lightning rod, 159ft total height. The fall zone certification on this tower says the fall zone radius is less than half of the structure height. Therefore the maximum certified fall zone radius is 79.5ft. Using the 79.5ft fall zone radius, the structure has a right-of-way radius of 111.5ft from County Rd VV and 121.5ft from US Hwy 63 and 54.5ft from side yards. In the proposed location the tower is over 1,000ft from County Rd VV, 270ft from US Hwy 63, and 71.5ft from the nearest side or rear property lines. The baseball field appears to be approximately 150ft from the proposed tower location. The property is also located in the Red Wing Airport Height Limitation zone. This overlay district sets a maximum structure height of 927ft above sea level on the proposed property. The existing contour elevations on the property range from 710ft – 730ft above sea level with the proposed tower location near the 716ft contour elevation. With a tower height of 159ft, the proposed structure would have an overall elevation height of approximately 875ft above sea level. Everything else is about the same. **Aubart moved to approve the Height Exemption for a proposed Wireless Communication Service Facility for Verizon Wireless, Brian Kabat, agent for Ellsworth Baseball Association, with condition #1/Gulbranson seconded. All in favor. Passed.**

Discuss possible code amendments to Pierce County Code Chapter 225 Vehicles, Disposal of.

Staff Report – Adam Adank: The Pierce County Disposal of Vehicle Ordinance (Chapter 225) was adopted in 1978 and has never been updated or amended from the original text. The ordinance does not allow for any disassembled, dismantled, junked, inoperable, wrecked, or unlicensed vehicles in open view on public or private property. Properties in violation typically try to gain compliance by screening vehicles from public view, removing vehicles from the property, or proving that the vehicles in question are licensed and operable. However, when working with the property owners in violation, the most common questions staff receives are what can I use to screen the vehicles and where does the screening need to be located? Based on the current ordinance language, staff feels that the ordinance is lacking the appropriate amount of context to properly enforce the current code to a standard that will satisfy the intent of the ordinance. Below are a few examples of code amendment concepts staff feels should be discussed:

- Would adding a definition section help clarify instances where the exact meaning of a word is unclear or could be misinterpreted? A few examples of words that need defining are screening, vehicle, public view, junked, etc.
- Should any vehicles be exempt from the ordinance (e.g. vehicles that have collector plates).
- Based on the current code language, it appears the intent of the ordinance is largely focused on aesthetics. Currently all zoning districts are held to the same standard. Should certain zoning districts be allowed to have an established number of disassembled, dismantled, junked, inoperable, wrecked, or unlicensed vehicles in public view (e.g. ag districts vs residential districts)?

Staff Recommendation: Staff recommends the Land Management Committee discuss the proposed concepts, and if necessary, direct staff to draft ordinance amendments for future LMC consideration. Sanden asked if someone is working on their vehicle, is that considered disassembled? Pichotta stated that is a good question, largely, we are complaint driven so we don't necessarily go out and look for issues with cars. If we did go out and look, we would find a lot of them because many rural properties have them. What we are really looking for today, is direction as to whether you want us to look into this and propose some amendments. Pichotta noted that this is not a zoning ordinance. If we want to treat different zoning districts differently, we may actually

have to put it in the zoning code in order to make that happen otherwise it would likely apply to the whole county. What we really need to do is look into what our options are. The ordinance doesn't have a purpose and intent statement, and it doesn't have any definitions. It's kind of difficult to enforce in many cases. Holst asked if we are getting many complaints anymore. Pichotta stated that its actually one of the more common things that we get complaints on. It's usually someone complaining that their neighbor got one more car and now they've got three or four sitting there and they don't like it. Roy stated we get that issue a lot. They are working on it. The problem is when they are working on three or four and this has been going on for years. Another issue we always have in the summer, with demolition derby vehicles; those show up. Those vehicles are never going to get licensed. One issue we have as staff, when does it stop being someone's hobby and when is it become a problem. The code doesn't establish that line so we're left trying to figure it out on our own. Adank stated the ordinance does reference disassembled, dismantled, or parts thereof too. And it references seven days to remove the stuff and that's just not always reasonable. Holst stated apparently you haven't bought any car parts. A lot of times you get tearing stuff apart that you can't even get the part for two or three weeks. Gulbranson likes the part about treating a residential area a little different than maybe out in an ag or rural area. Sanden agreed with one exception and then it becomes a zoning issue and that becomes messy. Pichotta stated we could look at strategies to address that. Aubart stated there aren't a lot of definitions here and vehicle isn't defined. Holst stated it doesn't look like anything is. Aubart stated you could start there. Pichotta stated we almost have to start from scratch and basically have to write an ordinance. The question is do you want us to do that? Aubart said it's kind of interesting; last month at the Law Enforcement Committee, there is a problem, actually Melstrom's was there and Jerry's Towing was there, what they are running into is abandoned vehicles. They get called and then nobody gets paid. The problem is that they aren't worth anything right now. They were talking about that, people walk away from them and what do you do with them. Pichotta asked if there was any conclusion reached. Aubart stated no. Who's going to pay? No, there was no conclusion. It was just brought up as a problem. Pichotta stated it's us and Solid Waste too, because they are already dealing with it in some respects. Holst asked if it's like a fire call, wherever they abandon them, the Township has to pick up the cost. Aubart stated that may be a solution. Gulbranson asked where we are getting most of the complaints in residential areas or rural? Roy stated rural and he would have big reservations about putting this in the zoning ordinance. Roy said then we are going down a property maintenance road and people are going to come in and say what about cutting your lawn, trimming your trees, etc. It's been nice to say we do not have a property maintenance ordinance. Sanden stated that if this is complaint driven, maybe you just need some clear definitions, so when or if the issue arises, you folks have some solid ground. Holst stated it's not a land issue but a solid waste issue and maybe it should be kicked over to Melstrom's court. Sanden stated we did have that one several months ago about the aesthetics, turned out it was a lot of ag implements. He would hate to have anything that would outlaw that. Chairperson Fetzer stated as he was talking to Andy today, he was sitting at his shop and they have stuff, tankers, etc sitting around outside. Sanden stated that is why he thinks having a residential focus rather than an ag district focus may make sense. Pichotta suggested perhaps establishing a minimum lot size. Typically, residential lots are a good bit smaller. Lund asked how did Land Management become responsible for this? Holst stated Solid Waste wasn't enforcing this. When we hired Brad, we hired him as an enforcement guy. You were hired to enforce for multiple agencies. Roy stated to work with multiple agencies. Pichotta stated this ordinance has been in the zoning office since it was enacted in '78 and it hasn't been amended at any point. Holst stated nobody ever enforced it. They would go after a guy if he had 20 cars, there was a little bit of value so they would haul them to the junkyard. They got that one cleaned up then some neighbor would complain about another one. They would have about two a year. Then they got rid of the bigger players and now they are down to complaining about a car or two. Roy stated the lack of a screening definition is the problem. Holst stated if you could say plant two - four foot pine trees on them in four years they are going to be covered up. Adank stated once they are screened the next question is about environmental impacts. Chairperson Fetzer stated fluids draining. Sanden asked what about an incremental approach, start by putting a solid definition. That way when you go up to someone, you can have a bit more authority and say according to our requirements, these are your options. Pichotta stated we could perhaps incorporate distance too, so that cars that are located a long way from public view are treated differently. We could get creative. Sanden stated he likes the minimum

lot size to keep it away from the ag districts. Pichotta asked if that was the direction the committee wanted to give. Should we look for some minimal things that we can do to this to make it easier to give folks guidance, maybe loosens things slightly in ag districts. Sanden stated as long as you don't think it's too little. Chairperson Fetzer stated it would be a step in the right direction. Sanden asked if it was reasonable to put language in that states, upon complaints received? In other words you are not going to go out and proactively manage this. Pichotta stated we do have prosecutorial discretion. Sanden stated it probably doesn't need to be put into writing. Holst stated he thinks some definitions; what a vehicle is, what screening is. Sanden stated what is not a vehicle. Holst stated then you will have some of us ag violators that have piles of old junk tractors and stuff sitting around. Aubart noted that in the one section of the code, removal from private property, he doesn't know if you can go on there and remove it. He thinks that is likely illegal. Chairperson Fetzer stated is it something you can take care of with fines or what? That is really the only way, if they can prove that they are working on it. If something is sitting there for more than a year, it's probably junk. Holst stated you don't have a collector's heart. You buy these things and that's a project. He has about 15 old John Deere tractors and he will start them up on the 4th of July and drive them downtown Diamond Bluff and then they come back. He is going to work on that. Then next year on the 2nd he starts them back up again. Aubart stated just past Melstrom's is an old 40's pickup with a tree growing out the back of it. He thinks it looks cool. He looks at it every time he drives by. But that would be a violation. Roy stated but when you have a neighbor that calls about it then it's a nuisance. Aubart stated he hopes it never moves. Chairperson Fetzer stated that he understands nuisance complaints but he can understand it more in a residential area than out in the country. He stated that if he drives by somewhere and sees a bunch of trucks, he doesn't care. Sanden reiterated his recommendation of starting by out by looking at definitions. Committee consensus to direct staff to propose new definitions in Chapter 225.

Discuss possible code amendments to Pierce County Code Chapter 240 Outdoor Storage.

Staff Report – Brad Roy: Commercial outdoor storage of property (boats, campers, etc) is currently only allowed in the Industrial District due to the definitions Heavy Industry and Light Industry. Staff has received numerous inquiries and regarding the permitting of outdoor storage in the Commercial and Light Industrial Districts as well as part of permitted Mini-Storage facilities, which the code specifically does not allow. The Industrial District is intended for uses with the potential for significant impacts, on and off site. Staff suggests that outdoor storage of property in the Industrial District is not the best use of that district and would like the LMC to consider:

- Should the commercial outdoor storage of property (boats, campers, cars, etc) be permitted in the Light Industrial or Commercial Districts as stand-alone operations?
- Should outdoor storage of property be permitted as part of mini-storage facility?
- Should outdoor storage of property be permitted in the Agricultural districts?

Staff Recommendation: Staff recommends the Land Management Committee discuss the proposed concepts, and if appropriate, direct staff to draft ordinance amendments for future LMC consideration.

This really came up last spring/summer with the flooding of Trenton Island. The campgrounds down there needed to remove all the campers and we were left with a rush of where can they technically go that is permitted. That pushed this. We might be in this situation again. Chairperson Fetzer asked if there is any way to have a temporary permit on something like that? That you know is just going to be a short-term deal. Holst stated unfortunately last summer's short-term deal turned into pretty much all year. Roy stated that temporary uses currently are allowed for less than seven consecutive days and no more than ten days in the year. It's more for your garage sales. Gulbranson asked about the outdoor storage like the new one they just allowed down in Trenton. Are they allowed outdoor storage? Pichotta stated no. Gulbranson stated but the one down the road has outdoor storage. Roy stated yes, that was permitted under the old code. All he knows is that it was allowed for storage and it doesn't say much more than that. We weren't in position to change that. That question was brought up. Gulbranson stated our ordinance in Town says no outdoor storage. When they have those storage units but River Falls, you allow it? Aubart stated yes. Roy stated in our mini-storage code, it explicitly states no outdoor storage. If that is something you are OK with, we could just remove that line from the current code.

Gulbranson stated he isn't in favor of that but a temporary thing, every year we used to pull them up on the island road and then they would move them back. It's been going on for years. Do they ever not get moved back? Where do they usually put them? Roy stated the campgrounds now, they haven't had to move them in many years so this is the first time a lot of them moved off the site. Holst stated quite a bit of stuff got stored at that Red Eye Express. Roy stated that was a violation so we were left with, what do we do, if we start fining them, where are they going to go. That individual actually got bad information from the town board. Gulbranson asked if Trenton was the only spot where this happens. Pichotta stated they are the primary location. Chairperson Fetzer asked if they would like something written up to allow it? Pichotta stated we are asking the committee if you think it's appropriate to allow outdoor storage in places where it's currently not allowed. If so where? Basically, industrial land is intended for the worst types of uses and things that generate vibration, sound, and traffic. Truth be told, outdoor storage typically doesn't generate those things so there is the question of whether that really is the best use of the limited amount of industrial space that we have in the County. Holst stated if this is specific to Trenton Island flooding, then he thinks we need to come up with some sort of a solution for that. He would hate to see this turn into something where we've got people parking stuff all over in ag districts, year round. He does think we should be able to give them some sort of ability to use it for a couple months until the water goes down. Pichotta stated another consideration, not to confuse it all, but under General Retail and Services, which is a permitted use in a Commercial District, is car sales. What's that but outdoor storage of cars that are for sale, or trailers, or RV's for that matter. That is all general retail and services, and in a defacto sort of a way, we already allow it in some respect - but not storage just for the sake of storage. Maybe it's something that should be allowable in Commercial and Light Industrial. If it's in a Commercial District and a permitted use, then we have site plan review so we do have the ability to look at screening. It would take some amendments relating to Light Industrial because right now Light Industrial is basically defined as everything being inside of structures. But we've seen where as part of a commercial use in a Light Industrial District, Fullerton Lumber for example, outside of town, there was an outdoor storage component to that. We kind of allow it in some certain cases when it's part of a use that involves that. Should we allow it as a standalone sort of a thing? Should we look at some tweaks to commercial and light industrial and bring them back for your consideration? Gulbranson asked about the one storage place that allows them in Trenton, if you look at the license plates, probably 90% are Minnesota because Red Wing probably doesn't allow them in their neighborhood so they are dragging them over in Wisconsin and parking them. Holst stated that if it's got a license plate on them there isn't a thing we can do about them. Gulbranson stated no there is not, but we are helping them out. Aubart stated but they are paying for it. Chairperson Fetzer stated the biggest thing is the emergency down in Trenton. Pichotta stated that is what is driving this. That leads us to a discussion about Industrial Districts and what's a good use there. Aubart asked if we have any outdoor storage in the Industrial District. Pichotta stated we had Bill Schroeder, he is zoned Industrial down there, and he did take in some RV's during the flood. Not standalone, not where they permitted it. Holst asked what do we do with PIG where he has his little two, three campers there. We permitted him to have two or three campers there and that's an Industrial zoned area so now all the sudden he changes to I'm going to store campers here. What do we do when we get into that? We are limiting him now to three or whatever the number is. Pichotta stated unless it's a campground, right. He had a multiple CUP or two CUP's. Holst stated he had his PIG Fair or whatever it was. That kind of went out by the wayside. Gulbranson stated so you could also have a potential for this at Hwy 29 & 63, up there. They are advertising storage up there now. Is that outdoor or all indoor? Roy stated they are proposing mini-storage there. We haven't seen an official plan but have had discussions. Pichotta asked if the committee wants staff to look at the temporary thing. Sanden asked if it was too wonky to put in language about under emergency conditions then it's allowable under light industrial. Holst added and maybe ag under emergency conditions. Sanden agreed. Chairperson Fetzer asked if people would have to apply for a permit to allow it. You wouldn't want to wait for it to go to a public hearing. Holst stated we should give staff the ability to issue these permits for up to 90 days or 60 days or whatever you think. Pichotta stated where we are at here is, basically look at language relating to allowing it in the Commercial and Light Industrial Districts but only in an emergency or some sort of a situation that warrants quick action, then staff is authorized to issue a temporary permit. Then maybe have a mechanism that kicks it to the committee if it's over a certain amount of time or it

looks like it's going to be. Let us dig into it and see what we can come up with. Aubart stated you could limit it to 30 days or 60 days and then renew it. If it's a flood, you don't know it could come back up. Holst stated this was the screwiest season on the river ever. Gulbranson stated in '65 it was pretty bad, wasn't it. Holst stated it didn't go on all year. 1965 flooded in the spring and subsided. Other floods happened in July and subsided. This year it stayed high all year. Pichotta stated that if the committee is OK with it, staff will look into some options specifically to deal with flooding issues and try to come up with a mechanism to deal with it, that is probably administrative versus committee driven, so that we are able to deal with it on an administrative level. We will present it to you in a month or two. Committee agreed.

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 Big Dog Daddy is still not up and running. He was going to come back after he had the DNR land purchase dealt with. Roy stated the purchase is final and now he owns the land. The problem was he stopped the prep work on it, because if he couldn't get the land, he would have to move roads and move buildings. When it came for a status report there was nothing really to report until this got done. Now we can do the status report but the problem is that his permit renewal is in March or April. Do you want him coming in twice in three months or do we just do the renewal in March or April and go from there. Chairperson Fetzer stated we will just do the actual renewal. Pichotta stated the other agenda item, likely, is Final Plat for Cory Huppert Plat in the Town of Clifton. There are a couple housekeeping issues that will be brought forth in the next few months. We won't have one on the first Wednesday in January as it is a holiday. So the next meeting will be January 15, 2020 and then we will go back to the 1st and 3rd Wednesdays. At a minimum the final plat will be on the next agenda.

Motion to adjourn at 7:07pm by Gulbranson/Sanden seconded. All in favor. Motion passed.
Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, December 18, 2019 – 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	Set next meeting dates for 2020, proposed January 15 th , February 5 th & 19 th , March 4 th & 18 th , and continue with the first and third Wednesdays of each month, all in 2020.	Chair
3	Approve minutes of the September 4, 2019 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for a conditional use permit for a Farm & Home Based Business for a Trucking Company in the General Rural Flexible 8 District, pursuant to Pierce County Code Chapter 240-36D, for Zeverino Investments LLC, David Zeverino, agent for James & Lori Boles, owners, on property located in the NW ¼ of the NE ¼ of Section 1, T26N, R20W, Town of Oak Grove, Pierce County, WI.	Lund
5	Discuss take action on a request for Height Exemption for a proposed Wireless Communication Service Facility, pursuant to Pierce County Code Chapter 240-29D, for Verizon Wireless, Brian Kabat, agent for Kurt & Tracy Henn, owners on property located in the NE ¼ of the SE ¼ of Section 25, T25N, R16W, Town of Salem, Pierce County, WI.	Adank
6	Discuss take action on a request for Height Exemption for a proposed Wireless Communication Service Facility, pursuant to Pierce County Code Chapter 240-29D, for Verizon Wireless, Brian Kabat, agent for Ellsworth Baseball Association Inc, owners on property located in the NW ¼ of the NW ¼ of Section 2, T24N, R18W, Town of Trenton, Pierce County, WI.	Adank
7	Discuss possible code amendments to Pierce County Code Chapter 225 Vehicles, Disposal of.	Adank
8	Discuss possible code amendments to Pierce County Code Chapter 240 Outdoor Storage.	Roy
9	Discuss take action on Travel/Training Requests.	Pichotta
10	Future agenda items.	Pichotta
11	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.

(12/6/19)

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, September 4, 2019

Present: Jon Aubart, Neil Gulbranson and Eric Sanden

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

Absent: Joe Fetzer and Jeff Holst

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

Next meeting dates: September 18th, October 2nd & 16th, all in 2019.

Approve Minutes: **Sanden moved to approve the August 21, 2019 Land Management Committee minutes/Gulbranson seconded. All in favor. Passed.**

Public hearing to consider and take action on a request for a conditional use permit for an Accessory Residence in the Primary Agriculture District, pursuant to Pierce County Code Chapter 240-40A, for Dale & Sheila Olson, owners on property located in the SE ¼ of the SE ¼ of Section 6, T27N, R17W, Town of Martell, Pierce County, WI. Chairperson Aubart invited Dale & Sheila Olson forward. Mr.

Olson stated they bought their property in 1989 which consisted of an old barn, a pole shed and a mobile home with attached addition. They lived there for two years and then built a new residence in 1991 and got a second address for the mobile home. They rented out that mobile home until 2016 at which time it had deteriorated to the point it really wasn't habitable anymore. They demoed the mobile home and left the addition which is a structure on posts, conventionally framed up with sheetrock and fiberglass insulation and shingle roof. They subsequently purchased a small job site office trailer to replace the mobile home kitchen and bathroom, since the addition had no plumbing or anything in it. Due to the fact that more than a year has lapsed of no residency there, they have to apply for a new permit.

Staff Report – Adam Adank: In December of 1984, a Land Use Permit was issued for the applicant's property to authorize a mobile home. A 12ft x 36ft addition was later added to the mobile home that included a living room and bedroom. At that time the mobile home was considered to be the Primary Residence. In March of 1991, another Land Use Permit was issued to authorize a single family dwelling on the property. Both residences were connected to the same septic system. After the single family dwelling was built, the mobile home was used as a rental unit. In 2017, the applicants decided to remove the mobile home from the property due to its deteriorating condition but the 12ft x 36ft living room/bedroom addition remains on the property. The applicant would now like to move an 8ft x 28ft office trailer onto the property and attach it to the existing living room/bedroom addition. The office trailer would be converted to have a kitchen and bathroom area. The office trailer and existing living room/bedroom addition would have a total square footage of 656 feet. The proposed new accessory residence now requires a conditional use permit given that the previous use has been discontinued for a period of time exceeding 12 consecutive months. The applicants own 14 acres in the Town of Martell. The property is zoned Primary Ag. Pierce County Code (PCC) §240-40A allows accessory residences which are accessory to single-family residences in the Primary Agriculture District with the issuance of a CUP. PCC §240-88 defines Accessory Residence as:

- A. A dwelling unit that is accessory to a nonresidential use on the same lot, is the only dwelling unit on the lot, and provides living quarters for the owner, proprietor, commercial tenant, employee or caretaker of the nonresidential use.

- B. A dwelling unit located in an accessory building located on a residential parcel.
PCC §240-88 defines Accessory Building as, “building, not attached to a principal building by means of a common wall, common roof, or an aboveground roofed passageway, which is:
 - A. Subordinate to and serves a principal structure or a principal use.
 - B. Located on the same lot as the principal structure or use served.
 - C. Customarily incidental to the principal structure or use.

The existing primary residence has three bedrooms and a total floor area of approximately 3200 square feet. The existing conventional septic system was permitted and installed in 1984 and is sized for a three bedroom house. The existing single family dwelling has an address of N8589 690th Street. The mobile home that was removed from the property had an address of N8593 690th Street. The proposed accessory residence would continue to use the N8593 690th Street address. The proposed accessory residence would continue to use the N8593 690th Street address. Other existing structures on the property consist of a 36ft x 54ft pole barn to the north of the accessory residence, a 20ft x 24ft car port, a 34ft x 48ft barn, and a 32ft x 48ft pole shed to the south of the proposed accessory residence. The Martell Town Board recommended approval of this request on 12-11-18 without any concerns or recommended conditions. The Town did not reference its Comprehensive Plan. No renewal of this request will be necessary provided the use is established within 12 months of approval.

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

1. The applicant shall work with the Town Building Inspector, Todd Dolan, to determine whether a permit from the town is needed and to ensure compliance with the Uniform Dwelling Code (UDC) requirements.
2. The applicant shall obtain a sanitary permit for the connection of the accessory residence to the existing septic system or obtain the proper permits to install a new septic system. If connecting to the existing septic system, the applicant shall either expand the existing tank and drainfield or record a per capita flow statement documenting that the septic system sizing is based on number of occupants and not the number of bedrooms.

After talking with Michelle Williams of the Public Health Department, a third condition is proposed:

3. Applicant shall acquire necessary permits (DATCP, Pierce County Public Health, etc) if the accessory residence is to be used as a tourist rooming house for short term rentals.

Chairperson Aubart opened the hearing to the public. No public comment. **Chairperson Aubart closed the public hearing.** Sanden asked, looking at the aerial photo, is he interpreting this correctly that the photo is an old photo showing the original trailer and the red is the new trailer. Pichotta stated yes the structure with the X over it is no longer there. Sanden asked what was that? Mr. Olson stated the trailer, that’s what is getting moved over, it has been moved over. Gulbranson asked if there are any plans to use it as a short-term rental? Mr. Olson stated they’ve talked about it but don’t feel it would be in their best interest. We’re not inclined to be hosts of an Airbnb or something like that. Gulbranson asked if the applicants knew about the third recommendation. Mr. Olson stated not until now but he was aware that there had been discussions about short-term rentals and things like that. We have never had any issues or problems renting it. It’s a desirable location; it has its own yard; there’s a car port that people can park in. They have never tried to get rich off of it or anything like that. It’s been very easily rented.

Gulbranson moved to approve the conditional use permit for an Accessory Residence for Dale & Sheila Olson, due to the fact that the use is determined to not 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 - #3 as amended/Sanden seconded. All in favor. Passed.

Discuss take action on renewal of a conditional use permit for Nonmetallic Mining for BS Construction Inc and Steve Schoeder Properties, on parcels located in the SE ¼ of the SE ¼ of Section 15 and the N ½

of the NE ¼ of Section 22, T26N, R15W, Town of Rock Elm, Pierce County, WI. Roy stated he spoke with the applicant today and they are unable to attend. They have a big project up in Hayward and couldn't make it down. We have talked about the conditions and had no opposition to what we are recommending.

Staff Report – Brad Roy: BS Construction/Steve Schoeder Properties owns a mine which was expanded in 2006. In 2006, the mine operator at that time 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. On September 5, 2012 the LMC modified the condition regarding peak particle velocity from the blasts. The peak particle velocity was raised from .35 to .50. It was stated that the low peak particle velocity makes it more difficult to blast the rock as it gets closer to the Sylla's structure. The higher peak particle velocity will allow the blasters to obtain a higher frequency in the blast and utilize electronic detonators with proper timing to get better results for the operators and the Syllas. The previous operator was instructed to report back to the LMC after the next full-face production blast with the peak particle velocity limit of .50 to determine if any modifications to the permit were necessary. To date there has not been a full-face production blast with a peak particle velocity limit of .50. At the 2017 renewal, Condition #14 was added to allow for continued use of the .35 peak particle velocity without a signature hole and full-face blast requirements. 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. A partial face blast was recently conducted. The blast 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. No other blasts have occurred since then. The mining site has approximately 10 unreclaimed acres. Access to the mine is off of County Road S. Bechel Sand and Gravel has a lease with the owners. Mining activity is sporadic and the operators have expressed a willingness to work with the Syllas. Due to the unplanned peak particle velocity of the last blast, the blaster (Terry Johnson, Quick Supply Co.) recommends that a signature hole be completed prior to any other blasts. He stated this will help the blasting process for the site and produce better results for the mine operators and the surrounding land owners. Besides the issue with the blasting near the residence, the Sylla's have two concerns about well testing and dust control. The well was last checked in 2014 and dust issues come up during certain conditions (strong north winds). Staff was unable to contact the Chair of Rock Elm. Tim Bates, Rock Elm Chairperson, stated no one contacted him and he didn't know anything about it until something was happening and people were at the Town meeting last month quizzing him about the blasting. He got the notification about this meeting so thought he should find out what's going on. Roy continued stating the existing conditions are listed in the staff report #1 - #14.

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: Roy stated we are proposing to change #6 to remove any talk of peak particle velocity and signature hole. We are proposing to remove #13, the old number 13 and changing it now, 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. Signature hole blast shall occur no later than December 31st, 2019.

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 – 6:00pm, property owners within 300 feet and Mr. Huebel shall be notified in advance of Saturday operation hours.
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 (48 hours) of any planned blasting. **Peak particle velocity shall not exceed 0.50 inches per second. A signature hole process will be conducted to minimize vibrations.**

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. Fifty 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. ~~The operator shall come back before the Land Management Committee as soon as possible after the next production blast for a status report and to review conditions.~~
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. Signature hole blast shall occur no later than December 31, 2019.**

Bill Sylla Jr stated he and his brother recently bought his mom & dad's house so he is here to speak as the owner. He is a little concerned as it's written, there is actually no inclusion of the peak particle velocity at all anywhere in the conditions. Anything that talked about it has been stricken. When this was originally handed down to them and the Schoeders, it was contentious but you guys tried to make a choice and it was decided at that point to be 400 feet from the house, 50 feet from the property line and the .35 peak particle velocity. That wasn't great for them, probably not great for the Schoeders either but that was what was given. They really think they should do the signature hole which makes sense because obviously there is some weird stuff about the rock there. Even though they are designing for lower numbers, they are getting numbers that are quadrupling their design factors. They are concerned that there is no peak particle velocity there and they really believe that it would be fair to keep the .35 in there as the standard. The signature hole should happen because he feels it's going to allow them to keep that. They understand it may not be quite as lucrative to blast at a lower peak particle velocity. They can't use as much powder but ultimately that was the deal that was first cut with them. The board had to make a tough choice which neither side was particularly happy that night but that was the deal as it was struck and they just think it would be fair to stick to it. They really believe the peak particle velocity should stay at .35. It's fair, it's what started. They think it would also be good to improve communication and get contacted earlier. He brought this up to Brad about a month ago. If there was a way they could talk to the blaster before the blast is actually designed. Right now they are getting a 48 hour notification and at that point the hole is in the ground and there is really no way to change anything at that point. It's either going to go or not. There was a blast this year. It did exceed not only .35 but .65 and that was a partial face blast designed to be .20. That was surprising to see those numbers. The numbers came in really, really high even though it was designed really low. They had a new pump put in December of 2018. There was a well test done recently by Bechel in compliance with the CUP. Nitrates went from a little over 12.7 parts per million to 17.4. He has to admit he doesn't really understand the geology behind the nitrates in the well but he knows that part of the conditions were to test for nitrates. The nitrates are up almost 50% since the one blast. They would really like to see a signature blast done and really need some type of peak particle velocity of some type and he thinks it's fair to stick to .35. Pichotta stated what the intent was, was that a signature blast would be done, the applicant would come back prior to any production blast and then we would then have a discussion about the peak particle velocity. The intention wasn't to eliminate .35. It was to basically say, you are going to do one blast between now and the time you come back to this committee for consideration. As far as the concern about adequate notice, he suggested bumping notice up from 48 hours to a week. Bill Sylla Jr stated they don't know when the drilling starts. It would be good to talk before the drilling starts. Pichotta suggested that if you knew a week before, that would give you an opportunity to reach out to the gentleman that is designing it and have a discussion. Bill Sylla Jr stated he doesn't know when the drilling starts, is it a two week process, a week process. Roy stated before the last blast, they were drilling the day before. He stated he didn't know if that is typical. Bill Sylla Jr stated he just thinks it would be good to communicate a little better. Pichotta stated the other suggestion he would have on condition #13 to make it clear what our intention was, the 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 prior to any production blast. The signature hole blast shall occur no later than December 31, 2019. That time frame, December 31, 2019 basically what that is, is an effort on our part to bring that to a head to get this addressed so that the conditions can be established, we understand where we are at, and then everybody knows what to expect in the future. That was the goal in establishing the December 31st timeframe for them doing a signature hole. Chairperson Aubart stated so you would anticipate after that signature hole then that would set that. Pichotta stated then they will come back and we will have a discussion about peak particle velocity .50 versus .35. We have a different blaster now. It's his understanding from Brad, he seems to explain things in a manner which is perhaps easier to understand than the prior guy. Sanden stated to satisfy the Sylla's, would there be any situation where a signature hole blast that would argue against the need to define a peak particle velocity? Is that a possibility, should we include that language in condition #13 any modifications to the permit such as determining peak particle velocity as necessary. Pichotta stated he doesn't know that we necessarily need to include that. That is our intent. If we add the little blurb that he suggested, prior to any production blasts, that means between now and the time they come back to see us again that they only have the ability to do one blast and that is the signature hole blast. He doesn't anticipate that the .35 has gone anywhere at all. He thinks that is the base line for our discussions so it wasn't their intention to throw it out. Bill Sylla Jr stated he didn't think it was but let's just say a meteor was to hit us and we were to all pass away untimely tonight. As we walk out of here, this is a public record and if we could just keep something in there about any peak particle velocity at this point. He would just be more comfortable. Roy stated we could add that in whether it's its own condition or in to #13. The issue after leaving the site and talking with the blaster last time, was you can put whatever limit you want on there but without a signature hole blast, there's no saying anyone can design a blast to reach .35. That was his thought. He thought he did everything he could to stay under the limit and it went way over. The only way to be at any limit, .35 or .50 or whatever is to get a signature hole in there so they know what they are dealing with. Sanden asked so it's not likely, unless they do a signature hole and everything comes out so great, that they say, there is no need for a peak particle velocity. Roy stated no, the signature hole will basically give them the guidelines to design the blasts going forward. Bill Sylla Jr stated he thinks they collect a bunch of data at all the surrounding places based upon one shot. Then they figure out how the energy is propagating throughout all the rock nearby and it allows them to do some computer math somewhere and come up with something that meets our limit. He would just really be comfortable if there was a limit in here. Sanden stated that would explain the discrepancy reading between the .64 reading and the .35 reading that the materials near the Sylla's home is different than the other direction and they weren't expecting that and the signature hole would kind of answer that question. Roy stated right away they thought there might have been an issue with the seismograph that was off. We never got results from that, they did send the seismograph in for testing, if it was fine or not. Even with that question, the blaster was still recognizing a signature hole was needed. Sanden stated maybe the material near the home was denser than in all the other directions. He would also like to reduce this gentleman's need for flying back every six months. Pichotta suggested on condition #6, the part that is struck that says peak particle velocity shall not exceed .50 inches per second, not strike that and change the .50 to .35. The reality is that it doesn't really change anything but it does put in there that that is the peak particle velocity and if that gives them a comfort level, why not. Sanden asked if the blaster would be comfortable with that too? They would be able to operate their mine with that? Pichotta stated basically they can't operate their mine until they do a signature shot if you approve this as proposed. Bill Sylla Jr stated it's possible that they will blow the signature hole and it'll come back that they will say the rock is such a manner that it's financially unreasonable to do anything less than .7. There is a chance that once they do this, they will find good data or bad data, we don't know. Gulbranson asked if we are changing the 48 hours on #6 also. Pichotta stated yes, to one week. Bill Sylla Jr stated we can make whatever is reasonable with the blaster. Gulbranson stated you could also call him tonight if you wanted too. Bill Sylla Jr stated sure, that's no problem. Pichotta stated the week will just make sure you have plenty of time. Sanden asked Andy if he was comfortable that putting in the .35 is not going to affect the operation one way or the other. He doesn't completely understand the operation here but if he is comfortable that the .35 wouldn't impede the operation of the mine then he would agree. Pichotta stated it is his sense that .50, while it was

proposed, it was never proven to be a good viable option, and .35, we didn't have issues with that, or fewer issues. Bill Sylla Jr stated when they were designing to try and hit a .35, they would occasionally going through it but if they are designing for a five then we're going to get sevens. Pichotta stated that having it at .35 just puts it back to where it was for most of the time this CUP has been active, at least in the last decade. Pichotta read through all of the changes; #1 will remain the same relating to hours of operation, #2 would remain the same relating to permits from other agencies, #3 Financial assurance, that would still be required, #4 Compliance with NR 135 is required, #5 Blasting needs to be done by a state certified blaster, #6 will be stated as this, "Property owners located within a 1,000 feet shall be given adequate notice (7 days) of any planned blasting. Peak particle velocity shall not exceed .35 inches per second, the last line, A signature hole process will be conducted to minimize vibrations, will be struck. #7 Well tests for nitrates and suspended solids, and dissolved solids shall be conducted for all existing wells within 1,000 feet of the mining operation to establish a baseline. This shall be completed prior to blasting and every two years thereafter. Results shall be provided to the Department of Land Management. #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 will state "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 prior to any additional production blast. Signature hole blast shall occur no later than December 31, 2019." Roy stated his only issue is the date, December 31st. He doesn't know if there will be an issue with that. Bill Sylla Jr stated they are hauling pretty quick right now so whatever they blew down recently is going to be gone shortly. He doesn't know what timeframe the blaster has but he thinks it's going to occur. He doesn't think it's going to be stagnant like it's been the last couple of years. Bill Sylla Sr stated it's long way from sporadic, it's pretty busy. Roy asked if the Bechel's came and talked to him. Sanden asked, the Bechels are aware of this date also? Roy stated we sent them a staff report. Pichotta stated if we want to, no later than December 31, 2019 or later agreed upon date, agreed upon by the owner, operator and neighbors. We could do something like that too if we wanted to leave ourselves the ability to be more flexible. Gulbranson asked if it makes a difference if you blast in the cold winter or different times of the year? Sanden stated he would think so. Bill Sylla Jr stated as long as it happens before the next production blast, we're comfortable. Pichotta stated he recommends that we strike the deadline date then. Bill Sylla Jr stated as long as it happens. **Sanden moved to approve the renewal of the conditional use permit for Nonmetallic Mining for BS Construction/Steve Schoeder Properties with conditions #1 - #13 with modifications as discussed/Gulbranson seconded. All in favor. Passed.**

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 don't have any renewals or applications for the September 18th agenda so the next meeting would likely be in October.

Motion to adjourn at 6:35pm by Sanden/Gulbranson seconded. All in favor. Motion passed.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, September 4, 2019 – 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: September 18 th , October 2 nd & 16 th , all in 2019.	Chair
3	Approve minutes of the August 21, 2019 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for a conditional use permit for an Accessory Residence in the Primary Ag District, pursuant to Pierce County Code Chapter 240-40A, for Dale & Sheila Olson, owners on property located in the SE ¼ of the SE ¼ of Section 6, T27N, R17W, Town of Martell, Pierce County, WI.	Adank
5	Discuss take action on renewal 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
6	Discuss take action on Travel/Training Requests.	Pichotta
7	Future agenda items.	Pichotta
8	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.

(8/23/19)

PIERCE COUNTY WISCONSIN
DEPARTMENT OF LAND MANAGEMENT & RECORDS
PLANNING, ZONING, SURVEYING & GIS
414 W. Main Street P.O. BOX 647
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MINUTES - Pierce County Land Management Committee Meeting, August 21, 2019

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: September 4th & 18th, October 2nd & 16th, all in 2019.

Approve Minutes: **Gulbranson moved to approve the August 7, 2019 Land Management Committee minutes/Aubart seconded. All in favor. Passed with Sanden not voting because of absence at the last meeting.**

Public hearing to discuss and take action on a request for a conditional use permit for Expansion of a Nonconforming Structure in the General Rural District, pursuant to Pierce County Code Chapter 240-67A(2), for Richard & Jeanette Clifford, owners on property located in the NE ¼ of the SE ¼ of Section 20, T25N, R16W, Town of Salem, Pierce County, WI.

Staff Report – Andy Pichotta: This is a request for a CUP for expansion of a nonconforming structure. The applicant's own numerous parcels in the Town of Salem. The 40 acre parcel with their home and attached garage is located along 410th Street. The existing house is a nonconforming structure with the closest portion of the house located 48ft from the center line of 410th Street. In 1982, the applicants received a variance to enable the construction of their 26ft x 30ft attached garage. At that time, a variance was the only mechanism available to expand a nonconforming structure. Further expansion(s) must be consistent with the current code. The applicants are requesting to build a 14ft x 24ft attached 1-car garage on the north side of the existing attached garage. The exterior wall facing 410th Street will start 50ft from the road centerline and end flush with the back of the existing garage. The roof height and the front and back overhang will line up with that of the existing garage, which will result in the front having a 4 foot overhang. The property is zoned General Rural. Adjacent properties are zoned General Rural & Primary Ag. Adjacent land uses are agricultural, residential, and forested. Pierce County Code (PCC) §240-67A(2) states, "Additions to or extensions of nonconforming structures are permitted, provided that they meet the provisions of the chapter or a conditional use permit is granted as provided in §240-76." PCC §240-27C states, "Town highways. required setback for all structures fronting on all town highways shall be 75 feet from the center line of the road 42 feet from the edge of the right-of-way, whichever is greater." The nearest intersection is more than 1,175 feet north of their driveway. The nearest dwelling is located more than 870 feet south of the proposed expansion. The proposed expansion will not result in a building closer to the road or road right-of-way. The Town of Salem recommended approval of this request on 7-31-2019. The Town did not reference its Comprehensive Plan and had no concerns or suggested conditions.

Staff Recommendation: Staff recommends the Land Management Committee consider the above and determine whether the proposed expansion would be contrary to the public interest, or detrimental or injurious to public health, safety or character of the area. If found to be not contrary to the above, staff recommends the LMC approve this conditional use permit with the following conditions:

1. Activities shall be conducted as submitted in the application and as presented to the LMC.

2. The proposed 14ft x 24ft attached 1-car garage shall be located no closer than 48ft from the centerline of 410th St.
3. The applicants shall follow Pierce County Solid Waste Code Ch 201 and Wisconsin Administrative Code NR447 for disposal of used and unusable building materials.
4. The proposed expansion shall be completed within 12 months of CUP approval.
5. Applicant shall contact the Town Building Inspector, All Croix Inspections, to determine if a building permit is required and shall secure any permits determined to be necessary.

Chairperson Fetzer opened the hearing to the public. No public comment. **Chairperson Fetzer closed the hearing to the public.** Chairperson Fetzer asked Mr. Clifford if he would like to add anything. Mr. Clifford stated no, it's basically all been covered.

Holst moved to approve the conditional use permit for Expansion of a Nonconforming Structure for Richard & Jeanette Clifford, due to the fact it is not contrary to the public interest, nor detrimental or injurious to public health, public safety or the character of the surrounding area, with conditions #1 - #5/Gulbranson seconded. All in favor. Passed.

Discuss take action on publication of agendas. Staff Report – Andy Pichotta: As you may be aware, the Pierce County Herald was recently combined with the Red Wing Republican Eagle. The “new” Republican Eagle now serves Goodhue County, MN and Pierce County, WI. The Herald published the Land Management Committee meeting agendas without charge up until the recent merger. Staff has been informed that Pierce County will, moving forward, be charged to publish LMC meeting agendas in the “Public Notices” section. Cost would likely range from between \$25 which would be for a very short agenda or \$75 or a bit more depending upon the length. Some of the legals get to be pretty lengthy, especially some of the sand mines. A short meeting notice (basically stating that the LMC will be meeting as well as when and where) could be placed in the “Government Calendar” section for no charge. Public hearing notices will continue to be submitted and published for a fee, as has been the case for many years and as required for rezones and conditional use permits.

Staff Recommendation: Staff is seeking direction as to whether the publication of LMC agendas in the “new” Republican Eagle, for a fee, is a worthwhile expense, or whether a notice in the “Government Calendar” section would be sufficient for keeping the public informed.

Chairperson Fetzer stated when this switched over, he is hearing a lot of people are going to be cancelling their subscription to the new paper, not cancelling but just won't be renewing. He doesn't see a point in paying money for something that not many people here are reading. Holst stated there was a meeting yesterday with Brad Lawrence, Jason Matthys and himself and they came to the conclusion that, in the long term, they would, for the County as a whole, try to expand the webpage. Put a page on there that specifically addresses agendas and things like that. Upcoming agendas, public meeting notices, etc and post it. In the short term, we will continue to use the paper. We still feel that the Herald, although it's based in Minnesota paper now, probably still has the necessary circulation at this time, but we'll phase away from that over the period of a year. We'll let people know what's happening and probably have to expand our bulletin board area out here. That will meet the letter of the law. County's under 250,000 people don't need an official paper. This department does a good job of notifying adjacent land owners or land owners within a close enough distance that it becomes a big thing and word of mouth is still a good way to get stuff around. Believe me if it's not welcome or wanted people hear about it. Sanden asked how often does staff receive complaints, either formal or informal about “I didn't know this...” is that something common or rare? Pichotta stated he hasn't heard any complaints. Pichotta asked Shari if she did. Hartung stated it's very rare. Gulbranson stated a condensed notice is free? Pichotta stated yes. Holst stated for the time being. Aubart asked Holst, you are saying that's good enough? Holst stated he would believe that it would be. Aubart suggested that then you could call and ask what is going on or go to the website. He would rather spend money on the new website. Pichotta asked if there was a consensus on the decision to discontinue publishing agendas. All committee members agreed.

Discuss take action on Travel/Training Requests. Pichotta stated he has one travel/training request for Kevin Etherton, our GIS guy, to attend the GIS/LIS Convention in St Cloud on October 2nd through the 4th. He will stay at the Best Western. He will use the County car. This is one of those things that we receive a grant for. **Gulbranson moved to approve the travel/training request for Kevin Etherton/Aubart seconded. All in favor. Passed.**

Departmental Update and Future Agenda Items

Pichotta stated we have a public hearing for an Accessory Residence in the Primary Ag District for Dale & Sheila Olson in the Town of Martell.

Potentially, either on the next meeting agenda or the one after, the renewal of the CUP for nonmetallic mining for BS Construction and Steve Schoeder Properties on a mine in the Town of Rock Elm.

Motion to adjourn at 6:17pm by Aubart/Sanden seconded. All in favor. Motion passed.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING REVISED AGENDA
Wednesday, August 21, 2019 – 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: September 4 th & 18 th , October 2 nd & 16 th , all in 2019.	Chair
3	Approve minutes of the August 7, 2019 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 General Rural District, pursuant to Pierce County Code Chapter 240-67A(2), for Richard & Jeanette Clifford, owners on property located in the NE ¼ of the SE ¼ of Section 20, T25N, R16W, Town of Salem, Pierce County, WI.	Lund
5	Discuss take action on publication of agendas.	Pichotta
6	Discuss take action on Travel/Training Requests.	Pichotta
7	Future agenda items.	Pichotta
8	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.

(8/9/19)

- **Revised 8-12-19 @ 8:41am**

PIERCE COUNTY WISCONSIN
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MINUTES - Pierce County Land Management Committee Meeting, August 7, 2019

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

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

Absent: Eric Sanden

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 21st, September 4th & 18th, all in 2019.

Approve Minutes: **Aubart moved to approve the July 17, 2019 Land Management Committee minutes/Gulbranson seconded. All in favor. Passed.**

Public hearing to discuss and take action on a request for a conditional use permit for Expansion of a Nonconforming Structure in the Primary Ag District, pursuant to Pierce County Code Chapter 240-67A(2), for Janna Cowen, owner on property located in the SW ¼ of the SE ¼ of Section 3, T27N, R17W, Town of Martell, Pierce County, WI.

Staff Report – Adam Adank: The applicant’s property is a 4.0 acre lot located on State Road 29. The applicant is requesting to build a 14’ x 16’ bedroom addition and a 6’ x 6’ deck addition off the east side of the existing dwelling. The existing dwelling is a nonconforming structure located approximately 96 feet from the centerline of State Road 29. The Department of Transportation (DOT) right-of-way extends 70 feet from the centerline of State Road 29 making the Pierce County right-of-way structure setback distance 147 feet from the centerline. The proposed addition will not extend any closer to State Road 29 than the existing dwelling. The existing dwelling is a two bedroom house with both bedrooms upstairs. The proposed addition would make the dwelling a three bedroom house. However, the applicant is proposing to remove the closet from one of the upstairs bedrooms and turn that room into an office/storage room. By removing the closet from the existing room the dwelling would still be considered a 2 bedroom house for septic system purposes. The parcel is located in the Town of Martell and is zoned Primary Agriculture. Adjacent land uses surrounding the property are agricultural and residential. The nearest driveway is approximately 190’ to the west of the applicant’s driveway. 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, “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 §240-27A states, The required setback for all structures fronting on state and federal highways shall be 110 feet from the centerline of the road or 77 feet from the edge of the right-of-way, whichever is greater.” The existing well and septic system are each located on the north side of the house and meet the required setbacks from the proposed expansion. SPS 383.25(2)(C)(1) states, A municipality may not issue a building permit to commence construction of any addition or alteration to an existing structure when the proposed construction will modify the design wastewater flow or contaminant load, or both, to an existing POWTS, unless the owner of the property:

- a. Possesses a sanitary permit to either modify the existing POWTS or construct a POWTS to accommodate the modification in wastewater flow or contaminant load, or both, or

- b. Provides documentation to verify that the existing POWTS is sufficient to accommodate the modification in wastewater flow or contaminant load, or both.
- 2. For the purposes of this paragraph, a modification in wastewater flow or contaminant load shall be considered to occur:
 - b. For dwellings, when there is an increase or decrease in the number of bedrooms.

The proposed expansion will not result in a reduced line of sight for vehicles traveling along State Road 29. The Town of Martell recommended approval of this request on 6-11-2019. The Town did not reference its Comprehensive Plan and had no concerns or suggested conditions.

Staff Recommendation: Staff recommends the Land Management Committee consider the above and determine whether the proposed expansion would be contrary to the public interest, or detrimental or injurious to public health, safety or character of the area. If found to be not contrary to the above, staff recommends the LMC approve this conditional use permit with the following conditions:

- 1. Activities shall be conducted as submitted in the application and as presented to the LMC.
- 2. The applicants shall maintain the 96 foot setback from the centerline of State Road 29.
- 3. The overall number of bedrooms in the house shall not exceed 2 bedrooms and the designed wastewater flow of the Private-Onsite Wastewater Treatment System (septic system) shall remain the same. One of the existing upstairs bedrooms shall be converted from a guest bedroom to an open space and the existing closet shall be removed. Staff to verify.
- 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 proposed expansion shall be completed within 12 months of CUP approval.
- 6. Applicant shall contact the Town Building Inspector, All Croix Inspections, to determine if a building permit is required and shall secure any permits determined to be necessary.

Chairperson Fetzer opened the hearing to the public. No public comment. **Chairperson Fetzer closed the public hearing.** Chairperson Fetzer invited Janna Cowen to speak. Ms Cowen stated one of the upstairs bedrooms is sort of a weird hybrid to start with because she has used it as a computer room and an office and a guest bedroom. It will no longer be a guest bedroom and she will move downstairs as she gets older. **Holst moved to approve the conditional use permit for Expansion of a Nonconforming Structure for Janna Cowen, due to the fact it 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 - #6/Gulbranson seconded. All in favor. Passed.**

Discuss take action on a request for renewal of a conditional use permit for a Retreat Center in the General Rural District, pursuant to Pierce County Code Chapter 240-36M, for Steven & Joan Tyvoll, owners, on property located in the NW ¼ of the SE ¼ of Section 10, T27N, R15W, Town of Spring Lake, Pierce County, WI.

Staff Report – Emily Lund: The applicants received an after-the-fact CUP on 8-16-2017 to operate a Retreat Center, “River Apostolic Center,” a non-profit, tax-exempt, Christian Retreat Ministry. On 8-15-2018, they received their first renewal before the LMC. This is their second renewal request and the department has not received any complaints within the past two years. The 30-acre property is located in Section 10, Town of Spring Lake and is zoned General Rural. Pierce County Code (PCC) §240-88 defines Retreat Center as “A facility or facilities used for professional, educational, organizational, or religious meetings, conferences, or seminars and which may provide meals, housing, and recreation for participants, and may include multiple related uses managed as one operation.” The applicants utilize the house and pole shed for 1-2 hour long worship gatherings on Sundays and occasional weeknights. Their home and pole shed are handicap and wheelchair accessible. In the future, they propose to provide a home school co-op. Children (2-5 families) would meet twice a month for fellowship and group learning. The existing conditions are listed in the staff report #1 - #7. The Public Health Department recently contacted our office regarding this operation. Applicants should contact the Pierce County Public Health Department to determine if licenses and/or water testing are required. The Town Building Inspector conducted a final inspection for the structure on 9-5-2018 and no issues

were found. On 8-9-2018, the applicants recorded an affidavit for their septic system to set a “Per Capita Flow” sized based on occupants, flows and loads of their existing septic system. Based on the “Per Capita Flow” affidavit, the maximum retreat center members/guests shall not exceed 50 people. If a gathering exceeds 50 people, the applicants shall have adequate portable outhouses (1 per 50 people) provided. There is no meal program, but an occasional potluck meal is offered. Current attendance is between 8-14 members. Staff has not been provided any information whether the applicants intend to add new members in the future. There are more than 20 off-street parking spaces available, with one space ADA compliant. No advertising signs and no retail activities are planned at this time. Applicants will need to obtain a Land Use Permit prior to sign placement if they choose to have advertising signs in the future. The Spring Lake Town Board recommended approval of this request on 7-11-2017. The Town Chair and Supervisor indicated no issues or complaints were reported within the last year.

Staff Recommendations: Staff recommends the Land Management Committee consider whether the current conditions remain adequate to ensure public health and safety. 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**):

1. Activities shall be conducted as presented in the application unless modified by a condition of this CUP.
2. There shall be at least 20 off-street parking spaces available, with a minimum of one parking space ADA compliant. There shall be no on-street parking.
3. Applicants shall obtain a Land Use Permit prior to construction if they choose to have advertising signs in the future.
4. Based on the “Per Capita Flow” affidavit, the maximum retreat center members/guests shall not exceed 50 people. If a gathering exceeds 50 people, the applicants shall have adequate portable outhouses (1 per 50 people) provided.
5. **Applicant shall contact the Pierce County Public Health Department and shall comply with all relevant local and state ordinances and regulations and secure all necessary permits and licenses (e.g. Dept. of Safety & Professional Services, Department of Public Health – DHS standards, etc).**
6. Applicant understands that expansion or intensification of this use will require modification to this CUP.
7. **The CUP shall be renewed every two years. Renewal may be completed administratively if no complaints or compliance issues arise.**

Chairperson Fetzer asked Ms. Tyvoll if everything is going well out there. Ms Tyvoll stated yes. Chairperson Fetzer asked Town Chairperson Richard Johnson if he had anything to add. Mr. Johnson stated, no, they haven’t had any issues or concerns relating to it. Chairperson Fetzer stated he appreciates that any time something comes up in Spring Lake, you guys are always in here. We appreciate that. Mr. Johnson stated they feel they owe it to the citizens of the Town and to the committee while doing this work.

Holst moved to approve the renewal of the conditional use permit for a Retreat Center for Steven & Joan Tyvoll with conditions #1 - #7/Aubart seconded. All in favor. Passed.

Discuss take action on proposed 2020 Land Management Department budget. Staff Report – Andy Pichotta: Pichotta stated there is a memo as well as the proposed budget sheets. Going through the primary areas of the budget there is a slight increase of 1, 2 & 3 %. Almost in all cases, this is due to increased personnel costs. Pichotta discussed the Land Records Modernization Fund and Grants, stating the Strategic Initiative Grant will again be available for 2020. He reviewed the itemized budget for a total of \$126, 263.16, stating that none of this comes out of the General Fund. Revenues should be slightly the same or maybe a little higher. Looking at Land Records Modernization budget, we are proposing expenditures of \$40,262.00. All of these funds are the retained fees; nothing comes out of the General Fund. The Surveyors budget; the proposed changes are in personnel costs. The County Planner budget; this includes salaries for about half of the office. Salaries are proposed and again most of the changes are within the personnel section. There is a proposed increase under postage. With our three-year maintenance letters, we have to go back further in time so that will be an increase in number that we send out each year. He did offset that to a certain degree, if you recall when we switched to the new style of signs, we needed to get some inventory on hand so he is proposing to reduce

that by \$500.00. GIS, budget relating to Kevin's position. The proposed changes are through the personnel side of things. Most of what he does, we are able to capture through the Land Records Modernization program. Land Information Grant, this takes into account three different grants; Base Budget, Strategic Initiative and a Training/Education Grant. He does anticipate the Strategic Initiative Grant going away in the not-so-distant future. Total proposed expenditure is \$87,000.00. Zoning expenditures, all of the proposed changes are in the personnel side. The budget as a whole, about 96% is personnel and around 4% is operating. The estimated revenue side of things, he is anticipating similar to past years, we increased our fee structure, but are anticipated about the same revenues. Under 2018 Actual, there was an insurance recovery for \$7715.01. We had some hail damage that wasn't all that bad so he chose not to have it fixed. Revenues in the Zoning Dept, Admin suggested he bump it up. Similarly with Sanitary, he bumped it up for 2020, same thing for Land Records Fees. Holst asked how we are doing year-to-date. Pichotta stated we are actually about where we were last year. He stated we either see new houses or we see conditional use permits. It seems to be either one or the other. This year we are seeing more houses and the conditional use permits have less to do with entrepreneurial activity and more expanding nonconforming structures. We've seen a lot of those and will see another at the next meeting. Wisconsin Fund is being discontinued. This is the last year one would be able to apply for that. If you meet certain income parameters, you are able to get a grant to help you pay for a replacement septic system and they have discontinued that so the last year we will see any money coming in will be 2020. **Gulbranson moved to approve the proposed 2020 Land Management Department budget as presented/Aubart seconded.** Chairperson Fetzer added that every year you do a fantastic job on the budget. There isn't really much you can do on the increases and it always stays pretty darn tight. Kudos to you. **All in favor. Passed.**

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

Departmental Update and Future Agenda Items

Pichotta stated we have a public hearing for Expansion of a Nonconforming Structure in the Town of Salem for Richard Clifford.

Motion to adjourn at 6:30pm by Aubart/Holst seconded. All in favor. Motion passed.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, August 7, 2019 – 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 21 st , September 4 th & 18 th , all in 2019.	Chair
3	Approve minutes of the July 17, 2019 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 Primary Agriculture District, pursuant to Pierce County Code Chapter 240-67A(2), for Janna Cowen, owner on property located in the SW ¼ of the SE ¼ of Section 3, T27N, R17W, Town of Martell, Pierce County, WI.	Adank
5	Discuss take action on a request for renewal of a conditional use permit for a Retreat Center in the General Rural District, pursuant to Pierce County Code Chapter 240-36M, for Steven & Joan Tyvoll, owners on property located in the NW ¼ of the SE ¼ of Section 10, T27N, R15W, Town of Spring Lake, Pierce County, WI.	Lund
6	Discuss take action on proposed 2020 Land Management Department budget.	Pichotta
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.

(7/26/19)

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, July 17, 2019

Present: Jon Aubart, Joe Fetzer, Neil Gulbranson, Jeff Holst 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 County Board Room, Ellsworth, Wisconsin.

Next meeting dates: August 7th & 21st, September 4th & 18th, all in 2019.

Approve Minutes: **Sanden moved to approve the July 3, 2019 Land Management Committee**

minutes/Aubart seconded. All in favor with Fetzer and Gulbranson abstaining because of absence at the last meeting. Passed.

Discuss take action on a request to modify conditions 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 Conditional Use Permit (CUP) to establish the “Belle Vinez” winery with incidental food service in August 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. The applicant is requesting to modify condition #11 to allow for two additional hours of operation for special events only, such as corporate events or weddings. 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 welcome 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 of 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). Condition #10 states, Hours of operation shall be 11am to 9pm. Condition #16 states, Weddings and special events may not exceed established business hours and must be conducted consistent with the other conditions of this permit. The Town of Clifton recommended approval of this request on July 2, 2019 with the following comment: The Clifton Town Board approved the CUP modification/expansion of operating hours for special events (2 hours or 12:00am).

Existing conditions #1 through #24 are listed in the staff report.

Staff Recommendations: Staff recommends the Land Management Committee consider whether any other additions or modifications to the established conditions are necessary to help mitigate off site impacts. In no additions or modifications are necessary, staff recommends the LMC modify this permit with the following conditions: (staff is proposing to modify conditions 10 and 16 to address the requested modification and is proposing to remove conditions 19, 20 and 24 due to completion of those items by the applicant)

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 applicant shall obtain necessary licenses from the Town of Clifton.
6. Applicant shall obtain all other necessary permits from state and municipal agencies.
7. The parking lot shall have at least 71 parking spaces. There shall be no on-street parking.
8. Seating capacity for the pavilion and plaza shall not exceed 120.
9. Applicant shall install signs detailing the need for reservations and no parking on the street.
10. Hours of operation shall be 11am to 9pm. **Hours of operation for special events shall be 11am to 11pm with lights out at 12am.**
11. 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.
12. No beer or liquor shall be served in the tasting room.
13. Lighting shall comply with the Land Management Department policy.
14. Sound system shall only be within the structures.
15. No audio bird repellent shall be used onsite.
16. Weddings and special events ~~may not exceed established business hours and~~ must be conducted consistent with the other conditions of this permit.
17. This Conditional Use Permit shall expire in 2 years.
18. Applicant understands that any intensification or expansion of the use will require the issuance of a new Conditional Use Permit.
19. ~~Berm shall be established on the east perimeter of the property with adequate vegetative cover.~~
20. ~~Adequate vegetative cover shall be established to visually screen the parking lot from the road.~~
21. Applicant shall adhere to the approved Food and Wine Plan and shall ensure that food operations remain incidental/subordinate to winery operations.
22. Sound shall be limited to no more than 80 decibels at the property line.
23. Promoted access route shall be along County Road M.
24. ~~Arrangements shall be made to establish a visual screen along the southern property boundary.~~

Chairperson Fetzer invited Shannon Zimmerman forward. Mr. Zimmerman stated Brad hit it very well. The motive behind this really is that we have a lot of different guests who want to host an event; could be corporate, could be wedding and very simply at 9pm no bride is really going to want to do that. They lose out on those sort of things. The Wisconsin State law and the interpretation by the Department of Revenue, earlier this year, has now modified and expanded the hours. So by right and is permissible by law, with the licenses we hold, we could technically be requesting to 2am or 2:30am. Sanden asked if they could give the committee an idea of how many of those special events they are looking at. Mr. Zimmerman stated he would use what his wife is saying are the requests that they have coming in. Probably speculate two a month and part of the motivation there is that they want to accommodate but don't want to be shutting down for their normal guests and customers who are there. He is estimating probably two and on a busy month maybe three. Chairperson Fetzer asked if he is thinking just on Fridays or Saturdays. Mr. Zimmerman stated this would most predominantly be a Friday and a Saturday. All the other conditions exist and you saw the letters from the neighbors, if you haven't or aren't aware, it's a pretty darn good neighborhood these days. Sanden asked if staff has received any complaints on this operation since it's been active for six years now. Roy stated not in the last year and a half or more since the Borgstadts' moved. Sanden stated it sounds like it was isolated. Roy stated yes, it was.

Holst moved to approve the modification of conditions for Belle Vinez Winery a conditionally permitted use, with conditions #1 - #21/Gulbranson seconded. All in favor. Passed.

Discuss take action in a request for potential modification to approved Site Plan for Mini-Storage in the Commercial District, pursuant to Pierce County Code Chapter 240-36K for WD LLC, Jay McGrath, owner of property located in the SW ¼ of the SE ¼ of Section 35, T25N, R18W, Town of Trenton, Pierce County, WI.

Staff Report – Brad Roy: On November 7, 2018 the applicant received Site Plan Approval for Mini-storage in the Commercial District. At the meeting the neighboring land owner (Hager Heights Drive In) presented concerns to the LMC regarding the safety of a stormwater pond near the property line and his customers. He wanted a fence or barrier to help keep people out of the pond. The LMC placed Condition #3 on the approval which states, “Applicant shall work with Department of Land Management staff on a fencing plan.” Initially, staff directed the two property owners to work together to determine what type of fencing would be best. Discussions between the property owners broke down and no agreement was able to be reached. At that time staff informed the applicant that chain-link fence 3-4 feet tall would be needed on the southwest property line which wraps around the north and south sides a short distance. The two landowners recently agreed to a land sale, which is yet to be completed, which would result in the driveway being located entirely on the Hager Heights property and also to remove the easement from the MC Storage property. If the sale were to be completed, the Hager Heights property owner would no longer request a fence. The applicant is now questioning the need for a fence due to the total depth of the pond being three feet and the pond outlet being one foot above the pond bottom. The three conditions are listed in the staff report.

Staff Recommendation: Staff recommends the Land Management Committee determine if any additions or modifications to the previous approval are warranted.

Chairperson Fetzer invited Jay McGrath forward. Mr. McGrath stated we are just excavating the pond. We have it all filled in now. From their parking lot is only three feet down and from the bottom of the pond to the bottom of the outlet is only 12 inches above the bottom of the pond. Last year while all the excavating was going on, the pond was quite a bit deeper. Now all final grading is done. Chairperson Fetzer asked if everything is OK with your neighbor as far as no fencing necessary. Mr. McGrath stated he guessed so. Chairperson Fetzer asked if we need to get that in writing and also is the neighbor here? Chairperson Fetzer asked the Dudens’ if everything was OK with them. Dawn Duden stated yes, with the recent action it definitely looks like the pond is up to grade now. Chairperson Fetzer stated he just wants everything above board so feel free to state your concerns if you have any. Pichotta stated it’s good that the neighbors have an agreement as far as this but really the role of the committee is to look at this from a public health and safety perspective, look at traffic flows, look at landscaping issues. Pichotta noted that there is a couple of photos in your staff report. Although that is not exactly accurate given those were taken some time ago, there is fill in there and not standing water at this point. Mr. McGrath stated from that photo that Brad took the other day, we’ve put about three feet of sand in there now. We just have a little bit of the topsoil to put on top to grow grass. Holst asked if you put sand in there as opposed to riprap rock? Mr. McGrath stated yes, three feet of sand and then we’ve got to do riprap rock on the end of the outlet yet. We’re waiting for that to dry. Holst noted that you’re not completely graded yet. McGrath stated all the sand is in there, they just have to bring in some topsoil. Sanden asked how this situation differs from the other countless stormwater ponds in Pierce County. Because there is a grade there that goes down to it that makes it a special concern? Mr. McGrath stated he thinks it was the depth of the pond last year while we were discussing this. Sanden stated he doesn’t want to set a precedent unless there is some clear distinction of this situation opposed to the average one. Pichotta stated this is almost like a CUP where it’s hard to set a precedent because each situation is unique. You should judge it on its merits and if you are comfortable that there is not an issue. Aubart stated he has spent way too much time on this item. He did some digging in the City of River Falls, there are 225 ponds, some up to a depth of up to eight feet. There is none that have fences and they are all in neighborhoods. We have had no incidences. These are uncommon, that is the way things are built today. Those are on public and private lots. That does not include some of the pervious surfaces and they range from grass wells to ponds that hold water year round and are several acres. To him, it’s not an issue. Gulbranson stated he thinks he asked this question the last time, with this sale, in the future if you decided to fence all your property, would this meet setbacks? It was noted that there are no setbacks for a fence.

Chairperson Fetzer stated he appreciates your input, Jon. The max depth of that can only be 12 inches? Mr. McGrath stated yes.

Sanden moved to approve the modified site plan approval and strike condition #3, no fence needed/Aubart 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 Agricultural Residential District pursuant to Pierce County Code 240-37 for Wisconsin Industrial Sand Company, owner and agent for Wisconsin Frac Sand Inc, John & Marjorie Kralewski Family Partnership, Dean & Mary Holden, Edmund & Dawn Daleiden, William & JoAnn Steele, Jeffrey & Kelly Von Holtum and Schaul's Gas Inc, owners, of property located in the S ½ of the SE ¼ of Section 3 and the N ½ of the NE ¼, the SW ¼ of the NE ¼, the E ½ of the SE ¼ of the NE ¼ and the N ½ of the SE ¼ of Section 10, the W ½ and parts of the SE ¼ of Section 11, the W ½ of the NW ¼, the E ½ of the NE ¼, the N ½ of the SW ¼, the W ¼ of the SW ¼, the SW ¼ of the SW ¼, the SW ¼ of the NE ¼ and parts of the E ½ of the NW ¼, parts of the E ½ of the SE ¼, parts of the NW ¼ of the NE ¼, all in Section 14 and the W ½ of the SW ¼, the NE ¼ of the SW ¼, the W ½ of the SE ¼ of the SW ¼, part of the S ½ of the NW ¼, part of the NE ¼ of the NW ¼, of Section 13, all in T24N, R16W, Town of Maiden Rock, Pierce County, WI.

Staff Report – Adam Adank: The WISC mining operation encompasses approximately 2,077 acres total with approximately 1,587 acres located in the Town of Maiden Rock. Approximately 580 acres have been mined to date. Due to market conditions the mine shut down in April of 2016 but started back up in January of 2017. The mine recently shut down again in May of 2019. Before the shutdown, the mine was operating 24 hours a day, 5 days a week and employed 46 people. The goal is to have 70 employees working 24 hours a day, 7 days a week. Since the shutdown, only four employees are onsite daily to maintain ventilation, make sure everything is stable underground, check pumps, etc. All DNR and other permits are being kept active and all major assets remain onsite to allow the mine to start back up if market conditions change. The mine received its first CUP from the Land Management Committee (LMC) in 2004. In April 2012, a new loadout facility was constructed with a conveyor and railcar loading spout. A fugitive dust plan was developed for the loadout facility. The mine was expanded in 2013 and the LMC approved the location of a new vent shaft in 2014. WISC began using a new wash plant with a water recycling system that reduced the amount of water used in their process. Most of the activity associated with the operation takes place within the Village of Maiden Rock, which houses the processing plant. As far as issues pertain to the request, nothing has really changed since their last renewal. Staff has not received concerns/complaints about this request since the last renewal. Staff contacted the Town of Maiden Rock Chairman regarding this renewal request; the Town did not have any concerns at this time. The existing conditions are listed in the staff report #1 through #17. The applicant is requesting to amend condition #2, as reflected below in the recommended conditions, to only require comprehensive water testing on residential wells during times of active mining. The amendment of condition #2 was presented to the Town of Maiden Rock on 6/19/2019 and the Town had no objection to the proposed change.

Staff Recommendation: Staff recommends that the Land Management Committee determine whether any additions or modifications are necessary, if none, staff recommends the Land Management Committee to renew this CUP with the following conditions (proposed additions are in **bold**):

1. Blasting shall occur up to seven days a week with no time limit constraint unless complaints are received. If complaints are received, previous time restrictions shall be reinstated. (Blasting shall occur no earlier than 5 am up to four times per week, including Saturday.)
2. **When blasting has taken place**, comprehensive water testing will be conducted annually for residential wells located within the boundaries of the mined area. Testing of the wells on properties on which mineral rights are not leased and fall within 1000' of mining activity shall be comprehensively tested, including for suspended solids, nitrates and dissolved solids and chlorides, two times each year. Test results and the base line data tests shall be provided to the Department of Land Management. **If no blasting has taken place within a calendar year, well testing is not required to be conducted that year.**

3. A 100-foot buffer shall be maintained from the active mining to the boundaries of non-leased properties, and where already closer than 100-feet, there shall be no further encroachment. Mining under a leased property shall be a minimum of 100' from any well.
4. Evidence of compliance with applicable state and/or federal regulatory agencies shall be submitted to the Land Management Department.
5. Any intensification of use or change in approved plans will require the issuance of an amended conditional use permit.
6. A map of mining activity and areas of future expansion shall be provided to the Town of Maiden Rock.
7. Applicant agrees that any erosion issues that arise shall be addressed to the satisfaction of the county.
8. A map of the facility and underground tunnels shall be updated annually and submitted to the Land Management Department.
9. This permit shall expire in two years.
10. An annual report demonstrating adherence to approved conditions submitted to the Land Management Department on or before December 31st of each year.
11. The Damage Claim Response Plan, as approved by the Town of Maiden Rock, shall be adhered to.
12. The Town of Maiden Rock's recommendations/comments, from the January 19, 2011 public hearing, shall be adhered to.
 - a) Wisconsin Industrial Sand should be required to establish a historical average for each private water well they are mandated to test. This information should be shared with the owner of the well along with an explanation of what the data means.
 - b) The Commission had concerns about the air from the mines and wanted reassurances that noxious fumes and bad odors would not affect near-by neighbors. Therefore, the Commission recommends that Wisconsin Industrial Sand set up a monitoring system that would test the air from the air shafts before and after blasts are set off in the mine.
 - c) The Planning Commission recommended that no new portals can be built for this site in the Town and that Wisconsin Industrial Sand would not be allowed to build more than 3 air shafts for this permit. If the Sand Company wants to build any additions to this permit they must seek another approval from the Town of Maiden Rock.
13. WISC will be subject to control methods deemed adequate by the LMC for silica emissions if current or future studies suggest a significant public health threat from such emissions.
14. A fugitive dust plan shall be developed for the processing facility and submitted to the Zoning Office.
15. The operator shall provide notice to the County of any orders to cease and desist from MSHA.
16. All polyacrylamide flocculants must be used consistent with WI DNR permit requirements.
17. No ventilation shafts or secondary access portals shall be developed until after such time as the proposed location is reviewed by the Town and approved by the LMC.

Chairperson Fetzer invited WISC forward: Lauren Evans, Sustainable Development Coordinator for the Region and now she has a roll in Environmental Health and Safety. Alyssa Moody, one of the regional folks that is in their environmental department. Aaron Scott is one of their directors as well. Condition #2, just looking for some clarification, the way it is written, We would need to complete a second round of testing in the fall for those properties that are not leased and fall within 1,000 feet of mining activity. Our last blast was on May 2, and the facility is now idle. They completed their spring round of residential well testing on June 2nd. So they have completed sampling since then. Typically they would complete that sampling twice a year for a majority of the residences because of the second part of that condition. So it's about 20 residences that they would have to test again this fall. She was wondering if they would still need to test in the fall or if they would wait until the next calendar year to determine if they would have operated since then. Chairperson Fetzer asked if there have been issues. Ms Evans stated no, in fact the last round of sampling that they did is consistent with all of the previous rounds. Some of these residences they have been testing for ten years or more so they have quite a bit of data. This last round, any concerns that they have been monitoring or addressed, went down, all positive indicators. Sanden asked if there is any possibility for delayed impacts, given the geology there, if you do something in January but it may not show up until September. Ms Evans stated that they have done the

comprehensive testing during a idle period so they do have results of when they were idle back in 2015. Ms Moody stated we were idle April 2016 through January 2017 and we did not suspend sampling during that time. Ms Evans stated so we have those results but we didn't go through them comprehensively to determine the factors but we didn't see any impacts or changes on the other side. Ms Moody stated in general, the results across the board have been fairly consistent. We will see minor fluctuations at different residences but there is nothing that really spiked during that time when we were idle. Holst stated he believes that it's advantageous to the company and to the citizens that are having their wells tested, to have them tested yet this fall. The simple reason is that it builds continuity to the program and it also builds consistency. Holst stated he has been here since this whole process started with these people and he doesn't see the room full of people up in arms any more. It's a small price to pay, go back to corporate and tell them they have to pay it. Ms Moody stated it's not a small price. Holst stated it's a small enough price. Mr. Scott stated it's just a high cost. Chairperson Fetzer stated he could go either way. The blasting had been done. Your blasting had been going pretty much five days a week. Ms Evans stated at the beginning of this year, as activities slowed before we idled, it was not five days a week, two to three at the most. Some weeks we didn't blast. Mr. Scott stated our production fell off until we made the decision to idle the facility. Chairperson Fetzer stated that is just his opinion, but he could go either way on this. He also looks at the community, peace of mind. Aubart asked what their projections or do they have any current projections. Mr. Scott asked for Maiden Rock, right now it's idle. They are optimistic that the market could shift and turn around. Right now, we are seeing this across Wisconsin and Minnesota. We are optimistic that someday we will be back up and running that is why we want to continue on with the permits and making sure that we are doing everything right. He doesn't have a crystal ball for the market conditions, it's tough. Ms Evans stated they have one other item they want to ask about. On condition #12, this is not something that we discussed at the Town Board, they see it as an administrative change. That condition was placed after the January 19, 2011 public hearing with the Town. These were requests from the town, 12a addresses the residential well sampling, and the historical averages have already been established so that part of the condition has been met. Every time they sample they share data with the owners so they are thinking that could be combined with condition #2 which addresses the residential well sampling. 12b they have satisfied that condition already. There was testing that was done on the airshafts before and after blasting for three consecutive years. That data was shared with the Township and also provided in the annual reports to the County. There were no concerns there so we did not have to continue testing. Then 12c is really stated again in condition #17, it says they would not be able to build new portals or more than three airshafts and condition #17 says no ventilation shafts or secondary access portals shall be developed until after such time as the proposed location is reviewed by the Town and approved by the LMC. It's really kind of cleaning up the language here. We just want to make sure we are not going to be held accountable for something that we've already completed or have to do some kind of testing again. Adank stated we did talk about that we're hesitant to recommend taking it out without talking to the Town. Holst stated since it's a condition that they have met, and it doesn't cost them anything to continue to meet it, and they should start blasting during the period that we've OK'd it again, just to cover our posterior with the Town of Maiden Rock, it should remain in effect. It's important and we can address it the next time they come in for renewal if they see fit to talk it over with the Town or if you talk to the Town in the meantime and want to come back in and change the conditions. Sanden stated it seems the committee might be a little split on condition #2 whether or not to have them do it two times each year, so he is pondering a motion of cutting it back to one time each year and see where the committee stands on that. Holst stated that if no blasting takes place within the calendar year, well testing is not required to be conducted that year. Sanden stated if you read further down it says, "Testing of the wells on properties on which mineral rights are not leased and fall within 1,000 feet of mining activity shall be comprehensively tested, including for suspended solids, nitrates and dissolved solids and chlorides, two times each year." Holst stated when you go to the bottom that would take care of that, "If no blasting has taken place within a calendar year, well testing is not required to be conducted that year." So we're talking about one time and if they discontinue blasting, they don't test. Aubart asked if they stay down until this time next year, then are they required to do two tests in 2020. Sanden stated it does say testing two times each year. Aubart stated it doesn't make a lot of sense if we are requiring them to test two times in six months. Gulbranson stated the last blast was May 2nd. Chairperson Fetzer

stated the last test was in June. Sanden stated which came up clean, I think what they are saying is why should they have to test another time if no blasting has occurred. Mr. Scott stated if blasting does come back we would be testing again as stated. Gulbranson asked if you test this fall again, wouldn't that keep things clean in case somebody were to sell their home. A new owner would be hanging out there and this would keep it clean. Sanden stated he thinks that is what Jeff was saying. Holst stated he thinks it's advantageous to the company to continue testing the water under the conditions that they have today for this calendar year. After that the conditions change if they don't blast in a calendar year or if they blast within six months of the calendar year they test it once, something like that. He knows he has seen people come in with tainted water they claim was these guys fault. In reality it wasn't but I think it's a good, cheap, insurance policy to test the water. If you guys want to say you don't have too, you go ahead, but he has been yelled at too many times. Holst stated if you really wanted to see it, you should have seen it when the dredgers were around. Those were interesting samples of water and in the same being said, they wouldn't allow people to test their wells. He thinks it is just a lot cleaner for all parties if it stays in there for the second time this year. Gulbranson stated he tends to agree with Jeff on that, it keeps it clean. **Sanden moved to approve the renewal of the conditional use permit for a Nonmetallic Mining Operation for Wisconsin Industrial Sand Co with conditions #1 through #17, amending condition #2 as presented/Holst 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 pursuant to Pierce County Code Chapter 240-37E, for Muskie Proppant LLC, owner of property located in the South half of Section 7, T25N, R15W, Town of Union, Pierce County, WI.

Staff Report – Adam Adank: This facility was permitted in 2011 and began full operation in 2012. Due to market conditions Muskie shut down operations at the plant in June 2015. The plant restarted operation in January 2017 and was producing washed and dried sand at capacity up until September 2018. In September of 2018 the plant shut down again and has had no work activity at the site since. At the time of the shutdown the facility grounds were treated with a biodegradable material to keep any remaining sand on the ground in place. Grounds are mowed, and the building is inspected to insure there are no issues. Water sampling, testing, etc. continues on site as well. At this time the company is unsure of the future of the plant but would like to renew the permit as there is always a possibility that they could resume operations. Again issues pertaining to this request have not really changed. However, Land Management staff received two complaints regarding track out on Highway 10, since the last CUP renewal. One of these complaints was due to the sweeper being down for a one to two day period where staff was hand sweeping the track out. Since that time they have purchased an extra sweeper attachment to use as a backup. In May 2018 a utility worker position was created with the main responsibility to monitor the driveway, dust control, and sand piles. No complaints have been received since the creation of that position. Staff has contacted the Town of Union Chairman regarding this renewal request; the Town did not have any concerns at this time. It should also be noted, Pierce County Code (PCC) §240-76I discusses termination of Conditional Use Permits and states, "Termination. If an established conditional use is not conducted in conformity with the permit or this chapter, the conditional use permit may be terminated by action of the Land Management Committee. If an established use permitted as a conditional use ceases for a period of more than 12 months, the conditional use permit shall terminate, and all future activity shall require a new conditional use permit." If the applicant wishes to retain "active" status, activities related to processing, even if very minor, will need to be conducted. The existing conditions are listed in the staff report #1 through #13.

Staff Recommendations: Staff recommends the Land Management Committee consider whether any modifications to the existing conditions are necessary. If no changes or additions are necessary, staff recommends that the LMC renew this CUP with the following conditions:

1. 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.
2. Activities shall be conducted as submitted in the application and as presented to the LMC, unless modified by another condition of this CUP.

3. Applicant understands that expansion or intensification for this use will require modification to the conditional use permit.
4. Applicant shall obtain all necessary permits and approvals for any construction and signage for the site.
5. Raw product and load out stockpiles shall be limited to 35 feet in height above grade.
6. No jake brakes shall be used in sensitive areas when approaching the facility along the designated haul route.
7. The Fugitive Dust Plan shall be adhered to.
8. Byproduct shall be utilized in the reclamation of an existing licensed nonmetallic mine or disposed of or stockpiled consistent with Pierce County Solid Waste Code.
9. Any potential new or modified haul route shall be reported to the Land Management Department and road agreements shall be secured from applicable municipalities prior to route use.
10. The facility shall be subject to control methods deemed adequate by the LM C for silica emissions if current or future studies suggest a significant public health threat exists.
11. All polyacrylamide flocculants must be used consistent with WI DNR permit requirements.
12. Any unforeseen dust and/or erosion issues that arise shall be addressed to the satisfaction of the County.
13. The conditional use permit shall expire in 2 years.

Chairperson Fetzer invited Tom Olson forward: Mr. Olson stated it's tough right now. Obviously we would like to keep the CUP in place and if the market does change, we see a chance to get it restarted, we would like to run the facility. Chairperson Fetzer asked Maiden Rock is keeping four people busy down there and you guys are pretty much shut down. Mr. Olson stated they have two other mines and they bring people up to inspect it and mow the lawn and keep up on that maintenance. Holst stated he assumes that they run a conveyor from time to time. Mr. Olson stated no, we do not. Mr. Olson, We bump everything once in a while to make sure motors move and bearings aren't seized up. They do run all the pumps, once a quarter. Sanden stated given that they have to have some active status, even if very minor, would you be able to accomplish that before September. Mr. Olson stated yes. Pichotta stated the activities he described actually fit the bill. Holst stated but it would be a lot clearer if he ran a conveyor. Mr. Olson stated he will run all the conveyors quarterly. **Gulbranson moved to approve the renewal of a conditional use permit for Heavy Industrial Use (Sand Processing Facility) for Muskie Proppant LLC, with conditions #1 through #13/Holst seconded. All in favor. Passed.**

Discuss take action on a request for renewal of a conditional use permit for Expansion of a Nonconforming Structure in the Rural Residential 20 District, pursuant to Pierce County Code Chapter 240-67A(2) 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: On August 1, 2018 the applicant was granted a Conditional Use Permit for expansion of a nonconforming structure located at W9636 295th Ave in the Town of Diamond Bluff. The applicant proposed to construct a 2-3 bedroom dwelling addition off the west side of the existing nonconforming garage. Due to the wet spring and the applicants busy work schedule, he has been unable to get started on the proposed development and is seeking permit renewal. The proposed building plans are the same as those presented in 2018 with a four foot setback from rear property line. 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 5'6" from the rear yard property line. Lot lines have not been verified by a surveyor. 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 zoned Rural Residential 20. 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, “Temporary residence during construction of principal dwelling. 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) A land use permit shall be obtained for the temporary residence.
- (2) A temporary residence, if a manufactured home moved onto a lot, shall comply with all setback requirements of this chapter.
- (3) Such temporary residence shall be connected to an approved wastewater disposal system.
- (4) A permit for a temporary residence shall lapse at such time as the principal dwelling is completed and has been connected to utilities or 12 months from the date of issuance, whichever is earlier.
- (5) The temporary residence shall be removed or destroyed at the time the permit for such temporary residence lapses or converted to a nonresidential use.

A sanitary permit was obtained in 1995 for a 3 Bedroom Private On-Site Wastewater Treatment System (POWTS). The existing well is located under the front part of the existing trailer over 14’ 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 this request on 7-12-2018. The Town did not reference its Comprehensive Plan. The existing conditions are listed in the staff report #1 through #7.

Staff Recommendation: Staff recommends the Land Management Committee determine whether or not the established conditions are adequate to protect the public interest, public health and safety, and character of the area. If no additions or modifications are deemed necessary, staff recommends the LMC renew this conditional use permit 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 four 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 and shall secure any permits determined to be necessary.

Holst moved to approve the request for renewal of the CUP for Expansion of a Nonconforming Structure for Michael Dorricott in the Town of Diamond Bluff with conditions #1 through #7/Gulbranson seconded. All in favor. Passed.

Discuss take action on proposed changes to GIS Specialist position description. Staff Report – Andy Pichotta: Staff is proposing to change the position description associated with GIS Specialist position in the Land Management Department. The proposed change would transfer the duties of the Land Information Officer (LIO) from the Director to the GIS Specialist position. The GIS Specialist position is currently responsible for the development and implementation of the County’s Land Records Modernization Plan and is responsible for planning, budgeting, and monitoring Department expenditures from the Land Records Modernization Fund. The proposed change would formalize the position’s role as the County’s point person for GIS and Land Information related issues. The Land Management Director would continue to be responsible for oversight of the GIS function and Land Records Modernization efforts.

Staff Recommendation: Staff recommends the Land Management Committee review the attached draft position description to determine whether changes or clarification are necessary. If no changes are needed, staff recommends the position description be approved as written.

Pichotta noted that the LIO function isn't mentioned anywhere in my position description nor is it mentioned in the GIS Specialist. He did a little research and found in about half the cases around the State, that position that Kevin has, has those duties. Basically what it would enable him to do is sign off on the reports that he submits to the State of the activities that he has completed. **Aubart moved to approve the proposed changes to GIS Specialist position description/Holst seconded. All infavor. Passed.**

Pichotta stated he is requesting that agenda item #10 be removed as no action is necessary for that item tonight, it is his understanding that administration is coming up with a process for pay for performance and hopefully we will be able to address this through that. Chairperson Fetzer stated agenda item #10 has been stricken.

6:53pm Committee to convene into closed session pursuant to WI §19.85(1)(c) considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility; to-wit; performance evaluation of Land Management Director. Motion to convene into closed session by Aubart/Gulbranson seconded. Roll call vote: Holst – yes, Gulbranson – yes, Aubart – yes, Fetzer – yes, Sanden – yes.

7:27pm Committee to reconvene into open session and take action on closed session item, if required. Holst moved to reconvene into open session/Sanden seconded. Roll call vote: Holst – yes, Gulbranson – yes, Aubart – yes, Fetzer – yes, Sanden – yes. Holst moved to grant a favorable performance evaluation to the Land Management Director /Sanden seconded. All in favor. Passed.

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

Departmental Update and Future Agenda Items

Pichotta stated we have a public hearing for Expansion of a Nonconforming Structure in the Town of Martell for Janna Cowen and also the proposed 2020 Budget.

Motion to adjourn at 7:31pm by Holst/Aubart seconded. All in favor. Motion passed.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, July 17, 2019 – 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 7 th & 21 st , September 4 th & 18 th , all in 2019.	Chair
3	Approve minutes of the July 3, 2019 Land Management Committee meeting.	Chair
4	Discuss take action on a request to modify conditions 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 of 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 potential modification to approved Site Plan for Mini-Storage in the Commercial District, pursuant to Pierce County Code Chapter 240-36K for WD LLC, Jay McGrath, owner of property located in the SW ¼ of the SE ¼ of Section 35, T25N, R18W, Town of Trenton, Pierce County, WI.	Roy
6	Discuss take action on a request for renewal of a conditional use permit for a Nonmetallic Mining Operation in the Agricultural Residential District pursuant to Pierce County Code 240-37 for Wisconsin Industrial Sand Company, owner and agent for Wisconsin Frac Sand Inc, John & Marjorie Kralewski Family Partnership, Dean & Mary Holden, Edmund & Dawn Daleiden, William & JoAnn Steele, Jeffrey & Kelly Von Holtum and Schaul's Gas Inc, owners, of property located in the S ½ of the SE ¼ of Section 3 and the N ½ of the NE ¼, the SW ¼ of the NE ¼, the E ½ of the SE ¼ of the NE ¼ and the N ½ of the SE ¼ of Section 10, the W ½ and parts of the SE ¼ of Section 11, the W ½ of the NW ¼, the E ½ of the NE ¼, the N ½ of the SW ¼, the W ¼ of the SW ¼, the SW ¼ of the SW ¼, the SW ¼ of the NE ¼ and parts of the E ½ of the NW ¼, parts of the E ½ of the SE ¼, parts of the NW ¼ of the NE ¼, all in Section 14 and the W ½ of the SW ¼, the NE ¼ of the SW ¼, the W ½ of the SE ¼ of the SW ¼, part of the S ½ of the NW ¼, part of the NE ¼ of the NW ¼, of Section 13, all in T24N, R16W, Town of Maiden Rock, Pierce County, WI.	Roy
7	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 pursuant to Pierce County Code Chapter 240-37E, for Muskie Proppant LLC, owner of property located in the South half of Section 7, T25N, R15W, Town of Union, Pierce County, WI.	Roy

8	Discuss take action on a request for renewal of a conditional use permit for Expansion of a Nonconforming Structure in the Rural Residential 20 District, pursuant to Pierce County Code Chapter 240-67A(2) 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
9	Discuss take action on proposed changes to GIS Specialist position description.	Pichotta
10	Discuss take action on Office Managers 2019 step increase.	Pichotta
11	Committee to convene into closed session pursuant to WI §19.85(1)(c) considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility; to-wit; performance evaluation of Land Management Director.	Chair
12	Committee to reconvene into open session and take action on closed session item, if required.	Chair
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.

(7/5/19)

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, July 3, 2019

Present: Jeff Holst, Jon Aubart and Eric Sanden

Others: Andy Pichotta, Adam Adank, Emily Lund, 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: July 17th, August 7th & 21st, all in 2019.

Approve Minutes: **Sanden moved to approve the June 5, 2019 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 a Map Amendment (Rezone) from Commercial District to General Rural District for Brent & Tiffany Gregg, owners, on property described as Lot 1, Certified Survey Map (CSM) V12, P100, in the NW ¼ of the SW ¼ of Section 6, T27N, R15W, Town of Spring Lake, Pierce County, WI.

Brent Gregg stated he bought the property a few years ago with intentions on building. There once was a mobile home on site. When it came time to build, they realized it was zoned Commercial. Sanden asked if Mr. Gregg owns the land to the east of said parcel that is also zoned Commercial. Gregg stated no.

Staff Report – Emily Lund: The applicant is proposing to rezone the 2.367 acre property from Commercial to General Rural to enable construction of a residence. Prior to 4-22-2009, the applicants parcel was a part of the adjacent parcel to the east. At that time, a mobile home was on the property as an accessory residence to a commercial use (allowed per 240-40A(1)). After the land was subdivided, the mobile home was no longer accessory to a commercial use and became a preexisting nonconforming use. The applicants have removed the mobile home and the land is currently vacant. The parcel's address is N8714 250th Street in Sec. 6, Town of Spring Lake. Adjacent land uses are agricultural, commercial, residential and mining. The parcel is currently zoned commercial. Adjacent zoning districts are Commercial and General Rural. Purpose and Intent of Zoning Districts states: General Rural is established to maintain and enhance agricultural operations in the county. The district also provides for low-density residential development which is consistent with a generally rural environment and allows for nonresidential uses which require relatively large land areas and/or are compatible with surrounding rural land. Commercial is established to provide for retail shopping and personal service uses to be developed either as a unit or in individual parcels to serve the needs of nearby residential neighborhoods as well as the entire county. The purpose of the district is to provide sufficient space in appropriate locations for certain commercial and other nonresidential uses while affording protection to surrounding properties from excessive noise, traffic, drainage or other nuisance factors. 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 soils are Vlasaty Silt Loam which is Prime Farmland and Whalen Silt Loam which is Farmland of Statewide importance. The Town of Spring Lake recommended approval of this request on 6-11-2019. They stated, "A residence has been on this site for years and the Town of Spring Lake wants to keep this parcel as a residential site." They also referenced Objective 8.4.1 in the Land Use section of their Comprehensive Plan to support the

recommendation that states, “Promote an organized pattern of development that will minimize conflicting land use and provide for controlled development.”

Staff Recommendation: Given that the Spring Lake Town Board has determined that this proposed map amendment (rezone) of 2.367-acres from Commercial to General Rural 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 public hearing. No public comments. **Chairperson Holst closed the public hearing.**

Sanden asked how we would minimize conflicting land use in the future if one would to arise, having a residential right next to commercial. Pichotta stated the establishment of a new commercial use would, at a minimum, require site plan review. This is a historical use that’s being allowed to continue and the Town likely viewed this as not so much minimizing conflicting uses but to provide for controlled development and to allow the site to continue to be used for housing.

Sanden moved to approve the proposed map amendments (rezone) and to forward it to the County Board /Aubart 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 (Deck) in the Agriculture Residential District, pursuant to Pierce County Code Chapter 240-67A(2), for David Lofgren, owner of property described as part of the NW ¼ of the NE ¼ of Section 2, T26N, R15W, Town of Rock Elm, Pierce County, WI.

David Lofgren stated he has been there about 1.5 years and it was his dad’s estate that he purchased. They are in the process of doing some remodeling. This project is on the south side of the house. The deck is not going beyond the house towards the road at all. The reason for the 4 to 6 feet within the 110 foot setback is to make room to go into the doorway that will also be handicapped accessible.

Staff Report – Adam Adank: The applicant’s property is a 102.11 acre parcel located along State Road 72. The existing house is a nonconforming structure with the closest portion of the house located 94’ from the center line of State Road 72. The applicant is requesting to build a 6’ x 36’ deck with a wheel chair accessible entrance ramp off the south side of the existing house. The road right-of-way along this portion of the property angles from 33’ to 45’. The angled right-of-way makes the structure setback somewhere between 110’ and 122’ feet from the centerline of State Road 72. A survey would be needed to make a final setback determination. The proposed deck will start approximately 104’ from the centerline of the road. The wheelchair ramp will start approximately 109’ feet from the centerline of the road. The wheelchair ramp and a 5’ x 5’ deck landing are exempt from road setbacks per Pierce County Code 240-27(G). However, the rest of the deck is subject to the appropriate road setbacks. Staff presented the applicant with an option so that only the exempted 5’ x 5’ deck and ramp is within the setback, which would not require a CUP, but the applicant opted to apply for the CUP. This parcel is located in the Town of Rock Elm and zoned Agriculture Residential. 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 § 240-27(G) states, “The following structures shall be permitted within the required setback of highways, provided that they do not violate any other provisions of this chapter: (7) Structures, such as ramps and landings, lifts or elevator housing, which are designed and intended to comply with the requirements of the Americans with Disabilities Act or fair housing laws to make existing buildings accessible to disabled people and where no feasible alternative locations exist.” Pierce County Code (PCC) § 240-27A states, “State and Federal highways. Except as provided in Subsection E&F, the required setback for all structures fronting on all 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.” Adjacent land uses surrounding the property are agricultural, residential, and commercial. The nearest driveway is located approximately 100’ to the north of the applicant’s driveway. The proposed expansion will not result in a

reduced line of sight for vehicles traveling along State Road 72. The Town of Rock Elm recommended approval of this request on 6-11-2019. The Town did not reference its Comprehensive Plan and had no concerns or suggested conditions.

Staff Recommendation: Staff recommends the Land Management Committee consider the above and determine whether the proposed expansion would be contrary to the public interest, or detrimental or injurious to public health, safety or character of the area. If found to be not contrary to the above, staff recommends that the LMC approve this conditional use permit with the following conditions: 1) Activities shall be conducted as submitted in the application and as presented to the LMC. 2) The proposed deck shall be located no closer than 104' from the centerline of State Road 72. 3) 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. 4) The proposed expansion shall be completed within 12 months of CUP approval.

Chairperson Holst opened the public hearing. No public comments. **Chairperson Holst closed the public hearing.**

Sanden moved to approve the expansion of a nonconforming structure with conditions 1-4/ Aubart seconded. All in favor. Passed.

Discuss take action on Preliminary Plat Approval for Hidden Hills of the Kinni, for Cory & Gena Huppert, owners, by Dan Kugel, agent, on property zoned General Rural Flexible 8, described as the entire NE ¼ all in Section 9, T27N, R19W, Town of Clifton, Pierce County, WI.

Staff Report – Emily Lund: On 1-2-2019, concept plan approval for the 164.9-acres with 33-lots and 2-outlots was granted by the LMC. The applicants are now requesting preliminary plat approval for the first phase, a 60.7-acre, 13-lot, 1-outlot subdivision. The property is located in Sec. 9, Town of Clifton. The Huppert's own 164.9-acres of land zoned GRF-8 that allows for the creation of 33 lots and 2 outlots. This is the first phase which would create 13 buildable lots and 1 outlot. Cedar Corporation reviewed the Storm Water & Erosion Control Plan on behalf of the Land Conservation Department. On 6-20-2019, the Land Conservation Committee recommended approval to the Land Management Committee with the following conditions: 1) Storm water runoff models are completed using Atlas-14 precipitation amounts. Revisions were submitted last Monday and that item still needs to be revisited and revised. 2) Storm water runoff models shall assume pre-development "good hydrologic conditions" for all land covers (consistent with NR 151.24(4)(a), the condition of the 34.5 acres of cropland must be revised in the HydroCAD model, which has been addressed. 3) The preliminary plat must show that no land cover disturbance can occur west of the "drainage easement" as shown in the current storm water modeling. If the development plans are different, the storm water model must be revised to reflect. The Land Conservation Director indicated that an 8' wide gravel walking trail in the woodland areas west of the drainage easement could be established without triggering the need for additional modeling. 4) A copy of the Cedar Corporation memo regarding 'protective areas' in 'cold water communities' be submitted to Land Management Committee for their review. 5) Contractor and owners of 'Hidden Hills of the Kinni' agree provide construction timelines to Pierce County Land Conservation Department. Land Conservation staff will be contacted once construction begins. 6) Storm water and Erosion Control Plan review fees are received by Land Conservation Department. Review fees were paid on 6/20/2019. Pierce County Code § 237-17C.(4) states, "Before preliminary plat may be approved by the Land Management Committee, it shall be referred to the Land Conservation Department and Committee for review of its erosion control plan, upon whose written comments the Committee shall condition and accept or, where insufficient, reject a preliminary plat as submitted." Drainage easements are delineated between Lots 3-4 and Lots 5-9. Storm water retention ponds are located between Lots 3-4, Lots 7-9, and Lot 9-Outlot 1. This project's construction site activities are regulated by the WI DNR per chapters NR 151 and 216, Wis. Admin. Code, and Ch. NR 283, Wis. Stats. A Wisconsin Pollutant Discharge Elimination System (WPDES) Permit and Notice of Intent (NOI) were submitted to the WI DNR on 4-10-2019. WPDES Permit No. WI-S067831-05 was conditionally approved on 6-3-2019 and expires 3 years from the permit issuance date. The WI Dept. of Administration – Plat Review does not object to this preliminary plat and certifies it as complying with requirements of Sec. 236.16 and Sec. 236.20, Wis. Statutes as stated in their letter dated 4-24-2019. They had two comments: 1) Reference maps

indicate a watercourse crossing the west part of the subdivision. If such watercourse exists, it must be shown and identified on the final plat. If the watercourse is a perennial navigable stream, then provisions of s. 236.16(3) and s. 236.20(c) apply. 2) Streets within the subdivision must be clearly marked “dedicated to the public” on the final plat. The estimated cost of installing erosion control measures was \$18,500. An irrevocable letter of credit in the amount of 200% (or \$37,000) of the estimated cost of installing and maintaining erosion control measures was submitted on 6-5-2019. The irrevocable letter of credit is currently being re-reviewed by the County Corporation Counsel’s office after a number of requested changes were made. The document will need to be approved by the Pierce County Corporation Counsel and shall be renewed if the erosion control measures are not completed within the initial timeframe. Proposed lots meet the slope and frontage requirements. Preliminary soil borings which demonstrate the suitability of each lot for a private on-site wastewater treatment system were conducted and evaluated by Mary Jo Huppert. Draft covenants were submitted and staff review will be completed before final plat approval. Pierce County plat review fees were paid on 6-14-2019. Per §237-17B(3), staff reviewed the site to determine if the property was subject to any hazards to life, health, or property; no such hazards were found. Traffic control signs and uniform road numbering signs shall be installed at the intersections of 825th Avenue & 1090th Street and 823rd Avenue & 1100th Street. All proposed parcels meet the 3-acre minimum lot size for the Town of Clifton. The Clifton Town Board approved (Phase 1) the preliminary plat of “Hidden Hills of the Kinni” showing a new Town Road access onto the existing 1090th Street with the condition “new roads to be built to Town Road Standards and roads must have (4) houses per ½ mile” before being taken over by the Town of Clifton. The submitted road plans have been revised and there were two comments that the town engineer made for revisions. A Developer’s Agreement between the developer and the Town of Clifton was signed and submitted.

Staff Recommendation: Staff recommends the Land Management Committee approve this request for preliminary plat approval with the following conditions: 1) Conditions of preliminary plat approval shall be met prior to construction and installation of roads and erosion control measures. 2) Roads shall be built to Town of Clifton Town Road Standards prior to final plat approval. Town road construction shall be coordinated with Town of Clifton’s engineer. 3) All required DNR permits (i.e. WPDES & NOI permit) shall be secured and all conditions met. 4) All required DOA-Plat Review conditions shall be met. 5) All conditions recommended by the Pierce County Land Conservation Department and Committee shall be met (1-6). 6) 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. 7) 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. 8) Applicant agrees that any unforeseen erosion issues that arise during construction will be addressed to the satisfaction of the county. 9) The irrevocable letter of credit in the amount of 200% (or \$37,000) of the estimated cost of installing and maintaining erosion control measures that was submitted shall be reviewed and approved by Corporation Counsel. The letter of credit shall be renewed if the erosion control measures are not completed prior to the expiration of the letter of credit. 10) Traffic control signage and uniform road numbering signs shall be installed at the intersections of 825th Avenue & 1090th Street and 823rd Avenue & 1100th Street prior to final plat approval. 11) Finalized covenants shall be reviewed and approved by Corporation Counsel prior to final plat approval. 12) Applicant shall obtain all necessary sign permits (i.e. temporary new development signs; on-site construction signs; on-premises residential neighborhood signs).

Sanden asked for clarification on Cedar Corps. recommendations, are they implying they make some kind of an official designation of Outlot 1 to be not developable. In their letter, site plan #1 it states, “However the plat shows no formal building restrictions and labels on Outlot 1 as intended for a walking trail.” It states in NR 115 they require a 75’ protective area from the top of the channel starting at the top of the 12% slope. Then the paragraph after that does talk about how the DNR has some jurisdiction, however, there is also some

requirements of recommending something by us. Pichotta stated an Outlot by definition is not buildable. So there can't be any construction on it. It would need to be converted and it wouldn't be eligible for a variety of reasons to be converted to a building site. Sanden clarified that at a future date they couldn't change it to a buildable site. It will always, in perpetuity, be unbuildable. Pichotta stated in Land Conservations recommendations it states, "no land cover disturbance can appear west of the drainage easement." It was his assessment that that basically covers it, given we actually don't have the option to override Land Conservations recommendations. We have the option to either condition approval or we reject as insufficient. So if the LMC didn't like what Land Conservation recommended, it would need to be kicked back over to them. Sanden stated it would be redundant and perhaps over-stepping our authority to put that in as a condition. Pichotta stated that the committees review is essentially to look at whether it conforms to the tenants of the subdivision code and if it does conform, they are eligible for approval. Sanden asked if at the next step we take a closer look at the site design. Pichotta stated no, this is that. In the past the committee used to have to look at proposed storm water and erosion measures to determine adequacy. About half way through the boom of the early 2000's is when Land Conservation became involved. At that time there was discussion about the potential creation of a storm water ordinance and the current checklist was created. So our role lessened a little bit part way through the first building boom. Land Conservation typically works with a consultant so they didn't have to do as much of the ground work themselves. Lund stated we are kind of like the facilitators in this respect in making sure it meets the requirements of the preliminary plat section of Chapter 237.

Sanden moved to approve the proposed preliminary plat approval with conditions 1-12/ Aubart seconded. All in favor. Passed.

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

Departmental Update and Future Agenda Items. Request to modify conditions for Belle Vinez Winery. Potential modification for the site plan that was approved for mini storage in the commercial district for Jay McGrath in the Town of Trenton. Request for renewal of CUP for non-metallic mining operation of WISC in the Town of Maiden Rock. Request for renewal of CUP for heavy industrial use, sand processing facility, for Muskie Proppant in the Town of Union. Proposed changes to the GIS Specialist position description and the Office Managers 2019 step increase. Director's performance evaluation.

Motion to adjourn at 6:33pm by Sanden/Aubart seconded. All in favor. Motion passed.

Respectfully submitted by T. Albrightson

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, July 3, 2019 – 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 17 th , August 7 th & 21 st , all in 2019.	Chair
3	Approve minutes of the June 5, 2019 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for a Map Amendment (Rezone) from Commercial District to General Rural District for Brent & Tiffany Gregg, owners, on property described as Lot 1, Certified Survey Map (CSM) V12, P100, in the NW ¼ of the SW ¼ of Section 6, T27N, R15W, Town of Spring Lake, Pierce County, WI.	Lund
5	Public hearing to consider and take action on a request for a conditional use permit for Expansion of a Nonconforming Structure (Deck) in the Agriculture Residential District, pursuant to Pierce County Code Chapter 240-67A(2), for David Lofgren, owner on property described as part of the NW ¼ of the NE ¼ of Section 2, T26N, R15W, Town of Rock Elm, Pierce County, WI.	Adank
6	Discuss take action on Preliminary Plat Approval for Hidden Hills of the Kinni, for Cory & Gena Huppert, owners, by Dan Kugel, agent, on property zoned General Rural Flexible 8, described as the entire NE ¼ all in Section 9, T27N, R19W, Town of Clifton, Pierce County, WI.	Lund
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.

(6/21/19)

PIERCE COUNTY WISCONSIN
DEPARTMENT OF LAND MANAGEMENT & RECORDS
PLANNING, ZONING, SURVEYING & GIS
414 W. Main Street P.O. BOX 647
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MINUTES - Pierce County Land Management Committee Meeting, June 5, 2019

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

Others: Andy Pichotta, Adam Adank 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: June 19th, July 3rd & 17th, all in 2019.

Approve Minutes: **Gulbranson moved to approve the May 15, 2019 Land Management Committee minutes/Holst seconded. All in favor with Aubart and Fetzer abstaining because of absence at the last meeting. Passed.**

Public hearing to consider and take action on a request for a conditional use permit for Expansion of a Nonconforming Structure (Garage) in the Primary Ag District, pursuant to Pierce County Code Chapter 240-67A(2), for Matthew Matzek, owner, on property described as Lot 1, Certified Survey Map (CSM) V14, P40, in the SW ¼ of the SW ¼ of Section 29, T27N, R17W, Town of Martell, Pierce County, WI>
Staff Report – Adam Adank: The applicant’s lot is located at the intersection of 690th Ave and County Road J. Lot access is from County Road J. The applicants are requesting to tear down their existing detached garage and build a new garage in the existing footprint. The existing garage is a nonconforming structure located 91’7” from the center line of County Road J. The applicants are also proposing to add additional square footage to the structure by constructing a second story on the new garage. The additional square footage constitutes an expansion and triggered the need for a Conditional Use Permit (CUP). The applicants propose to rebuild the new garage on the existing garage foundation. The existing foundation has walls that extend approximately 12” above grade allowing the applicant to remove all other parts of the detached garage. The total height of the proposed structure will be 26 feet tall. The parcel is located in the Town of Martell and is zoned Primary Agriculture. 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 §240-27B states, “County highways. Except as provided in Subsection E, the required setback for all structures fronting on all county highways shall be 100 feet from the center line of the road or 67 feet from the edge of the right-of-way, whichever is greater.” The existing well and septic system are each located on the north side of the house and meet the required setbacks from the proposed expansion. Adjacent land uses surrounding the property are agricultural and residential. The nearest driveway is approximately 230’ to the south of the applicant’s driveway. The proposed expansion will not result in a reduced line of sight for vehicles traveling along 690th Avenue or County Road J. The Town of Martell recommended approval of this request on 5-14-2019. The Town did not reference its Comprehensive Plan and had no concerns or suggested conditions.
Staff Recommendations: Staff recommends the Land Management Committee consider the above and determine whether the proposed expansion would be contrary to the public interest, or detrimental or injurious to public health, safety or character of the area. If found to be not contrary to the above, and no modifications to the site layout are necessary to achieve efficient traffic flow and circulation, or to mitigate off site impacts, staff

recommends that the LMC approve this conditional use permit and the proposed site plan with the following conditions:

1. Activities shall be conducted as submitted in the application and as presented to the LMC.
2. The applicants shall maintain the 91'7" setback from the centerline of County Road J.
3. 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.
4. The proposed expansion shall be completed within 12 months of CUP approval.

Chairperson Fetzer opened the hearing to the public. No public comment. **Chairperson Fetzer closed the public hearing.** Chairperson Fetzer asked Mr. Matzek if he would like to add anything. Mr. Matzek stated no, he didn't feel there was anything more to add. Holst stated this seems pretty straight forward.

Holst moved to approve the conditional use permit for Expansion of a Nonconforming Structure for Matthew Matzek, due to the fact this is not found to be contrary to the public interest, nor detrimental or injurious to public health, safety or the character of the area, with conditions #1 - #4/Sanden seconded.

Aubart asked if he would have to renew this. Pichotta stated no, as long as it's established within 12 months. **All in favor. Passed.**

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

Departmental Update and Future Agenda Items

Pichotta stated we don't have anything for the June 19th agenda. Next meeting will be July 3rd. Gulbranson and Fetzer stated that they would likely be absent from the July 3rd meeting.

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

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, June 5, 2019 – 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: June 19 th , July 3 rd & 17 th , all in 2019.	Chair
3	Approve minutes of the May 15, 2019 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 (Garage) in the Primary Agriculture District, pursuant to Pierce County Code Chapter 240-67A(2), for Matthew Matzek, owner, on property described as Lot 1, Certified Survey Map (CSM) V14, P40, in the SW ¼ of the SW ¼ of Section 29, T27N, R17W, Town of Martell, Pierce County, WI.	Adank
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.

(5/24/19)

PIERCE COUNTY WISCONSIN
DEPARTMENT OF LAND MANAGEMENT & RECORDS
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MINUTES - Pierce County Land Management Committee Meeting, May 15, 2019

Present: Jeff Holst, Neil Gulbranson, and Eric Sanden

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

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: June 5th & 19th and July 3rd & 17th all in 2019.

Approve Minutes: **Sanden moved to approve the May 1, 2019 Land Management Committee minutes/Gulbranson seconded. All in favor. Passed.**

Public Hearing to consider and take action on a request for a conditional use permit for a Utility Facility >1,000 square feet in the General Rural Flexible 8 District, pursuant to Pierce County Code Chapter 240-41E, for Dairyland Power Cooperative, owner, by Garret Seebandt, agent, on property located in the NE ¼ of the NE ¼ of Section 7, T26N, R19W, Town of Oak Grove, Pierce County, WI.

Garret stated they need to expand on the substation. They are going to be purchasing .6 acres to the south to add a driveway. The current driveway is narrow, unsafe and difficult to access the substation.

Staff Report-Emily Lund: The applicant is requesting to expand an electrical substation which was originally permitted on September 12, 1977. Due to population growth in the Prescott area, the power load continues to increase. The expansion is not only necessary for reliable electrical service, but also for safer working conditions. The expansion will remain within the existing 1.15 acre parcel. The applicants propose to purchase a separate parcel (±0.5 acre) adjoining south of the existing parcel for intermittent parking and to add an additional driveway. This property is located in Section 7, Town of Oak Grove. This and the surrounding property are zoned General Rural Flexible 8. The property is bordered by agricultural and institutional uses. PCC Ch. 240, Attachment 1, Table of Uses lists Utility Facilities (>1,000 sq.ft.) as being allowed in General Rural Flexible Zoning Districts with an approved Conditional Use Permit. PCC Section 240-41(E) states Utility Facilities are subject to the following: 1) No land use permit shall be required for any installation that is at or below grade elevation nor for electrical distribution poles, towers and wires. 2) Those structures which are four feet or less above grade elevation need not meet setback requirements nor need they be placed on conforming lots. 3) 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. 4) Utility facilities where the land area bounded by the location of such structure or equipment is less than 1,000 square feet shall be exempt from the permit requirements of this chapter and shall not require a land use permit. 5) Utility facilities in the Exclusive Agriculture District shall be consistent with agriculture use per 91.01(10)Wis. Stats. Applicant has an existing 75'x77' secured area and the expansion is an additional 31'x77' (overall 106'x77'). Within the new secured area, they propose to install fence, have a future feeder circuit, move an existing feeder circuit, and add an 8'x12' control building. The security fence is required to be 10 ft high and located within the property lines and out of the 1170th Street right-of-way. Pierce County Code §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". The Town of

Oak Grove recommended approval of this request on 4/15/2019 without any comments or recommended conditions.

Staff Recommendation: Staff recommends the LMC consider the above and determine whether the proposed use at the proposed location would be contrary to the public interest, or detrimental or injurious to public health, safety or character of the area. If found to be not contrary to the above, staff recommends that the LMC approve this conditional use permit, with the following conditions: 1) Activities shall be conducted as submitted in the application and as presented to the LMC. 2) The security fence shall be installed to a height of 10 feet above the grade elevation. 3) The applicants shall not encroach on 1170th Street right-of-way. 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) Best management practices shall be implemented to prevent off site impacts from ground disturbance activities. 6) The proposed project 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 and shall secure any permits determined to be necessary. **Chairperson Holst opened the hearing to the public. No public comment. Public hearing closed.**

Sanden asked if a 12 month time period would be sufficient. Garret stated they will be starting the project this fall, but it might move into next year. He asked if they get delayed, can they ask for an extension. Pichotta stated they can put in a condition of approval to extend the time frame if the committee wishes to.

Sanden moved to approve with conditions 1-7 with amending condition 6 to read, "the proposed project shall be completed within 24 months of the CUP approval"/Gulbranson seconded. All in favor. Passed.

Public Hearing to consider and take action on a request for a conditional use permit for Nonmetallic mining in the Agriculture Residential District, pursuant to Pierce County Code Chapter 240-37A, and Reclamation Plan hearing, pursuant to Pierce County Code Chapter 241-15A(2)(a), for Tommy and Michelle Heath Revocable Trust, owners on property located in the SW ¼ of the SE ¼ of Section 27, T25N, R15W, Town of Union, Pierce County, WI.

Greg Bechel stated he would be the operator of the sand pit. The idea is for local sand. They don't have any small scale fill sand pits in the Plum City area. They make bedding sand and with the dairy prices the way they are, they are trying to get locally sources sand so they don't have to go as far and to keep the prices down.

Staff Report- Brad Roy: The applicants are requesting a permit to operate a sand mine of approximately 4 acres. It is estimated that 90,000-95,000 cubic yards of material will be removed. The applicant has previously mined the area for personal/agricultural use which did not require a permit. A Reclamation Plan was also submitted for the proposed mine. The post-mining land use is proposed to be agriculture and natural area. Neighboring properties are zoned Agriculture-Residential. Surrounding land uses are agricultural, woodlands, and residential. The total extent of the mine would be approximately 4.2 acres. Access to the mine is to be off County Road U. The applicant is proposing to remove the material from a hillside. The site has moderately steep slopes with approximately 40 feet of relief. The site will be internally drained. No more than one acre is proposed to be open at any one time. Sand would be extracted utilizing excavating equipment and trucks. Sand screening equipment is to be placed on the site when necessary. No other processing would take place onsite. No structures are proposed. There will be no blasting on site. Hours of operation are proposed to be daylight hours, with an occasional Saturday. The application does not provide any additional details regarding hours. The LMC may wish to establish hours for weekdays or Saturdays in condition #6. Mining is proposed to occur approximately 450 feet from the nearest property line. Pierce County Nonmetallic Mining Policy requires a 100 foot setback will be maintained from property lines and 200 feet from all existing residences. Floodplain is present on the property. No mining will take place in the floodplain. A Reclamation plan for the mining area was submitted and satisfies the requirements of PCC §241. The post mining land use is to be agriculture and natural area. All overburden and topsoil will be stored on site and used for final reclamation. All slopes will be reclaimed to 3:1. Topsoil will be replaced at depth of 3" – 6". The area not returned to agricultural use will be seeded using DOT seed mixtures. Silt fence or other erosion control measure will be used as needed. A driveway permit from the Pierce County Highway Department will be needed to enable access to County Road U. The Pierce County Highway Commissioner has expressed concerns about a new mining operation accessing

onto County Road U and the condition of the road. The Town of Union recommended approval of this request on April 16, 2019. No concerns or recommended conditions were listed.

Staff Recommendation: Staff recommends the LMC consider the above and determine whether the proposed use at the proposed location would be contrary to the public interest, or detrimental or injurious to public health, safety or character of the area. If not contrary to the above, staff recommends that the LMC grant this conditional use permit with the following conditions, as well as any additional conditions deemed appropriate. 1) Operations shall be consistent with the submitted plans, including the designated mining area, unless modified by another condition of this permit. 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 remain consistent with daylight hours Monday through Saturday. 7) A map displaying the proposed 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) The reclamation financial assurance information shall be reviewed and approved by Corporation Counsel. 10) A 100-ft setback shall be maintained from all property lines for all mining activities, which includes stockpiling and equipment placement. 11) Reclamation shall be according to submitted plans and shall be completed within one year of ceasing mining operations. 12) Applicant shall pay the \$1,000 Nonmetallic Mineral Extraction initial fee. 13) Any expansion or intensification shall require a new conditional use permit. 14) This CUP shall expire in two years. 15) A driveway permit shall be acquired to enable access to County Road U. A Uniform Address Number (UAN) and sign shall be obtained and placed. 16) The applicant shall enter into a road agreement with the Pierce County Highway Department if deemed necessary by the Highway Commissioner. Bechel stated it used to be a sand pit that Pierce County used to haul out of and they used the same existing driveway. Holst stated the road issue will be discussed at the Highway Department and that is where you will address the driveway. Roy stated we need an address out there and part of that is getting a driveway permit from the applicable jurisdiction. Although this is an existing access, we still need something from the Highway Department to get the address number. In talking with the Highway Commissioner, it was all about the intensity of the use. **Chairperson Holst opened the hearing to the public.** No public comment. **Public hearing closed.** Sanden asked for explanation on the internal drainage. The pictures make it look like it's kind of a gully, so where does it stop. Matt Heath explained it will be internally drained. They will be mining into a hillside with a relief of about 40 feet. They are going to have to drop the floor about 1.5 feet to contain the water that comes off of the hillside. Anything north or above the hillside that is at higher elevation will be routed around so they are not contaminating any more water.

Gulbranson moved to approve the Conditional Use Permit with conditions 1-16 as it will not be detrimental or injurious to public health, public safety or the character of the surrounding area/Sanden seconded. All in favor. Passed.

Discuss take action on a request for a Height Exemption for a proposed Wireless Communication Service Facility, pursuant to Pierce County Code Chapter 240-41C, for Verizon Wireless, Chris Barton, agent, for Ronald & Marlys Johnson, owners, on property located in the SE ¼ of the NE ¼ of Section 17, T26N, R18W, Town of Trimble, Pierce County, WI.

Staff Report-Adam Adank: Wireless Communication Service Facilities are permitted with a Land Use Permit. However, PCC §240-29 requires towers to comply with the height requirements of other commercial structures. Verizon Wireless is seeking a height exemption pursuant to Pierce County Code §240-29D to construct a new Wireless Communication Service Facility (WCSF) exceeding 35' in height in the town of Trimble. The complete project proposal includes erecting a self-support wireless communication tower with a total height of 259 feet, constructing an equipment platform, and installing supporting equipment to improve broadband and wireless services in the county. The applicant is located in Chicago and was unable to attend. If

the LMC has any issues or concerns the applicant requests the item be deferred to a future meeting so he could be present. The property is zoned agriculture residential. PCC §240-23 requires 10 foot side and rear yard setbacks in this zoning district. Adjacent property is zoned agriculture residential and primary agriculture. Adjacent land uses are residential, agricultural, and industrial. Access to the site is off of County Road O. The site is currently agricultural and wooded land owned by Ronald and Marlys Johnson. The proposed structure is a freestanding lattice with a height of 250 feet. A nine (9) foot antenna is to be placed on top of the tower which makes the overall height of the structure 259 feet. PCC§240-41C.(3)(d) states, "WCSF Support Structures shall comply with the height requirements of §240-29D." PCC §240-29D states, "Industrial and commercial structure heights may be granted exemptions by the Land Management Committee, provided that all required setback and yards are increased by not less than one foot for each foot the structure exceeds 35 feet." PCC §240-27B addresses county road setbacks and states, "Except as provided in Subsection E, the required setback for all structures fronting on county highways shall be 100 feet from the centerline of the road or 67 feet from the edge of the right-of-way, whichever is greater." The 259 foot structure has a right-of-way setback of 324 feet from center line of County Road O. Side and rear yard setbacks are 234 feet. In the proposed location, the tower is 789 from the center line of County Road O and 495' 10" from the nearest side or rear property line. Staff will verify appropriate setbacks prior to issuing a Land Use Permit for the structure. Definitions: FALL ZONE – the area over which a support structure is designed to collapse. SUPPORT STRUCTURE– an existing or new structure that supports or can support a mobile service facility, including a mobile service support structure, utility pole, water tower, building or other structure. YARD - A required area on a lot, unoccupied by buildings and open to the sky, extending along a lot line to a specified depth or width. YARD, REAR - A yard extending along an entire rear lot line from the rear lot line to the depth or width as specified in the yard requirements for the applicable district. YARD, SIDE - A yard extending along an entire side lot line from the side lot line to the depth or width specified in the yard requirements for the applicable district.

Staff Recommendation: Staff recommends the LMC review the proposed WCSF height exemption and determines if any changes or modifications are necessary. If none, staff recommends the LMC grant approval of the height exemption.

Sanden stated with his numbers it looks like the rear setback is exactly 234 feet, which is what is exactly needed but with no structures on the edge he doesn't think it will be a problem if it falls over.

Sanden moved to approve the height exemption for the WCSF /Gulbranson seconded. All in favor. Passed.

Discuss take action on a request for amendment to an approved Site Plan for Mini-Storage in the Commercial District, pursuant to Pierce County Code Chapter 240-36K for WD LLC, Jay McGrath, owner on property located in the SW ¼ of the SE ¼ of Section 35, T25N, R18W, Town of Trenton, Pierce County, WI.

Staff Report- Brad Roy: On November 7, 2018 the applicant received Site Plan Approval for Mini-Storage in the Commercial District. At the meeting, the neighboring land owner (Hager Heights Drive In) presented concerns to the LMC regarding the safety of a stormwater pond near the property line and his customers. He wanted a fence or barrier to keep people out of the pond. The LMC placed condition #3 on the approval which states, "Applicant shall work with Department of Land Management staff on a fencing plan." Initially, staff directed the two property owners to work together to determine what type of fencing would be best. Discussions between the property owners broke down and no agreement was made. At that time staff informed the applicant that chain-link fence 3-4 feet tall would be needed on the south-west property line which wraps around the north and south sides for a short distance. The applicant informed staff that, because of an easement along the southwest property line, the fence would need to be placed into the downslope of the pond which could impact the ponds effectiveness. He is also questioning the need for a fence due to the total depth of the pond being 3 feet and the pond outlet being 1 foot above the pond bottom. The property is bordered by a Commercial zoning district to the north, west and south and a Rural Residential 20 district to the south. An Industrial district is located to the east and is currently used for agriculture. Access to the site is off of 170th Ave. The engineered

stormwater pond will decrease the total stormwater runoff for the site. The stormwater will exit the pond through a culvert into the ditch along 170th Avenue. The Site Plan was approved with the following conditions: 1) All signage shall be permitted by the Zoning Office and WisDOT when applicable. 2) All lighting shall comply with the Department Lighting Policy. 3) Applicant shall work with the Department of Land Management staff on a fencing plan.

Staff Recommendation: Staff recommends the Land Management Committee determine if any changes or modifications to the previous Site Plan Approval are warranted.

Holst stated that generally this is a matter that is taken up by the committee with discussion amongst themselves. But being all are going to have to live with one another for quite some time, he suggests we talk about it aloud. Jay McGrath stated the concern when he was excavating was when he had a pretty good sized hole there and that's what they saw. Now that they have realized that has been filled in, not totally yet, but it will only be 3 feet down from their parking lot elevation and from the top of the pond to the bottom of the outlet is only 1 foot in elevation, max. So there will never be more than 1 foot of water in there and as it fills in with segment it will vary too. Dawn Duden stated that until the pond and water way are complete it's hard to really determine if that's what the water depth will be. Their concern is public safety. McGrath stated he has to comply with the DNR pond that they designed for him. Dawn Duden thinks the mishap originated with the easement because the pond was placed in the middle of the easement. She thinks they are coming to terms with a legal land transaction. McGrath stated yes, they are working on that. Holst asked if this meeting was premature. McGrath stated he does not think so because now he thinks they understand that the pond is only going to be a 3 foot elevation where last fall they made a comment about an 8 foot hole there, which it was. Russ Duden showed some pictures to the committee. He then showed an aerial overall view of the water they are dealing with. Out on the end of that at the widest point down where the culvert is currently located, it's full of mud on the bottom and he's guessing it is 4 to 6 feet deep right now. The reason they are having a hard time with this deal and signing off on the fence situation, he needs to see more action done in regards to the easement and the entire fence situation. The silt fence right now is holding back the little kids with the bicycles, any transportation, it gives them a guide line. But it's not helping them with their situation with it collapsing his traffic back and forth. He cannot get 18 wheelers in there, or oversized traffic because they are afraid of the silt fence. If the pond is going to stay the way it is, the fence will have to be put across the top of the culvert and go to Hwy 63 and across. McGrath stated he is still in the middle of construction. He is going to be bringing the pond up to grade. Final grade still needs to be done along the whole waterway that the DNR designed for him. Russ Duden stated that all were made aware of the easement back on April 5th. Survey stakes from November have been replaced. That is when the new 25 foot setbacks were put into place. He is trying to work with it and get the easement figured out and dealt with. He is not dropping the fence at this point. Gulbranson asked if there is a time frame of when the pond will be done. McGrath stated this summer, hopefully within the next month, to month and a half. Or if they would be happy with that, we could say, "once the pond is brought up to actual depth, then no longer a fence is needed". Russ Duden stated that will not happen until the easement is all addressed and taken care of. McGrath asked if he was holding a fence over his head for the easement. McGrath stated he doesn't care about the fence. He has emails, Brad has talked to Russ about the fence, said that he is not concerned about it. Dawn Duden stated if the water is only 1 foot deep, then they are not concerned about it. McGrath stated the water will not be more than 1 foot deep when he gets done. Dawn Duden stated the seasons will prove that if the filtration works like it's supposed to. Holst stated on the 15th of March we were supposed to have a river reading of 11 feet in Red Wing. But the water did what it wanted to do. Until we know how deep the water is, he isn't ready to say no fence. So get your grade up, get the easement taken care of and come back here. And get along with each other because you are both going to be there a long time and nothing is worse than having an upset neighbor. He does see the ability to reach some sort of an agreement. McGrath stated the pond will be brought up to grade, he has to or the DNR will be on him if he doesn't. Pichotta stated the suggestion to leave it as is for a while makes sense. He doesn't feel the fence decision should be based on whether or not the easement is taken care of. It should be based on public health safety which he noted it will be. He suggests that once things are a bit more finalized then we can make a determination as to whether or not,

from a public health and safety perspective, it's necessary to put a fence in to ensure that folks don't wander into the pond.

Sanden suggested we put this on a July meeting. No action was taken. Approval stands as is. Gulbranson clarified that the decision regarding whether the fence stays or goes is up to the committee. Pichotta agreed suggesting that input will be taken from both parties.

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

Departmental Update and Future Agenda Items

For the first meeting in June, Pichotta stated there will be a public hearing to consider a request for a CUP for expansion of a nonconforming structure that being a garage in the Town of Martell. Also possibly discuss the outdoor rec. plan.

Motion to adjourn at 6:40pm by Sanden/Gulbranson seconded. All in favor. Motion passed.

Respectfully submitted by T. Albrightson

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, May 15, 2019 – 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: June 5 th & 19 th , July 3 rd & 17 th , all in 2019.	Chair
3	Approve minutes of the May 1, 2019 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for a conditional use permit for a Utility Facility >1,000 sq ft in the General Rural Flexible 8 District, pursuant to Pierce County Code Chapter 240-41E, for Dairyland Power Cooperative, owner, by Garret Seebandt, agent, on property located in the NE ¼ of the NE ¼ of Section 7, T26N, R19W, Town of Oak Grove, Pierce County, WI.	Lund
5	Public hearing to consider and take action on a request for a conditional use permit for Nonmetallic Mining in the Agriculture Residential District, pursuant to Pierce County Code Chapter 240-37A, and Reclamation Plan hearing, pursuant to Pierce County Code Chapter 241-15A(2)(a), for Tommy & Michelle Heath Revocable Trust, owners on property located in the SW ¼ of the SE ¼ of Section 27, T25N, R15W, Town of Union, Pierce County, WI.	Roy
6	Discuss take action on a request for a Height Exemption for a proposed Wireless Communication Service Facility, pursuant to Pierce County Code Chapter 240-41C, for Verizon Wireless, Chris Barton, agent, for Ronald & Marlys Johnson, owners, on property located in the SE ¼ of the NE ¼ of Section 17, T26N, R18W, Town of Trimble, Pierce County, WI.	Adank
7	Discuss take action on a request for amendment to an approved Site Plan for Mini-Storage in the Commercial District, pursuant to Pierce County Code Chapter 240-36K for WD LLC, Jay McGrath, owner on property located in the SW ¼ of the SE ¼ of Section 35, T25N, R18W, Town of Trenton, Pierce County, WI.	Lund
8	Discuss take action on Travel/Training Requests.	Pichotta
9	Future agenda items.	Pichotta
10	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.

(5/3/19)

PIERCE COUNTY WISCONSIN
DEPARTMENT OF LAND MANAGEMENT & RECORDS
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414 W. Main Street P.O. BOX 647
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MINUTES - Pierce County Land Management Committee Meeting, May 1, 2019

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

Absent: Joe Fetzer

Others: Andy Pichotta, Adam Adank and Shari Hartung

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: May 15th, June 5th & 19th, all in 2019.

Approve Minutes: **Sanden moved to approve the April 3, 2019 Land Management Committee minutes/Aubart seconded. All in favor. Passed.**

Public hearing to consider and take action on proposed amendments to Pierce County Code Chapter 240-35, Agricultural Uses (Keeping of Domestic Fowl in the Residential Districts), §240-40D(2)(a) Residential Uses, §240-88 Definitions and §240-17 Table of Uses.

Staff Report – Adam Adank: The raising of backyard fowl in residential areas has become quite popular. Current zoning ordinance language under §240-35 Agricultural uses, prohibits animal husbandry, including domestic fowl, in residential zoning districts. On April 3, 2019, the Land Management Committee finalized proposed amendments to §240-35 Agricultural Uses. The proposed amendments would allow domestic fowl on residentially zoned parcels. The proposed amendments would also clarify and better define which agricultural uses are allowed in specific zoning districts. An updated Table of Uses chart has also been drafted to reflect the proposed ordinance amendments. Staff proposes the following code amendments:

§240-35 Agricultural uses.

A. General Cultivation agriculture.

~~(1) Barnyards, feed lots and farm structures housing animals shall be located at least 100 feet from navigable water and shall be located so that manure will not drain into navigable water.~~

~~(2)(1) General Cultivation~~ agricultural practices shall be allowed in all agricultural zoning districts without issuance of a land use permit, except that structures shall require a land use permit.

~~(3)(2) General agriculture practices, except for barnyards, feed lots and uses involving agricultural structures, shall be allowed in all nonagricultural zoning districts without issuance of a land use permit.~~
Agricultural structures shall not be the principle structure in a residential, commercial, or industrial zoning district.

B. General Agriculture.

(1) Barnyards, feed lots and farm structures housing animals shall be located at least 100 feet from navigable water and shall be located so that manure will not drain into navigable water.

(2) General agricultural practices shall be allowed in all agricultural districts without issuance of a land use permit, except that structures shall require a land use permit.

B C. Agricultural business operations. [Added 6-26-2012 by Ord. No. 12-07]

Nothing has been changed in this section.

(1) Agritourism.

(2) Direct market agriculture.

(a) Except for temporary structures not exceeding 160 square feet of floor area, all structures associated with direct market agriculture shall meet all setbacks and other provisions of this chapter. Temporary direct market structures which do not exceed 160 square feet of floor area shall be considered a minor structure such as those listed in §240-32A(1).

(b) Only one direct market structure shall be permitted on a lot.

(3) Farmers market.

(a) Such use shall principally involve the sale of farm and garden products, but other types of merchandise may be sold, provided such merchandise occupies not more than 25% of the indoor and outdoor display area of the farm market.

(b) At least one off-street parking space shall be provided for each 200 square feet of indoor and outdoor display area.

(c) Combined indoor and outdoor display areas shall not exceed 2,000 square feet.

(d) The farmers market shall obtain site plan approval and a land use permit.

(4) Nursery.

(5) Orchard.

(6) Winery.

D. Domestic fowl.

(1) For parcels under 2 acres in size:

(a) No more than 10 domestic fowl shall be allowed on a parcel.

(b) Roosters (non-castrated male chickens) shall not be allowed.

(2) For parcels 2 acres or more in size:

(a) There shall be no limitation on number or sex of domestic fowl.

§240-88 Definitions:

Animal husbandry: The raising of livestock.

Cultivation Agriculture: Low impact agricultural uses that involve the cultivation of soil and harvesting of crops, including horticulture; floriculture; grain production; forest crop; and specialty crop production such as viticulture; maple syrup; mint and willow; and truck farming.

Domestic Fowl: Any domestic breed of chicken or duck. No other species of bird shall fall under this definition.

General Agriculture: Any agricultural use, except those listed for intensive agriculture, including apiculture; animal husbandry; dairying; floriculture; forage crop production; forest crop production; grain production; grazing; horticulture; orchards; specialty crop production, such as maple syrup, mint and willow; viticulture; and truck farming. Agricultural uses with higher amounts of input and output compared to cultivation agriculture including but not limited to animal husbandry; grazing; dairying; apiculture; etc.

Livestock: Any horse, bovine, sheep, goat, pig, domestic rabbit or domestic fowl, including game birds raised in captivity. Domesticated animals used in an agricultural setting to produce income, labor, or commodities such as meat, eggs, milk, leather, wool, or other animal byproducts. For the purposes of this ordinance, horses shall be regulated under outdoor recreational uses.

Pierce County Code Section §240-40D(2)(a) regarding second farm residences would also need to be amended as shown below if proposed changes in §240-35 are approved.

§240-40D(2)(a): Such manufactured home shall provide housing for farm employees who assist farm operators engaged in ~~general agriculture or intensive~~ agriculture activities or for parents and/or adult children of farm operators.

Staff Recommendation: Staff recommends the LMC consider the proposed amendments and any input gathered through the public hearing, to determine if changes or additions are necessary. If determined to be appropriate, a recommendation that the proposed amendments be approved should be made to the County Board of Supervisors.

Sanden asked if the Ag Residential Zone, is that for the purpose of this regulation, considered agriculture or residential. Pichotta stated that is an agricultural district. **Chairperson Holst opened the hearing to the public.** Pichotta stated he was asked to bring up some concerns raised by Jerry Kosin, Town of Oak Grove. Mr. Kosin had suggested that perhaps two acres was not big enough for more than ten chickens and had suggested three

acres or more may be more appropriate. Gulbranson asked if he wants us to change from two to three acres. Pichotta stated his concern is that you might have someone on a small lot who decided to become a commercial egg producer. Pichotta stated he thinks he addressed Mr. Kosin's concerns, but he did tell him he would share his comments. Sanden stated he doesn't think ten chickens are a lot of chickens. Chairperson Holst stated two acres is a pretty good size chunk of ground. Sanden stated you could put ten chickens in a small coop. Pichotta stated he thinks he was concerned that someone might have 2.1 acres and decide they were going to have two hundred birds or something along those lines.

Chairperson Holst closed the public hearing. Gulbranson moved to approve the proposed amendments to Pierce County Code Chapter 240-35, Agricultural Uses and forward to the County Board of Supervisors for approval/Sanden seconded. All in favor. Passed.

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

Departmental Update and Future Agenda Items

Pichotta stated we have four for the next meeting: Public hearing for Dairyland Power for an expanded transformer station in the Town of Oak Grove.

Public hearing for Nonmetallic Mining in the Town of Union.

Request for a height exemption by Verizon for a 250 ft tower to be located in the Town of Trimbelle.

Request to amend Site Plan Approval for the McGrath project in the Town of Trenton, apparently there has been difficulty coming into an agreement relating to the chain link fence that was to go around the stormwater pond. We are hoping that will be resolved but it's possible it won't and then we will need to bring it back in front of the committee for resolution.

Motion to adjourn at 6:11pm by Sanden/Aubart seconded. All in favor. Motion passed.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, May 1, 2019 – 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: May 15 th , June 5 th & 19 th , all in 2019.	Chair
3	Approve minutes of the April 3, 2019 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on proposed amendments to Pierce County Code Chapter §240-35, Agricultural Uses (Keeping of Domestic Fowl in the Residential Districts), §240-40D(2)(a) Residential Uses, §240-88 Definitions and §240-17 Table of Uses.	Adank
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.

(4/19/19)

PIERCE COUNTY WISCONSIN
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MINUTES - Pierce County Land Management Committee Meeting, April 3, 2019

Present: Jon Aubart, Joe Fetzer, Neil Gulbranson, Jeff Holst 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 County Board Room, Ellsworth, Wisconsin.

Next meeting dates: April 17th, May 1st & 15th, June 5th & 19th, all in 2019.

Approve Minutes: **Aubart moved to approve the February 26, 2019 Land Management Committee minutes/Holst seconded. All in favor. Passed.**

Chairperson Fetzer asked for a motion to hear Agenda item #5 first and then Agenda item #4. Holst moved to amend the Agenda, hearing item #5 first/Gulbranson seconded. All in favor. Passed.

Discuss take action on proposed amendments to Pierce County Code Chapter 240-35, Agricultural Uses.

Staff Report – Adam Adank: At the February 6, 2019 Land Management Committee meeting staff presented a proposed concept that would allow domestic fowl to be kept in residential zoning districts. Staff also suggested redefining the terms “general agriculture” and “intensive agriculture” to better describe which agricultural uses are allowable in specific zoning districts. Staff, utilizing the input from the LMC, has drafted proposed revisions to §240-35 Agricultural Uses. Staff has also drafted several new definitions and proposed changes to existing definitions for better clarification. An updated Table of Uses chart has also been drafted to reflect the proposed ordinance amendments. Staff proposes the following code amendments:

§240-35 Agricultural uses.

A. General Cultivation agriculture.

- (1) Barnyards, feed lots and farm structures housing animals shall be located at least 100 feet from navigable water and shall be located so that manure will not drain into navigable water. Cultivation agriculture shall pertain to low impact agricultural uses that involve the cultivation of soil and harvesting of crops, such as horticulture, floriculture, grain production, forest crop, and specialty crop production (viticulture, maple syrup, mint + willow, truck farming).
- (2) General Cultivation agricultural practices shall be allowed in all ~~agricultural~~ zoning districts without issuance of a land use permit, except that structures shall require a land use permit.
- (3) General agriculture practices, except for barnyards, feed lots and uses involving agricultural structures, shall be allowed in all nonagricultural zoning districts without issuance of a land use permit. Agricultural structures shall not be the principle structure in a residential, commercial, or industrial zoning district.

B. General Agriculture.

- (1) Barnyards, feed lots and farm structures housing animals shall be located at least 100 feet from navigable water and shall be located so that manure will not drain into navigable water.
- (2) General agricultural practices shall be allowed in all agricultural districts without issuance of a land use permit, except that structures shall require a land use permit.

~~B~~ C. Agricultural business operations. [Added 6-26-2012 by Ord. No. 12-07]

- (1) Agritourism.

- (2) Direct market agriculture.
 - (a) Except for temporary structures not exceeding 160 square feet of floor area, all structures associated with direct market agriculture shall meet all setbacks and other provisions of this chapter. Temporary direct market structures which do not exceed 160 square feet of floor area shall be considered a minor structure such as those listed in §240-32A(1).
 - (b) Only one direct market structure shall be permitted on a lot.
- (3) Farmers market.
 - (a) Such use shall principally involve the sale of farm and garden products, but other types of merchandise may be sold, provided such merchandise occupies not more than 25% of the indoor and outdoor display area of the farm market.
 - (b) At least one off-street parking space shall be provided for each 200 square feet of indoor and outdoor display area.
 - (c) Combined indoor and outdoor display areas shall not exceed 2,000 square feet.
 - (d) The farmers market shall obtain site plan approval and a land use permit.
- (4) Nursery.
- (5) Orchard.
- (6) Winery.

D. Domestic fowl.

(1) Agricultural Districts

- (a) Domestic fowl shall be allowed in all Agricultural Zoning Districts

(2) Residential Districts

- (a) For parcels under 2 acres in size:
 - (1) No more than 10 hens or capons shall be allowed on a parcel.
 - (2) Roosters shall not be allowed.
- (b) For parcels 2 acres or more in size:
 - (1) There shall be no limitation on number or sex of domestic fowl.

§240-88 Definitions:

Animal husbandry: The raising of livestock.

Cultivation Agriculture: Low impact agricultural uses that involve the cultivation of soil and harvesting of crops, including horticulture; floriculture; grain production; forest crop; and specialty crop production such as viticulture; maple syrup; mint + willow; and truck farming.

Domestic Fowl: Any domestic breed of chicken or duck. No other species of bird shall fall under this definition.

General Agriculture: Any agricultural use, except those listed for intensive agriculture, including apiculture; animal husbandry; dairying; floriculture; forage crop production; forest crop production; grain production; grazing; horticulture; orchards; specialty crop production, such as maple syrup, mint and willow; viticulture; and truck farming. Agricultural uses with higher amounts of input and output compared to cultivation agriculture including but not limited to animal husbandry; grazing; dairying; apiculture; etc.

Livestock: Any horse, bovine, sheep, goat, pig, domestic rabbit or domestic fowl, including game birds raised in captivity. Domesticated animals used in an agricultural setting to produce income, labor, or commodities such as meat, eggs, milk, leather, wool, or other animal byproducts. For the purposes of this ordinance, horses shall be regulated under outdoor recreational uses.

Pierce County Code Section §240-40D(2)(a) regarding second farm residences would also need to be amended as shown below if proposed changes in §240-35 are approved.

§240-40D(2)(a): Such manufactured home shall provide housing for farm employees who assist farm operators engaged in ~~general agriculture or intensive~~ agriculture activities or for parents and/or adult children of farm operators.

Staff Recommendation: Staff recommends the LMC review the proposed amendments to determine if the language is consistent with prior committee direction, and if so, direct staff to schedule a public hearing to consider adoption.

Aubart asked about Domestic Fowl, that's chickens or ducks, so you can't have turkeys? Chairperson Fetzer stated or pheasants, or ostrich or emus? Pichotta stated the limitation would only apply in the residential districts. Holst suggested that's not the way it reads. Pichotta stated that we wouldn't want to preclude someone from having turkeys or whatever in the agricultural districts. Adank suggested that the other animals would fall under animal husbandry. Aubart stated if they are domestic fowl, and you are excluding no other species. Pichotta stated that D would refer only to what we define as Domestic Fowl that would be chickens and ducks. Aubart asked are you saying no other bird falls under it so there is no limitation. You could read it that way. Pichotta stated but only in the ag districts. Because we are limiting Domestic Fowl, that being chickens and ducks. Roy stated in an ag district, if it's turkeys, then we would just consider it animal husbandry. Aubart asked why we are even putting Domestic Fowl in the Agricultural District? Chairperson Fetzer suggested that we are coming down to definitions. Holst stated we are getting fine-tuned so that when we get technical on something other than this thing, then we're consistent. Holst stated you have two definitions for the same thing. We want one definition. Chairperson Fetzer asked when we get to the definitions, why are we defining Domestic Fowl as any domestic breed of chicken or duck? Holst stated then we leave out all the other stuff in the ag districts. Aubart stated it's confusing to him. Holst stated if it's confusing to you, think of all of us that don't read these things on a daily basis. Pichotta stated he understands his point. We will make an adjustment to reflect that concern. Aubart asked if we even have to have under D. Agricultural Districts period. If you eliminate that, they are allowed there regardless. Is there any reason to have agricultural districts under D. Roy stated he thinks we are going to need it or else this will get hung up in Corporation Counsel's Office. If we are only addressing it in the residential districts, then basically we are saying it's not allowed anywhere else. So that's why we put it in there for agricultural districts. There have been other things where we felt like it's implied and we were directed by Corp Counsel that you need to actually say it, don't assume it's implied. Gulbranson asked if you could just say that Domestic Fowl in a residential area is defined as this. I had a guy ask me if he could have ten ostrich. This takes care of that, it doesn't allow them in a residential area. Roy asked so then we just scratch 1(a). Chairperson Fetzer asked what the definition of viticulture is. Adank stated it is grapes. Holst asked what you do with mint and willow. Adank stated that language is in the existing code. Sanden asked in the first area 240-35(1) under Cultivation Agriculture, B General Agriculture, it jumps right into the restrictions, for consistency should there be a short definition to distinguish it from Cultivation Agriculture. Adank stated we could do that or just scratch 1. Pichotta stated we could scratch 1 and just go with the definition in the back. Adank stated he put it in there because when we are reading this, then you just don't have to jump back to the definition to look up again what exactly Cultivation Agriculture is. Maybe we should put the definition under B for General Ag. Sanden stated either or. Holst stated be consistent in the way we do it. Sanden asked if he was reading it right, so Cultivation Ag would be any type of agriculture that doesn't require any buildings or significant impacts. Like a cornfield would be Cultivation Agriculture. Pichotta stated yes. Sanden stated a dairy operation would be General Agriculture. Pichotta stated yes. Aubart stated generally in statutes, definitions are in the front so when you read the rest of it, and here they are in the back. Holst stated this is zoning. Pichotta noted that is generally how zoning ordinances are written. Aubart asked if we want to move the definitions to the front, then you don't have to have that. Pichotta stated the structure of zoning codes varies widely and whoever was hired back in the 90's to write our zoning code, basically took Door County's ordinance and worked off of that and that is why it's structured the way it is. Pichotta stated that if the committee is comfortable, we will make the changes that we have talked about, discuss it with Corporation Counsel, and schedule a public hearing. **Sanden moved to approve the proposed amendments for Pierce County Code Chapter 240-35, Agricultural Uses/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 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.

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 has been in contact with east property owner about purchasing the necessary adjoining property. 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 did not 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 use 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 is to also include 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 campground 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. As he said, he has completed a survey. It hasn't been submitted until that property line issue is resolved. Staff contacted the Town of Isabelle Chairperson regarding this renewal and he stated that the Town has no concerns about renewing the permit at this time. The 6 month status report, required by condition #10, was not submitted by the applicant. Condition #4 requires the applicant to submit a screening plan, since they do not own the property to the west. The existing conditions are listed #1 - #10 in the staff report.

Staff Recommendation: Staff recommends the Land Management Committee determine whether the additional conditions or modifications are warranted. If additions or modifications are not necessary, staff recommends the Land Management Committee renew this Conditional Use Permit for a Resort with the following conditions:

1. The resort shall be conducted as described in the application, unless modified by a condition of this permit.
2. A survey of all property lines, existing structures, and setbacks for cabins and campsites shall be completed. Land Management Department staff shall verify side yard setbacks and minimum campsite dimension requirements prior to campground operation.
3. State Plan approval for the required improvements to the sanitary dump station, holding tank, and sewer services, as well as associated service contracts and contact information, shall be submitted to the Land Management Department prior to construction.
4. If the applicant does not own the neighboring property to the west, a Screening Plan shall be submitted to the LMC for approval. Any required screening shall be established prior to resort operation.
5. Internal roads, camping pads, and water and sanitary improvements shall be constructed or implemented prior to operation of the resort. Staff shall be contacted to verify prior to operation.
6. All advertising signage shall comply with the Pierce County Zoning Code.
7. Applicant shall also comply with all 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-DHS standards etc.).
8. The applicant shall comply with the following conditions, numbers 4, 6, 7, 10, 11, and 12 as modified, as recommended conditions of Town of Isabelle dated December 18, 2017 unless specifically modified by another condition of this CUP.

4. Fires are allowed in fire rings and grill only. All fires shall not be left unattended and all fires shall be extinguished before being left unattended. The burning of garbage, plastic, glass, cans or other recyclable items shall not be permitted. To minimize the spread of diseases, firewood shall be purchased locally. Locally is defined as within a 25 mile radius of the site not including the State of Minnesota.
6. Excessive noise is inconsiderate to fellow campers and of the general residences of the areas near the campground and bar area. Noise levels shall not exceed 80 decibels, DBs, at the property lines of Parcel #014-01019-0700 (applicant parcel) at any time. Additionally, the noise level shall not exceed 55DBs 200 feet west of the West property line of parcel #014-01019-0700 which is the west property line of parcel #014-01018-0910 (neighboring residential parcel). In addition, noise levels shall not exceed 70DBs (with the exception of air conditioners) at the property lines of Parcel #014-01019-0700 for a time duration of eight (8) hours commencing at 10pm each day of the week except Friday and Saturday. The start time of the 70 DB limitation on Friday and Saturday shall be no later than 11pm.
7. Fireworks shall not be permitted at any time on Parcel #014-01019-0700.
10. The warm weather camping season shall run from May 1st through October 31st. Approved electric, sewer and water hookups shall be provided during the warm weather camping season for each campsite as shown in Exhibit B. Cold weather camping shall be permitted if and only if permanent restrooms as defined by applicable Wisconsin Codes are operational. Year round residences shall not be permitted at the designated campsites and cabin sites.
11. The maximum number of campsites including cabin sites as shown in Exhibit A shall be limited to 66.
12. Applicant shall provide an annual status report to the Town of Isabelle.
9. Applicant understands that expansion or intensification of this use will require issuance of a new conditional use permit. If the applicant has questions as to what constitutes an expansion or intensification, Land Management staff should be contacted.
10. This permit shall expire in one year. A status report shall be presented to the LMC in 6 months to verify compliance.

Chairperson Fetzer asked John what was with not submitting a status report. Mr. Grabrick stated that one just slipped his mind. He was busy preparing the site. They have been cutting trees like crazy. They are working in conjunction with the DNR to remove all the Black Locust from the site because it's very nasty. They have taken out about 200 trees already and have about another 100 to go. He has from the DNR, a land use agreement, so they are taking all the remaining trees off the DNR property as well. So they have about one hundred feet of trees that they are taking off the adjoining property line. That is to clear all the Black Locust out. He also has purchased 125 new trees through the county program so they will be putting in maples and flowering crabs throughout the site to replace the vegetation that they have removed. They should be installing utilities very shortly which means they have to talk to Public Health and find out what their final requirements are. They do have portable restrooms on site that they can move around as needed. Once the State approves their plan for the building that they put up two years ago, they will then install the bathrooms and showers in that so they can have their year-round camping. The screening plan which they now need to put forth, Brad and he had discussed, a year or year and a half ago, for fencing and/or vegetation between his property and the neighboring property to the west. He had a bid in on it but he got outbid by someone from out-of-state. They didn't realize what they were buying so he would imagine that within 12 months that will be back up for sale and he will be buying it anyway. His plan is to get the utilities in for Phase I and II this year. Phase III, they need to bring in some extra fill and fill in the back part of the lot. They have a couple contractors on board with that now. They are just waiting on those projects so they can get the extra fill in. Chairperson Fetzer asked about the lot line. Mr. Grabrick stated the east lot line, between the DNR and the fence line that were there don't coincide. There is about a thirty foot discrepancy at the midpoint of the property. He has been in contact with the DNR and has various emails that have gone back and forth. They just didn't want him to make it part of the public record but they are in process of doing the paperwork to sell him the needed property next door. He would assume it would

be the 70 foot that he asked for and the 100 foot that they gave him to clear trees on. Once that is done then he will submit the final survey to Brad and we can go forward from there. **Holst moved to renew the conditional use permit for a Resort for Big Dog Daddy's Roadhouse LLC with conditions #1 - #10/Chairperson Fetzer asked if there is another six month status report due. Staff stated yes. Chairperson Fetzer stated that would be six months from now, around October/Aubart seconded. All in favor. Passed.** Gulbranson asked if we typically put the Town's recommended conditions in with the numbers like that. Have we had them in the past like that? Pichotta stated we have. We have that in the case of a number of the mining conditional use permits where the Town recommended a variety of conditions to be placed and the LMC identified specific recommended conditions to be included in their approval.

Discuss take action on proposed amendments to Land Management Department Fee Schedule.

Staff Report – Andy Pichotta: The Land Management Department's fee schedule has not been reviewed in a number of years. We talked about it a few years ago after we had done the update to the Comprehensive Plan but at that time it was determined that economic conditions weren't right to increase fees. This time we went through with a couple things in mind - to ensure that the fees continue to be reasonable and take into account staff time involved in permit issuance, and also to ensure that there is a fee for all the different services that are provided by the Department. Given that we hadn't really done any kind of whole sale amendment to it since 2004, a number of things that we do weren't included in there. We also included in the back of your packet, for your information, three different fee structures from different counties; St. Croix, Polk and Dunn. You can see that they are all over the board with how complicated they are and how much the fees are. What we aren't doing is trying to make ours comparable to other counties. We are simply trying to make sure ours does an adequate job and remains reasonable in a fee perspective and make sure to a certain degree that it is in line with what the other counties are charging. The first page dealing with Private Onsite Wastewater Treatment Systems, State Sanitary Permits; these are kind of the brunt of the things that he is proposing an increase in. He is proposing for State Sanitary Permits to go to \$400.00 basically a flat fee for those, increasing the holding tank replacement to \$250.00, the transfer to \$100.00, and a renewal down from \$150.00 to \$100.00. County Sanitary Permits; the only one he is proposing to increase is the System Repair from \$125.00 to \$200.00, to be somewhat consistent with what the other counties are doing. Wisconsin Fund Application; the Wisconsin Fund is being sunset so there is no longer going to be a need for that. In the Zoning Permit section under Agricultural Uses; a principal structure will remain \$100.00, proposing an accessory structure be bumped up to \$100.00 and we will eliminate and just say ag structures are \$100.00. An addition will remain \$50.00. Direct Market Ag that would be a road side stand greater than 160 sq ft, he doesn't foresee seeing anything like that but that will be a \$50.00 fee. Farmers Market would be a \$100.00 permit because there are some siting issues for staff to address. Under Commercial and Industrial, no changes proposed at all there. Institutional and Outdoor Recreational Uses, no change there. You will notice as you go down the page, Outdoor Recreational Uses, Principal Structure Use is two asterisks next to it; that would be a fee in addition to a public hearing. For some of these uses, there is a little bit more of a fee, it's for things that require more staff time and will almost undoubtedly be contentious. Residential uses; he had considered looking at a flat fee for all principal residential structures but that probably wasn't the right way to go. The average fee for homes in 2018, was \$393.00. So when looking at a principal structure of about 3,000 sq ft, he had thought about going with a lesser fee but in order to maintain our revenues and pay our share in the general fund, he proposed to leave that as is. Moving on to Accessory Structure less than 100 sq ft, those are now exempt from fees since they no longer require a permit. Proposing to create a fee for a deck, \$50.00, for the last two decades we have been permitting decks as an addition and in a lot of cases it seems like \$100.00 for a deck is a little bit hefty. After-the-fact will remain the same. Down on the bottom of the page, Miscellaneous Uses, Wireless Communication Service Facility, we are proposing to create a two-tiered fee structure for cellphone towers. One being towers that are 35 – 110 feet in height, those would be \$500.00 permit fee, still have all the same requirements but a lesser fee given the shorter stature. Then the tall towers would be \$3,000.00, that is the maximum we can charge and we can only charge it once. That was dictated in state statutes a few years ago. The thought behind these shorter towers is we don't want the fee to be an impediment to someone putting up short towers, like the WiFi Guy that was here a bit back. We added a fee

for Filling and Grading, we dealt with that under Other before. Under Temporary, proposing to create fees for Temporary Camping during Construction as well as Temporary Contract or Real Estate Office, each of those would be a \$50.00 fee. Signs; on-site/off-site would be the same, Uniform Address Number sign and the replacement, as you recall we went to the two-sided signs so the costs have gone up a little bit. It's \$19.31 for the sign and \$4.50 for the letters so we are looking at around \$25.00 a sign in parts just going in. So for the initial UAN we are proposing \$75.00 because we have to identify the address, then create the sign. The replacement sign would be \$30.00 which means we make about \$4.00 on those. We're not proposing any changes in the CSM's or Plat fees. The next page is headed with the public hearings. A public hearing for a CUP would remain the same and a variance would remain the same at \$500.00, a rezone is the same at \$500.00 also. Miscellaneous fees; these are fees that are all new and are basically for things that weren't covered in our previous fee structure which we had largely used Other for; Site Plan Review in front of the committee, \$100.00, Site Plan Review Administrative, \$50.00, Rule Exception, which is in the subdivision code, \$100.00, Height Exemption, \$100.00, Wind Energy Systems – Small, basically a personal sort of permitted use would be \$100.00. A large system would be \$500.00 and it would be a CUP also. Solar Energy Systems, small, basically personal use would be \$100.00 fee, large would be \$500.00. Copies; photo copies would remain at 25 cents a page, Tapes/CD's \$5.00. In asking about ordinances, no one could remember the last time anyone came in and bought an ordinance from us. GIS Map Purchase, basically proposing to simplify this. We have the pre-printed County Maps that everyone got a copy of some time ago and even folks on the County Board, \$3.00 a piece for those or 5 for \$10.00. Sometimes we get folks that want to buy some and resell them, tourist shops or something. Rather than differentiate between a town zoning map or a town map with or without an ortho; if we are going to print a map for someone, if it's an existing map, \$3.00 for 8 ½ by 11, 11 x 17 would be \$5.00, 24 x 36 would be \$10.00 whether it's got ortho photos, a zoning map or just an address map. It basically uses the same amount of ink. For custom maps, digital data transfer, and other, if someone comes in and says I want you to create a map for me of the ground I run, we would charge a base of \$40.00 an hour for Kevin's time and do it in 15 minute increments. Now we also have a laminator. We only want to laminate our stuff for the general public. If we start laminating for folks coming in we will be the default Kinkos in town. So we will do our own stuff, that doesn't mean we won't do stuff for other departments. So we are proposing for the custom maps, the smaller stuff would be \$10.00, the 24 x 36 would be \$20.00 to laminate. That is the extent of what we are proposing. Sanden asked about the fees, are they meant to cover 100% of the cost of staff going out there or is it some percentage of. Pichotta stated we used to look at doing 75% of the zoning function but the reality is our four budgets are so interconnected that it's really hard to isolate just the zoning part. We have tried to keep our fees reasonable so it's not a hindrance to someone that wants to do something entrepreneurial or build a house. We try to keep up with what the neighbors are doing but don't necessarily use that as the yardstick by which we decide we are charging enough. If the committee wants us to try and capture a certain proportion of the general fund outlay, certainly we could do that. Sanden stated he wasn't suggesting, he was just wondering and the next question was going to be, do these proposed increases cover whatever percentage that was. Pichotta stated he doesn't know that it's necessarily going to. We will see some additional revenues based on it, probably 10 or 15%. We are not taking in nearly what we were in '05, '06, and '07. We were taking in \$100,000.00 more than what we are now. Things are a bit quieter and that was largely platting and new homes. Gulbranson asked if the County charges any kind of an impact fee for parks or anything. Pichotta stated no, we don't have the ability to do that. We used to have a payment in lieu of a land dedication when you created buildable lots by a CSM. We lost that ability, he believes in '06 or '07. That was the time all the towns started doing impact fees. Holst stated not all of the towns, some of the towns. Gulbranson stated the Village just dropped them this year. Pichotta stated if the committee is comfortable with these fees or if you want to give me some direction to bring something back, otherwise we will work with Corporation Counsel to develop a resolution to move forward. We don't have to bring it back to the committee, just move it forward to F & P and ultimately to the County Board. Holst stated it looks good since we haven't increased them since 2004, compared to the rest of the County we're not keeping up, but sometimes we have to provide public services and we're not in it to get rich. Your department shouldn't be expected to be a revenue department when nobody else is. Sanden stated that is why people pay taxes. Holst stated the services that they demand from this department are wanted by the public.

Aubart asked if the department uses any flash drives for copies or just CD's. Pichotta stated we just use CD's. One thing we didn't really talk about is there was data listed in there at \$250.00 per megabyte which is a really small amount of data. With the Land Information Program what they have done is we have to provide our data to the State and then the State puts it out for free on their website so we are going to do the same thing. Data that was developed using Land Records Modernization dollars is going to be available to folks for their use but if they want us to do anything value added that is where the \$40.00/hour comes in we would charge folks if they want us to do something with it or included in that was the data transfer. If somebody shows up and wants to buy LiDar for the whole County, basically they just have to pay for Kevin's time for him to transfer it onto their device. We have to be careful and don't want to be poking strange flash drives in our equipment. Aubart was just thinking about the amount of data you can get on CD's and the way data is going, 32 GB flash drives for stuff. Pichotta stated years ago you use to have a big book drive and now you can fit it on a little card. Sanden stated the opposite may be for the department to buy flash drives and that would be part of the price. That way you would know there isn't malware on it. Aubart stated that is what he was thinking because it goes from a tape to a CD, what's the next medium that you will use. **Holst moved to approve the proposed amendments to the Land Management Department Fee Schedule and forward to the County Board of Supervisors/Gulbranson seconded. All in favor. Passed.**

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

Departmental Update and Future Agenda Items

Pichotta proposed that the committee meet on May 1st at 6:00pm. We will have the public hearing for the proposed Agricultural Uses amendment.

Motion to adjourn at 6:55pm by Aubart/Sanden seconded. All in favor. Motion passed.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, April 3, 2019 – 6:30 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: April 17 th , May 1 st & 15 th , June 5 th & 19 th , all in 2019.	Chair
3	Approve minutes of the February 26, 2019 Land Management Committee meeting.	Chair
4	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
5	Discuss take action on proposed amendments to Pierce County Code Chapter 240-35, Agricultural Uses.	Adank
6	Discuss take action on proposed amendments to Land Management Department Fee Schedule.	Pichotta
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.

(3/22/19)

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 26, 2019

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

Absent: Joe Fetzer

Others: Andy Pichotta and Shari Hartung

Acting Chairperson Jeff Holst called the Pierce County Land Management Committee meeting to order at 6:30pm in the County Board Room, Ellsworth, Wisconsin.

Next meeting dates: March 6th & 20th, April 3rd & 17th, all in 2019.

Approve Minutes: **Gulbranson moved to approve the February 6, 2019 Land Management Committee minutes/Sanden 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 for Monarch Paving Co, owner on property located in the NE ¼ of the SW ¼ of Section 28, T25N, R18W, Town of Trenton, Pierce County, WI.

Staff Report – Andy Pichotta: This is a request for renewal of the Conditional Use Permit for Nonmetallic Mining in Section 28, Town of Trenton. This operation was originally permitted in 2001 and is currently the site for the storage of dredge materials taken from Corps Island in about 2009 or 2010. The property is zoned Industrial. There have been no complaints or concerns raised since the last renewal. We did get ahold of the town chair and he had no comments or concerns. Pichotta noted that the applicants are present if there are any questions.

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

1. Applicant shall follow all recommendations and receive all necessary permits from other agencies.
2. Hours of operation are from 6:00am to 6:00pm, Monday through Friday and 8:00am to 6:00pm on Saturday during the construction season.
3. The haul route for commercial trucks is from the pit entrance of County Road K to Hwy 35.
4. Reclamation financial assurance information shall be reviewed and approved by Corporation Counsel and kept current.
5. A 50 foot setback shall be maintained from all property lines for all mining activities.
6. The applicant shall notify the Zoning Office if groundwater is encountered.
7. Applicant shall comply with PCC Chapter 241 Nonmetallic Mining Reclamation.
8. Reclamation shall be according to submitted plans.
9. Applicant agrees that any unforeseen erosion issues shall be addressed to the satisfaction of the county.
10. The approved Groundwater Response Plan shall be adhered to.
11. This CU P shall be reviewed for renewal in two years.
12. Any future use of this site for hydraulic dredge material placement shall not be allowed until such time as information is presented that demonstrates, to the satisfaction of the LM C, that the impacts of said placement will not be contrary to the public interest, nor detrimental or injurious to public health, public safety or the character of the surrounding area.

Sanden moved to approve the renewal of the conditional use permit for Nonmetallic Mining for Monarch Paving Co, with conditions #1 - #12/Gulbranson seconded. All in favor. Passed.

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

Departmental Update and Future Agenda Items

Pichotta stated we haven't had a lot of agenda items as of late. We don't have too many moving forward so what he would propose is our next meeting will be April 3, 2019 and we will have at least three things on the agenda; one will be the renewal of Big Dog Daddy's conditional use permit, the other will be proposed Fee Schedule which we haven't reviewed in a long time and proposed language regarding keeping of chickens in residential districts.

Motion to adjourn at 6:33pm by Aubart/Sanden seconded. All in favor. Motion passed.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Tuesday, February 26, 2019 – 6:30 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 6 th & 20 th , April 3 rd & 17 th , all in 2019.	Chair
3	Approve minutes of the February 6, 2019 Land Management Committee meeting.	Chair
4	Discuss take action on a request for renewal of a conditional use permit for Nonmetallic Mining in the Industrial District for Monarch Paving, owner on property located in the NE ¼ of the SW ¼ of Section 28, T25N, R18W, Town of Trenton, 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.

(2/20/19)

***February 20, 2019 meeting rescheduled because of inclement weather.**

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, February 20, 2019 – 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 6 th & 20 th , April 3 rd & 17 th , all in 2019.	Chair
3	Approve minutes of the February 6, 2019 Land Management Committee meeting.	Chair
4	Discuss take action on a request for renewal of a conditional use permit for Nonmetallic Mining in the Industrial District for Monarch Paving, owner on property located in the NE ¼ of the SW ¼ of Section 28, T25N, R18W, Town of Trenton, 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.

(2/8/19)

CANCELLED

PIERCE COUNTY WISCONSIN
DEPARTMENT OF LAND MANAGEMENT & RECORDS
PLANNING, ZONING, SURVEYING & GIS
414 W. Main Street P.O. BOX 647
Ellsworth, Wisconsin 54011
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MINUTES - Pierce County Land Management Committee Meeting, February 6, 2019

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

Others: Andy Pichotta, Emily Lund, Adam Adank 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 20th, March 6th & 20th, all in 2019.

Approve Minutes: **Sanden moved to approve the January 2, 2019 Land Management Committee minutes/Gulbranson seconded. All in favor. Passed.**

Public hearing to consider and take action on a request for 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.

Staff Report – Emily Lund: Mr. & Mrs. Hallis have been raising dogs as a hobby and operating a kennel on their property since May 24, 1999. They began breeding and selling golden retrievers, but now only breed and sell tea cup poodles that range between 3-6 pounds each. The American Kennel Club has completed inspections in the past and the report states they were in compliance. The owners were apparently not aware that a kennel permit was required until the American Kennel Club Inspector mentioned it during a recent inspection. The property is in Section 11, Town of Oak Grove, Pierce County. Current land use is agricultural and residential. Neighboring land uses are agricultural, commercial, and residential. The applicants own 35 acres in the General Rural Flexible 8 District. Pierce County Code (PCC) Table of Uses allows ‘kennels’ in the General Rural zoning district with the issuance of a CUP subject to the provisions in §240-36I:

1. All dogs shall be housed indoors during the hours from 9:00pm to 6:00am.
2. Minimum side and rear yards for all structures associated with kennels shall be 200 feet.
3. Except as exempted here, all kennels shall be screened from public highways by vegetative screening as described in §240-31D. Structures located at least 200 feet from the centerline of public roads are exempt from the screening requirements.
4. There shall be no more than two adult dogs in a single enclosure unit.

Pierce County Code (PCC) §240-88 defines ‘Kennel’ as “any establishment wherein or whereon eight or more dogs over the age of five months are kept.” The applicant built an addition onto the north side of their home that they use to house the dogs. The addition is located within 200 feet of the centerline of the town road but is shielded from public view by the applicants’ home. The addition is located more than 200 feet from side and rear yard lot lines. Applicants indicate that they have dedicated that mud room to raising tea cup poodles and have ceramic tile on the floor for easy clean-up. To the northeast of the house, the applicants have a fenced in area so dogs have outdoor accessibility and so they can be exercised. This fenced in area is located within 200 feet for the centerline of the town road. The fence facing 570th Avenue has two layers. The inside is chain linked and the outside has tall wooden fence panels for security and screening. Adult dogs are separated from puppies and males are separated from females. This spring they plan to install artificial turf on the ground to help prevent digging and promote cleanliness. Driveway access is off 570th Avenue. Pierce County Code §240-54 does not specify parking requirements for this type of operation. There are several off-street parking spaces

available. Applicants don't employ anyone else and don't plan on hiring additional help. Applicants currently have 20 tea cup poodles and would like a maximum of 23 poodles. When the owners retire, they plan to eventually stop breeding the dogs and reduce their number of dogs as each pass away. The Oak Grove Town Board recommended denial of this request on 8-20-2018 because "...it does not meet the distance requirement in the Town's kennel ordinance..." The applicants proposed operation complies with the zoning requirement of 240-36I Kennels. The Zoning Office does not enforce the Town Kennel Ordinance. However, it is a standard condition that an applicant must acquire all necessary permits and licenses from applicable agencies (DSPS, DNR, and Towns). The approval of this CUP requested by the LMC would not eliminate the need to comply with the Town of Oak Grove's Kennel Ordinance and dog licensing requirements. An approval would rather certify compliance with Pierce County Zoning Code standards and provide the applicant with time to work with the Town to resolve kennel permitting issues. If a solution with the Town cannot be reached within the initial term of the conditional use permit, the applicant would likely be in violation of the CUP and enforcement action/revocation would be commenced if required.

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 a dog kennel with the following conditions:

1. Activities shall be conducted as submitted in the application and as presented to the LMC.
2. All dogs shall be housed indoors during the hours of 9:00pm to 6:00am.
3. There shall be no more than two adult dogs housed in a single enclosure unit.
4. Vegetative screening shall be installed to screen the fenced-in exercise area if activities are determined by staff to be readily visible from the adjacent public road during leaf on conditions.
5. Any buildings or advertising signs shall comply with the zoning code standards and applicant shall obtain any necessary permits.
6. One off street parking space shall be delineated.
7. This conditional use permit shall expire in one year.
8. The applicant shall comply with all applicable State and local rules and regulations, and shall acquire all necessary permits and licenses from other applicable agencies (DATCP) and the Town of Oak Grove.
9. An inspection of the facility by DATCP shall be conducted annually and the report submitted to the Zoning Office and the Town of Oak Grove. If a DATCP inspection of the kennel is not required, a written explanation of that determination shall be provided and an inspection of the facility by the American Kennel Club shall be conducted annually and a report submitted to the Zoning Office and to the Town of Oak Grove.
10. Applicant understands that expansion or intensification of this use will require modification to this conditional use permit.

Chairperson Fetzer opened the public hearing. Jerry Kosin, Town of Oak Grove Chairperson, one thing that they didn't comply with in Oak Grove was the 1500 feet from the back door of the kennel. They only went and got two signatures and that was just down the road. We have talked to these people quite a few times at meetings. At the one meeting they told us they would just keep doing this regardless of what our code says. He doesn't know where we are at. They haven't asked to come to Oak Grove to a meeting for quite a while but they have been dealing with this since probably a year ago. None of the dogs are licensed which is our problem, not yours. **Chairperson Fetzer closed the public hearing. Chairperson Fetzer invited Jerry & Debra Hallis forward:** Mr. Hallis stated they do agree to abide to whatever they need to do, like getting the dogs licensed. Chairperson Fetzer asked if they just raise dogs? Mr. Hallis stated it's a business. Chairperson Fetzer asked if they are registered. Mr. Hallis stated every one. Chairperson Fetzer asked how many pups they have a year, typically? Mr. Hallis stated it depends. Mr. Hallis stated they are not all breeding dogs, some are pets, some are older and spayed, you fall in love with them. Chairperson Fetzer asked if the committee has any questions. Gulbranson asked on condition #1, Activity shall be conducted as submitted in the application, does that restrict them to the Tea Cup Poodles so they can't change it to Shepherds or Huskies or Saint Bernards'. Lund stated

yes that's what that means. Sanden asked also other than what is listed on the first page in the staff report, the table of uses, is there anything else in the Pierce County Code that this is in violation of? For example you have looked at the side and rear yard setbacks and they are in compliance with the County, maybe not the Town. Lund stated that is correct. Holst asked if the 1500 foot setback is a Town Ordinance. Lund stated yes it is in the Town's Ordinance. Holst noted that it's up to the Town to enforce that. Mr. Kosin asked to speak again. It is 1500 foot, according to their attorney that is like a circle from the back door of their house where they keep the dogs. They only brought us two signatures. But there are a lot of homes involved. Chairperson Fetzer asked if they had more signatures they would be ok? Mr. Kosin stated maybe, at our public hearing they would have had to have signatures to convince some people. Chairperson Fetzer asked if Kosin was ok with the use. Mr. Kosin stated he isn't ok with it. Chairperson Fetzer stated they will still have to deal with you if it goes through us. Mr. Kosin stated 1500 feet, they will have to get a signature from every homeowner in that area, then they will start dealing with them. Chairperson Fetzer stated our biggest thing is public health and public safety. Those are the big things that we have to look at. Holst stated if they have been running a kennel since '99 and the town just found out about it, apparently they do a good job of hiding things because the dogs weren't an issue. Chairperson Fetzer asked if given the length of time there is there the potential that the use is grandfathered in. Mr. Kosin stated it's been in the code for quite a while he would have to look. Gulbranson asked if there have been complaints, like barking or anything? Mr. Kosin stated no. Deb McClure, Town of Oak Grove Supervisor, stated they had one escape. Mr. Kosin stated the 1500 feet was just one thing in the code they didn't meet, there were some other things also. Holst stated the way this looks to him is if they don't come into compliance with the Town within a year, then their CUP goes away. Is that the understanding of the rest of the committee? Pichotta stated we would have to bring it back to the committee for that. Chairperson Fetzer asked if this would come back in front of the committee if everything is taken care of. Pichotta stated that would be our intention. Renewal would be by this committee and he would hope at that point even if they haven't got things resolved, we would hear what efforts have been made.

Sanden moved to approve the conditional use permit for a Kennel for Jerry & Debra Hallis, due to the fact this is found to not 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/Aubart seconded. All in favor. Passed.

Discuss take action on proposed amendments to Pierce County Code Chapter 240-35, Agricultural Uses. Staff Report – Adam Adank: The raising of backyard fowl in residential areas has become quite popular in recent years. Some cities and villages within and nearby Pierce County have created ordinances to allow a limited number of fowl to be kept within their municipal boundaries. Staff is proposing to allow limited domestic fowl and structures in Rural Residential zoning districts. The proposed amendments would be regulated under Agricultural Uses in §240-35. While deliberating how to incorporate the regulation of domestic fowl into the Agricultural Uses section, staff discovered some inconsistencies in the code. Pierce County Code §240-35A(3) states: *General agricultural practices except for barnyards, feed lots, and uses involving agricultural structures, shall be allowed in all nonagricultural zoning districts.* However, the Pierce County Table of Uses chart only reflects “general agriculture” as a permitted use in agricultural districts. This means that the ordinance and table of uses chart are contradicting. In addition to the inconsistency described above, the current definition of general agriculture appears to be blended with language relating to intensive agriculture. This makes it hard to decipher which activities (for example animal husbandry) can be viewed as general agriculture and which activities should be viewed as intensive agriculture. The current definition of “general agriculture” is: *any agricultural use, except those listed for intensive agriculture, including apiculture; animal husbandry; dairying; floriculture; forage crop production; forest crop production; grain production; grazing; horticulture; orchards' specialty crop production' such as maple syrup, mint and willow; viticulture; and truck farming.* “Intensive agriculture” is not defined in the Zoning Ordinance and not referenced in the Pierce County Table of Uses chart. Staff believes that it would be appropriate to re-define “general agriculture” and create a new definition for “intensive agriculture” to better regulate specific agricultural uses in certain districts (specifically animal husbandry). The new definition of general agriculture would describe/list agricultural uses

that would be allowed in all zoning districts. The new definition of intensive agriculture would describe/list higher impact agricultural uses only allowed in agricultural districts. Staff asks the committee to consider the following questions when discussing the proposed amendments:

1. Should domestic fowl be allowed in residential zoning districts and if so, how many domestic fowl should be allowed on a residential parcel? Staff thought 6 may be an appropriate number based on the examples listed below:
City of Prescott allows 6 (2012)
Village of Ellsworth allows 10
Dunn County allows 4 in residential
Buffalo County allows 12 in residential districts
City of Hudson allows 5
City of River Falls does not allow chickens (2010)
2. Does the committee feel comfortable using the terms “general agriculture” and “intensive agriculture” to separate the regulation of different intensity agricultural uses?
Staff would propose activities such as animal husbandry, grazing, dairying, and apiculture to fall under “intensive agriculture.”

Staff Recommendations: Staff recommends the Land Management Committee discuss the proposed concepts, and if appropriate, direct staff to draft ordinance amendments for future LMC consideration. Holst stated this has been a real controversy in some areas. He has seen some of these ordinances where they talked about male chickens are disallowed. He feels that is prejudiced against the male. Adank stated he will take that into consideration. Holst commented on animal husbandry and intensive agriculture; I believe chicken ranching would be animal husbandry. Sanden stated that is the way he would look at it too. Sanden asked what the committee thinks about the term intensive agriculture. Sanden suggested that it implies a lot of offsite impacts. He stated he was thinking production agriculture but he is assuming some people could sell their eggs and that could be production in terms of doing it for profit. Pichotta stated basically the keeping of chickens is proposed to be an exemption from all of this. You are right that keeping of chickens for their eggs would be considered production agriculture, but we are proposing to exempt it in residential districts. Aubart asked why we were trying to fix this. Aubart stated for the record he could take you to at least three different chicken coops in the City of River Falls. To him, when you put a number like six across the County that doesn't make a lot of sense. He will argue that the sale of eggs wouldn't even come close to paying for the food. Aubart stated then we get into that whole argument. If you just do it for your friends or neighbor or whatever, now that is production agriculture. Sanden stated it would have to be some kind of terminology where agriculture is their main income. Pichotta stated as far as why we are looking at this, two things, the keeping of chickens in residential districts has repeatedly come up and our code doesn't allow it so he has difficulty looking the other way on it. When we have inconsistencies or we find issues in our code, the policy has been to address them. Aubart stated it does allow it, it says general agriculture practices except for those things. Holst stated in the ag district but he wants it in the residential district, RR20 and Ag Res. Pichotta stated there is not a definition for intensive ag and some things are considered intensive that shouldn't be. Gulbranson stated so if you allow six chickens, then are there rules that are going to go with that, if they start flying all over the neighborhood. The neighbors complain or they are running all over. Pichotta stated he isn't sure what new language would look like yet. We would look at what other folks have. In some of the residential areas like in Prescott; you have quarter acre lots. A lot of our residential lots, zoned residential are ten acres or more. Chairperson Fetzer stated he is thinking the same thing. ok, he can have six chickens on his quarter acre lot, the guy that has ten acres, I should be able to have more, no, sorry that is the rule. Pichotta stated this is why we are having this discussion. Pichotta stated perhaps if you have minimal acreage you can have the minimal number and for additional acres, it goes up. That is why we brought this to you. We want to know what you think before we start drafting language. Adank stated they would be allowed in any ag district but limits would just apply in residential districts. Chairperson Fetzer stated there are residential districts that are five acre lots people are buying, a lot of that. Holst stated Intensive agriculture sounds to him like an animal feed lot. That bothers him. He thinks we do have the definition for controlled animal feed lot in our ordinance someplace or not. That one we maybe need or maybe we don't need.

Pichotta stated that the county has a manure storage ordinance, so we regulate through that versus through the zoning code. Chairperson Fetzer stated right now the terminology is intensive agriculture? Pichotta stated it is but it's not defined. He agrees; it's a loaded term. Sanden suggested what if we went the other direction and rather than trying to redefine general agriculture, keep that term the same for what we all know it is and for these ones that have hobby farms, call it something like accessory ag or ancillary ag. If we were to come up with some term that meant someone that was not in the business of agriculture as their primary income, a hobby farm or dabble in some of these things. Leave the term of general ag as we know. Pichotta asked if the new term is just going to reflect allowable ag uses in residential districts or in all districts. Holst stated in all districts including residential districts. Pichotta stated let us work on that. How about chickens, do you want us to look into that? Should it be some sliding thing or carte blanche allowed with no number restrictions? That could be an option because most lots are not small. Most towns out there have a two and a half to three acre minimum lot size. So almost every lot is at least that big and in fact most cases they are bigger. Holst stated our minimum lot size allowable on a new one is one acre. Two acres on RR20, but the minimum lot size is one acre. Gulbranson asked if we allowed them in a residential development, if they put a covenant on that they can't have it, then they couldn't? Chairperson Fetzer stated that supersedes us. Pichotta stated that is not up to us to enforce covenants. Holst stated it's no different than what we did here tonight. Let the town enforce their 1500 feet cause that one time we spent a lot of money and when it came time to get paid, we didn't get anything and the town took all the money. Pichotta stated that was the dog kennel situation in the Town of Gilman. Sanden stated his inclination is if it's not a problem, not put a number on it and trust that they will keep things reasonable. Give them the latitude but then someone is going to come back with 3000 chickens on their acre. Gulbranson asked you want a number? Pichotta stated or direction to not bring forth a number and to come up with some language for your consideration. Chairperson Fetzer stated he is guessing that you have to have a number. You have to be black and white because somebody is going to abuse it. Pichotta stated here is an idea, perhaps the number, whether it be six or ten, that applies to lots less than one and a half or two acres. Everything else there is no limitation and in that way where you have your built up areas, those folks are limited slightly. Holst stated you see a lot of these guys raising range chickens now and they will have their little hut and drag their little hut around the yard. They can have 50 or 60 birds and it doesn't bother anybody and it keeps the wood ticks down. Pichotta stated we have a breakdown of lot size in the County. Seventy percent of residential zoned lots are four acres or less. Thirty percent are less than an acre. An additional 19 percent are between one and two. He likes the idea of six for small lots less than two acres and then if it's bigger than two acres, there is no limitation. Sanden said look at those numbers and decide what the cutoff is. Holst asked what the Village of Ellsworth's number for chickens is. Gulbranson stated ten and he didn't think they have had a complaint on it. Pichotta stated maybe the number ought to be ten because your lots in town are typically small. So I think where we are at is: two acres or less, six or ten, should we be consistent with Ellsworth and then as far as general ag and intensive ag we're actually going to swap meanings. General ag is going to become basically, production ag, ag that we are used to. We will come up with a new term for agricultural uses that are also allowable in residential districts and move forward. Chairperson Fetzer stated that works for him and asked if everyone else was ok with that. Committee agreed. Chair asked if a motion was needed. Pichotta stated just direction. We will come up with some draft language now that we have some guidance.

Discuss take action on Travel/Training Requests. Pichotta stated he has two travel/training requests. The first one is for Tracie Albrightson to attend a Skillpath Conference located in Bloomington on February 22, 7:00am to 5:00pm just there for the day and we have funds budgeted for this. The next one is for Kevin Etherton to attend the WLIA Conference in Appleton on February 20th – the 22nd. There will be a hotel required. We get a grant for this. The last one came up between committee meetings so he wasn't able to bring it to the committee. He did attempt to talk to Mr. Fetzer but he was unable to reach him he did talk to Mr. Holst who approved it. It's for Adam Adank to attend a FEMA Floodplain Training in Emmitsburg, MD. It's a four day course from March 18th through the 21st. Focus is on concepts of floodplain management maps, studies, and ordinance administration. All costs are reimbursed by FEMA except for meals. If we want to take action on this as part of

the other two that would be fine or we wouldn't necessarily need to. He just wanted to bring it to the committee's attention.

Gulbranson moved to approve the travel/training requests for Tracie Albrightson, Kevin Etherton and Adam Adank/Sanden seconded. All in favor. Passed.

Departmental Update and Future Agenda Items

Pichotta stated we have a renewal of a conditional use permit for Monarch Paving for their gravel pit in the Town of Trenton. He hates to have a meeting just for that but if we don't take action on it, that CUP will expire.

Motion to adjourn at 6:41pm by Holst/Aubart seconded. All in favor. Motion passed.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, February 6, 2019 – 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 20 th , March 6 th & 20 th , all in 2019.	Chair
3	Approve minutes of the January 2, 2019 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for 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
5	Discuss take action on proposed amendments to Pierce County Code Chapter 240-35, Agricultural Uses.	Adank
6	Discuss take action on Travel/Training Requests.	Pichotta
7	Future agenda items.	Pichotta
8	Adjourn	Members
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A quorum of County Board supervisors may be present.

(1/25/19)

PIERCE COUNTY WISCONSIN
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MINUTES - Pierce County Land Management Committee Meeting, January 2, 2019

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

Others: Andy Pichotta, Brad Roy, 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: January 16th, February 6th & 20th, March 6th & 20th, all in 2019.

Approve Minutes: **Gulbranson moved to approve the December 19, 2018 Land Management Committee minutes/Aubart seconded. All in favor. Passed.**

Discuss take action on Concept Plan for Cory & Gena Huppert, owners, by Dan Kugel, agent, on property zoned General Rural Flexible 8, located in the entire NE ¼ and the fractional NE ¼ of the SE ¼, all in Section 9, T27N, R19W, Town of Clifton, Pierce County, WI.

Staff Report – Emily Lund: Dan is here and will be bringing out the plat for everyone to see. He works for Ogden Engineering and applicants are requesting concept plan approval for a 164.9 acre, 33-lot, and 2-outlot subdivision in the Town of Clifton. They intend to complete the plat in phases. The property is located in Section 9, Town of Clifton. Current land use is agricultural and recreational. Surrounding land use is agricultural, recreational and residential. This land is not in any Farmland Preservation programs as per the Land Conservation Department. The property is in the General Rural Flexible 8 Zoning District. This plat conforms to the surrounding land and meets the zoning density. With all the contiguous land the applicants own included, the calculation is $(164.9 \text{ ac}) \times (8/40) = 32.98 \approx 33$ residential lots. Proposed lots 22-24 are located within Kinnickinnic River Blufflands and comply with Section 240-45B. The Wisconsin Wetland Inventory Map indicates no wetlands in this project area. The FEMA FIRM maps indicate no floodplain in this project area. Most of the proposed lots have slopes less than 12%, except exterior lots 3-9, 14-18, and 22-24 to the west and south. The 12% slopes have a dark yellow line and 20% slopes have a dark pink line. The acreage of each lot is not shown on the proposed concept plan. To determine suitability of the site for subdivision, staff reviewed the site for hazards of life, health or property, no such hazards were apparent. Town of Clifton approved this concept plan on December 4, 2018.

Staff Recommendation: Staff recommends the Land Management Committee approve this concept plan with the following conditions:

1. Applicant shall secure preliminary plat approval prior to beginning construction of roads or installation of erosion control and stormwater measures.
2. The County minimum lot size of 1 acre and the Town of Clifton minimum lot size of 3 acres, excluding right-of-way and easements shall be met.
3. The proposed Town roads shall be numbered in accordance to Pierce County Code Chapter 115 (Numbering of Building & Roads) and shall be determined by the Pierce County GIS Specialist.
4. Applicant shall obtain all necessary sign permits.

Chairperson Fetzer asked Dan if he would like to add anything. Mr. Kugel stated that pretty much does it. The picture showing the concept of the entire area but they plan to do it in phases, depending how the conditions are, how the market goes. Chairperson Fetzer asked how much of this land is currently farmland? Mr. Kugel stated, acreage wise, he is not sure. Its visible what is not wooded is farm land. Chairperson Fetzer stated over half of it

was farmland. Pichotta stated there should be a map inside of your folder which identifies prime soils and you will see that this piece is almost entirely prime soils. Chairperson Fetzer asked if the Town of Clifton doesn't have any language, some towns do. Pichotta stated, if you recall when we did the update to the comprehensive plan, we have language in there discouraging folks from subdividing prime ag land but it is all based on Town Comprehensive Plans and what they have in place. What we didn't want to do is necessarily dictate to the towns. If this was a rezone, we would be looking at soils and the Town of Clifton's Comprehensive Plan in relation to what they have for the agricultural preservation section of it. This land was zoned this way all the way back since 1998 so it's basically the owner's right to subdivide it as he sees fit, as long as he does so consistent with any town subdivision ordinance and our subdivision ordinance. Gulbranson asked about the town roads, he asked if they will be turned over to Clifton? They aren't going to be private, so then how are the standards when they build these roads. Is somebody out there looking at that? Lund stated we will be looking at the standard and in the past when we had a plat come through, the last one that was approved was in 2006 so it's been several years, we had an engineer on staff that reviewed the plans from the Land Conservation Department. But the Town of Clifton does have a Town Road Standard and a Town Private Road Standard. Usually, once it's built, we hire the Highway Department to go out there and check it. That is billed to the applicant to make sure it's been built properly. Holst stated there is nothing better than a cul de sac to piss off a town patrolman. He also noted that it looks like a pretty good chunk of farm ground. Sanden agreed with that. Aubart asked Andy to explain the whole process of the plat since he hasn't been here for one. Pichotta stated a plat is a three-step process. You can create two lots over-the-counter by submitting a Certified Survey Map (CSM). But if you are going to create three or four in a five year period, you need to first come to the Land Management Committee to present it and ultimately, approval is administrative. But if you are going to create five or more lots in a five year period, there is a three-step process; the first step is concept plan, where basically the whole project is presented as a big picture sort of a look. Then once concept is approved, the next step is preliminary. In order to receive preliminary plat approval, they will have to submit soil tests for each of the lots, the surveyor will draw out and they will be platted out and staked, then it is reviewed by the State. The makeup of the roads is identified. The layout of the roads is identified. It will have to go back to the town also. Once preliminary plat is approved, final plat can only be granted once the roads are constructed and everything is in place. Sanden asked if he could add that vested rights kick in after preliminary plat. Pichotta stated yes. Aubart stated because then they put in all the roads. Sanden stated then they put all that effort into it, you're right. Pichotta stated basically as long as someone complies with all the conditions of preliminary plat, they are guaranteed final, so you can't switch the game three-quarters of the way through. Gulbranson asked what the Kinnickinnic River Blufflands is. Pichotta stated there is a section of our zoning code, that is kind of like the St Croix Riverway where it's more restrictive and larger setbacks associated with the bluff lines. You don't want disturbance of slopes. It's a lot less onerous than the St Croix Riverway and it is aimed at protecting the Kinnickinnic Watershed. So there is a little bit extra stuff relating to setbacks, typically. You may recall in the past we have had folks come in and seek a CUP for cutting of brush and burning of stuff along those Kinnickinnic hills, so there are some things other than setbacks that are required as part of that overlay district. Roy stated those will come into play later, not at lot creation. When someone applies for a house we will have to look at those extra requirements. At this point, there isn't much to consider. It would be more for the home owner to consider. Chairperson Fetzer asked, assuming everything goes through, in your three phases how are you expecting to do it, so many in the first phase and then after how many years are you looking at more? Mr. Kugel stated right now phase one would be lots 1 – 13, the upper part and then beyond that depends on how well they sell or how fast they fill up. **Holst moved to approve the concept plan for the plat for Cory & Gena Huppert in the Town of Clifton with conditions #1 - #4/Aubart seconded.** Chairperson Fetzer stated it is sad to be losing about 100 acres of good land there. It's sad to see good farmland go downhill or into buildings because you don't get that stuff back. But that is the townships way of looking at things and I guess we can't overrule how they want to run their townships. Holst asked if there is any part of that township that is in the Ag Enterprise Zone, did that ever get established? Pichotta stated that this farm is not participating in any Ag Enterprise programs. **All in favor. Passed.**

Discuss take action on a request for renewal of a conditional use permit for Nonmetallic Mining in the General Rural, General Rural Flexible and Primary Ag Districts, pursuant to Pierce County Code Chapter 240-37A for Wisconsin Industrial Sand Company, agent for Kathleen & John Thayer, My Course LLC, Cynthia Hanson and MOAP LLC/TROLL KING LLC, owners on property located in part of Sections 33, 34 and 35, all in T25N, R17W, Town of Hartland, Pierce County, WI and for Wisconsin Specialty Sands Inc, owner and agent for Nellie Anderson, My Course, Charles & Lynn Brown, Lynn Brown, Dennis Potts, Florness Farms LLC, Gregory & Debra Anderson and Margaret Chesley, on property located in part of Sections 2, 3, 4 and 10, all in T24N, R17W, Town of Isabelle, Pierce County, WI.

Staff Report – Brad Roy: The underground mining operation began in 2006; in 2008 the hours of operation were expanded to 24 hours a day. In 2013, the LMC approved an expansion of the mining area into the Town of Hartland. Activities on the site include blasting, screening, washing and sizing underground in the mining tunnels. Washing is done in clay-lined ponds within the tunnels. The washed sand is then trucked to the processing facility in the Town of Trenton. Trucks enter and exit the site directly onto STH 35. The permitted mining area encompasses approximately 1300 acres. The primary use of the land is either agriculture or forested and undeveloped. Other area uses include low-density residential. The entire mining process takes place underground using room and pillar mining. Mining is accomplished by drilling and blasting. The tunnels allow for the internal washing, sizing, and storage of the sand. The blasted sand is screened and taken to an underground classifying area where the sand is sized and dewatered. Approximately 90% of the water is recycled. Water is supplied by two high capacity wells which are permitted by the DNR. The lower level of the mine is approximately 60 – 80 feet above the groundwater table. The use of flocculants is permitted by the WI DNR which monitors the type and limits the amount used. The facility has a Storm Water Pollution Prevention Plan and a Spill Pollution Control and Countermeasures Plan. These plans identify potential sources of storm water pollution and spills of oil-related materials and other chemicals, and establish controls to minimize any potential impacts to surface waters. A Fugitive Dust Plan has been developed for the operation. The plan details the measure to be taken to reduce dust from roadways during periods of dry or windy conditions. The site is currently not in production, but activities are taking place to keep the permit active. The following actions are/have been completed.

1. Monthly in-house Inspections for SWPPP (Storm Water Pollution Prevention Plan).
2. Monthly in-house Inspections for SPCC (Spill Plan Control and Countermeasures).
3. Quarterly Storm Water Discharge in-house Inspections.
4. Regular in-house Primary and Secondary Escape Inspections along with any needed scaling or cleaning of tunnels.
5. Quarterly MSHA Regulatory Inspections (MSHA inspects our underground and surface areas for compliance).
6. Annual in-house continuity and Ground Checks of electrical components.
7. Fire Extinguisher in-house Inspections.
8. Maintaining Electrical systems inside and outside of mine for capacitor chargers, lights and electrical components.
9. Maintaining water management system within underground workings to keep water away from electrical equipment.
10. Semi-annual AED and Oxygen in-house Inspections.
11. Allowing Annual Bat counts with WDNR.
12. Allowing Continuation of Scientific studies related to Bat Vaccines for WNS (White Nose Syndrome).

Staff has not received any complaints about the operation since the expansion in 2013. The applicant has received a permit from WisDOT to mine under Hwy 35. Staff contacted the Towns of Hartland and Isabelle regarding this renewal. We heard from Isabelle, they have no concerns. Did not hear back from the Town of Hartland but he doesn't think they started mining in the Town of Hartland yet so he doesn't expect for there to be any concerns. The existing conditions associated with the mine are listed in the staff report #1 - #27.

Staff Recommendations: Staff recommends the Land Management Committee determine whether any changes or additions to the existing conditions are necessary. If no changes or additions are warranted, staff recommends this CUP be renewed with the following conditions #1 - #27 with no changes:

1. Applicant shall follow all recommendations and receive all necessary permits from WI DNR, Department of Safety and Professional Services, Mine Safety and Health Administration and other agencies if required.
2. Applicant shall submit written verification from all real property owners granting access to the abandoned tunnels of which WSS/WISC will be accessing pursuant to this CUP.
3. Applicant shall submit verification of lease agreements before mining is conducted and before mining is conducted within the 100 foot setback to parcels of which WSS/WISC does not hold the mineral rights, subject to condition number 5.
4. Applicant shall comply with the conditions recommended by the Town of Isabelle. The Town of Isabelle recommended approval of this request on March 22, 2006, subject to the following conditions.
 1. A map of the facility and underground tunnels shall be posted conspicuously at the site.
 - a. This same map shall be provided to the Town Clerk of the Town of Isabelle and emergency officials.
 - b. This map shall be updated semi-annually.
 2. A site stability study shall be completed by a professional engineer qualified for such work.
 - a. The stability of the site shall be monitored by a qualified professional engineer annually.
 - b. A copy of the engineer's report shall be made available to the Town of Isabelle.
 3. The groundwater shall be monitored by professionals qualified to perform such work.
 - a. Check all wells within 1000 feet of company wells. This is the same as county requirements.
 - b. The groundwater shall be monitored annually as well as any time the Town of Isabelle deems appropriate.
 - c. A copy of this report shall be made available to the Town of Isabelle.
 4. A reclamation plan shall be prepared –
 - a. In compliance with the requirements of the County of Pierce.
 - b. Including a performance bond to insure that reclamation work can be completed after operations cease or the operating entity ceases to exist.
 5. Hours during which blasting operations can be performed will be unrestricted unless official complaints are registered with the Town of Isabelle.
 - a. Upon receipt of an official complaint to the Town of Isabelle, the Town of Isabelle will advise the operators of the facility of the hours of blasting restrictions.
 - b. Within 24 hours of notification, the operators of the facility shall not perform blasting between the hours of 9:00pm to 5:00am.
 6. Town of Isabelle does not control driveway permits onto a State of Wisconsin Highway and therefore cannot approve or deny any such driveway. However, the Town of Isabelle is very concerned about trees on either side of the driveway blocking the view of the drivers on the driveway and the State Highway. The Town of Isabelle strongly recommends that sufficient trees be removed to promote safe vehicular traffic.
5. A 100-foot setback shall be maintained from all property lines for which Wisconsin Specialty Sand/Wisconsin Industrial Sand Company does not hold the mineral rights, except for any areas which were granted an exception to this requirement. An exception was granted on the west property boundary of the parcel subject to this CUP. Mining is permitted 57 feet from this boundary.
6. Applicant shall identify blasting frequency and all blasting shall be done by a certified state licensed blaster.
7. Real property owners located within 1000 feet of the parcels subject to this CUP shall be notified of the blasting schedule and be given the option of having notices sent to them by phone, text or email before any blasting. Blasting shall be restricted to six days a week.

8. Well tests for nitrates, suspended solids and dissolved solids shall be conducted for all wells located within 1000 feet of the parcels subject to the CUP.
9. Reclamation shall be according to submitted plans and shall be completed within one year of ceasing mining operations.
10. After the asphalt and road gravel is removed, following mine closure, the road bed shall be graded so storm water will run laterally off the old road bed and not longitudinally down the old profile grade of the road bed.
11. The financial assurance for reclamation shall be reviewed and approved by Corporation Counsel before mining commences and kept current.
12. Applicant agrees that any unforeseen erosion issues that arise during or after construction shall be addressed to the satisfaction of the county.
13. 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. If they are not required, applicants shall submit verification from those agencies stating that the plans are not required.
14. This CUP shall be renewed every two years.
15. An annual audit, detailing mining activities to date and demonstrating adherence to approved conditions shall be submitted to Pierce County Land Management Department by January 31st.
16. The applicant shall submit written verification from the Department of Natural Resources that a binding agreement between the DNR and WSS/WISC is in place to preserve the conservation values of the existing DNR State Natural Area and associated tunnels. Such agreement shall also address access.
17. Verification of an agreement with the Wisconsin DOT shall be submitted before mining extends under Hwy 35.
18. Outdoor storage of any equipment and/or mining materials shall only occur on the parcel with the mine entrance.
19. Mining shall not encroach within 200 feet of any existing residence unless owner authorization has been obtained.
20. All loaded trucks shall be tarped.
21. A fugitive dust plan that utilizes industry standards and best management practices shall be developed and adhered to.
22. The operator shall provide notice to the County of any orders to cease and desist from MSHA.
23. Any polyacrylamide flocculants must be used consistent with WI DNR permit requirements.
24. WISC will be subject to control methods deemed adequate by the Land Management Committee for silica emissions if current or future studies suggest a significant public health threat exists from such emissions.
25. A groundwater response plan, including accurate determinations of the groundwater elevation and which details resources to be used to protect the quality of groundwater beneath and adjacent to the extraction operation and a proposed response to encountering groundwater, shall be provided. Groundwater elevation shall be monitored annually and the results submitted to the Zoning Office.
26. A map of the facility and underground tunnels shall be submitted to the Town of Hartland semi-annually.
27. No ventilation shafts or secondary access portals shall be developed until after such time as the proposed location is reviewed by the applicable town and approved by the LMC.

Sanden moved to approve the renewal of the conditional use permit for Nonmetallic Mining for Wisconsin Industrial Sand Company with conditions #1 - #27/Gulbranson seconded. Holst recused himself due to the fact there could be a conflict of interest. All in favor. Passed with Holst not voting.

Discuss take action on Travel/Training Requests. Pichotta stated he has one travel/training request for Kevin Etherton, our GIS Specialist, to attend the Wisconsin Land Information Association annual conference. This is something we actually get grant funds for. It will be February 20th through the 22nd at the Red Lion Hotel in

Appleton, WI. **Aubart moved to approve the travel/training request for Kevin Etherton to attend the Wisconsin Land Information Association conference in Appleton/Sanden seconded. All in favor. Passed.**

Departmental Update and Future Agenda Items

Pichotta stated we don't have any agenda items for the next meeting. We have some things we are working on in-house but we think a little more time would be prudent on those. It does seem like we are not having a lot of meetings and the reason for that is, we are seeing less of CUP's, but if you recall we've taken some of the site plan review stuff and doing more of that on the staff level instead of bringing it before the committee. Because there has typically not been issues with our CUP's, more and more of the renewals are handled administratively so it's really just the new stuff that's complicated that comes to you guys. He hasn't decided if it's good or bad that we are having less meetings. Chairperson Fetzer stated he thinks we did the right thing, it simplifies our meetings and as long as there aren't issues on things, why come in and have more six and ten minute meetings. Pichotta stated we will meet that first meeting in February.

Motion to adjourn at 6:25pm by Aubart/Holst seconded. All in favor. Motion passed.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, January 2, 2019 – 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: January 16, February 6 th & 20 th , March 6 th & 20 th , all in 2019.	Chair
3	Approve minutes of the December 19, 2018 Land Management Committee meeting.	Chair
4	Discuss take action on a Concept Plan for Cory & Gena Huppert, owners, by Dan Kugel, agent, on property zoned General Rural Flexible 8, located in the entire NE ¼ and the fractional NE ¼ of the SE ¼, all in Section 9, T27N, R19W, Town of Clifton, Pierce County, WI.	Lund
5	Discuss take action on a request for renewal of a conditional use permit for Nonmetallic Mining in the General Rural, General Rural Flexible and Primary Agriculture Districts, pursuant to Pierce County Code Chapter 240-37A for Wisconsin Industrial Sand Company, agent for Kathleen & John Thayer, My Course LLC, Cynthia Hanson and MOAP LLC/TROLL KING LLC, owners on property located in part of Sections 33, 34 and 35, All in T25N, R17W, Town of Hartland, Pierce County, WI and for Wisconsin Specialty Sands Inc, owner and agent for Nellie Anderson, My Course, Charles & Lynn Brown, Lynn Brown, Dennis Potts, Florness Farms LLC, Gregory & Debra Anderson and Margaret Chesley, on property located in part of Sections 2, 3, 4 and 10, all in T24N, R17W, Town of Isabelle, Pierce County, WI.	Roy
6	Discuss take action on Travel/Training Requests.	Pichotta
7	Future agenda items.	Pichotta
8	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.

(12/20/18)