

**LAND MANAGEMENT COMMITTEE  
MEETING REVISED AGENDA**

**Wednesday, May 3, 2023 – 6:00 p.m.**

Courthouse Annex/Lower Level – County Board Room: 124 N Oak St. - Ellsworth, WI

**Public attendance is available in person or virtually with the link or phone number provided below.**

<https://us06web.zoom.us/j/84321342066?pwd=cWhOU3l0bGlyK1N5WWdXengrZUVGdz09>

Meeting ID Number: 843 2134 2066  
United States: + 1 (312) 626-6799

Password: 463671  
Access Code: 463671

#	Action	Presenter
1	Call to order	Chair
2	Next meeting date: May 17, 2023, June 7, 2023 & June 21, 2023	Chair
3	Approve minutes of the April 19, 2023 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. pursuant to Pierce County Code §240-41E in the Primary Agriculture District for Xcel Energy, agent for Northern States Power Company, owners on property located on Lot 2 CSM 13-18 in part of 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 renewal of a conditional use permit for Nonmetallic Mining in the Agriculture Residential District, pursuant to Pierce County Code Chapter §240-37A, for Greg Bechel Trucking, agent for <del>Robert &amp; Juliane Redding</del> <b>Heath Revocable Trust, Tommy &amp; Michelle</b> , owners on property located in <b>part of</b> the SW ¼ of the SE ¼ of Section 27, T25N, R15W, Town of Union, Pierce County, WI.	Adank
6	Discuss take action on Travel/Training Requests.	Pichotta
7	Future agenda items.	Pichotta
8	Adjourn	Members

A quorum of County Board supervisors may be present.

(4/17/2023)

- **Revised Agenda April 21, 2023 @ 9:23am.**

**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  
land.mgmt@co.pierce.wi.us



MINUTES - Pierce County Land Management Committee Meeting, April 19, 2023, in-person meeting for everyone along with the option of remote attendance.

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

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

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

Next meeting dates: May 3, 2023, May 17, 2023 & June 7, 2023.

Approve Minutes from the March 1, 2023 Land Management Committee meeting: **Aubart moved to approve the Land Management Committee minutes from March 1, 2023/Sanden seconded. All in favor. Passed. Fetzer recusing himself as he was not present.**

**Public hearing to consider and take action on a request for a Rezone from Rural Residential-12 to General Rural Flexible-8, for Ryan & Erica Kariesch, owners, on 26.613 acres, located in part of Lot 4 and Outlot A Cerified Survey Map (CSM) Volume 11 Page 75 being part of the NE ¼ of the NW ¼ of Section 13, T26N, R20W, Town of Oak Grove, Pierce County, WI.**

**Staff Report – Emily Lund:** The applicants are requesting to rezone their property from Rural Residential-12 to General Rural Flexible-8. The property was originally zoned GRF-8 and operated as an orchard prior to the comprehensive zoning ordinance re-write in 1998. In September 1999, Dennis Gagnier submitted a request to have 400 acres, including this parcel, rezoned from GRF-8 to RR-12. The County Board approved the rezone by Ordinance #99-08 on 10-26-1999. As a result, the existing orchard was a grandfathered use in the RR-12 district. Today the applicants propose to rezone the parcel back to GRF-8 to allow the applicants the ability to apply for a Conditional Use Permit to expand the use to an orchard/retreat center or a similar related use depending on final business plans. The property is located in Section 13 in the Town of Oak Grove. The property is 26.613 acres. Current land use is agricultural and agricultural forest. Neighboring land uses are agricultural, agricultural forest, residential, and undeveloped. The definitions for the Zoning Districts are listed in the staff report. The Pierce County Comprehensive Plan states, “The County will approve re-zonings or map amendments only when the proposed change is consistent with an adopted or amended town comprehensive plan. The town of Oak Grove recommended approval of this request on March 20, 2023. They supported the approval by citing the town of Oak Grove Comprehensive Plan Vision Statement, Overall Planning Goal #5 & specific sections of Chapter 7 – Economic Development (p.87) as follows:

- Goal 1: Support economic activity and development that does not detract from the rural way of life in the Town of Oak Grove.
- Objectives 1-4 and Policies 1-3 & 6 as listed in the staff report.

The value of land for agricultural use according to the USDA Web Soil Survey is listed. Most of the property is not in Prime Farmland.

**Staff Recommendation:** Given that the Town of Oak Grove Board of Supervisors recommended approval of this proposed map amendment and has determined that the request is consistent with Town of Oak Grove’s adopted Comprehensive Plan, staff recommends that the LMC approve this map amendment (rezone) of 26.613 acres from Rural Residential-12 to General Rural Flexible-8 and forward a recommendation to the County Board of Supervisors.

Chairperson Fetzer asked if the committee had any questions. Sanden asked what the motivation was to rezone it the first time to RR-12. Pichotta said that it was almost certainly for the potential to create more lots, since

## Approved

that didn't happen, it makes sense to bring it back into agricultural zoning. Chairperson Fetzer asked the applicant, Erica Kariesch, if she had anything to add. She stated no. **Chairperson Fetzer opened the hearing to the public.** Eric Guberud (online) asked if there was any impact to the neighbors. Pichotta stated that there would not be any impact from the proposed rezone itself, the rezone would enable the potential for uses that are conditionally permitted. Pichotta said those uses would require a separate public hearing and part of the discussion related to conditionally permitted uses is strategies to mitigate potential impacts to neighboring properties. Pichotta said this action will not have any impact on the neighbors, but it does enable things that may. **Chairperson Fetzer asked for any other public comment. Hearing none, Chairperson Fetzer declared the public hearing closed.** Chairperson Fetzer called for a motion. **Gulbranson made a motion to approve the map amendment (rezone) from Rural Residential-12 to General Rural Flexible-8 and to 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 Expansion of a Private Outdoor Recreational Use for Riding Lessons, Boarding, and Day Camps, for Rochelle Wrisky, owner, on 20 acres, located in part of the S ½ of the NW ¼ of Section 29, T27N, R19W, Town of Clifton, Pierce County, WI.**

**Staff Report: - Emily Lund:** In 2014, the applicant received a conditional use permit (CUP) to establish a Private Outdoor Recreational Use called Wrisky Ranch that offers indoor and outdoor Riding Lessons, Horse Training & Boarding, and Day Camps. The initial CUP allowed a horse stable, an attached larger riding arena, and two portable sheds to be built. Also, the CUP limited boarding to 20 horses. The applicant proposes to expand the CUP by building another larger indoor arena and offer boarding to 35 horses. The 20-acre parcel is located in Section 29, Town of Clifton. The parcel is in the Primary Agriculture zoning district. A dwelling is not located on this property. Surrounding land uses include agriculture and forest. Private outdoor recreational uses are conditionally permitted in the Primary Agriculture district and subject to Pierce County Code (PCC) § 240-39D. The definition of private outdoor recreation and commercial riding stables are listed in the staff report. PCC § 240-39B states, "Riding stables, commercial and private.

- (1) Minimum lot size for riding stables shall be 10 acres for commercial riding stables and three acres for private riding stables.
- (2) There shall be at least one acre of open space provided on the lot for each horse kept on the lot.
- (3) All stables shall be located at least 100 feet from the ordinary high-water mark of navigable water and shall be located such that manure will not drain into navigable water.
- (4) Riding stables in the Exclusive Agriculture District shall require a conditional use permit subject to § 91.75(8), Wis. Stats."

PCC § 240-39B(2) requires at least 1 acre of open space for each horse kept on the lot. The applicant has 20 acres, which allows 20 horses boarded onsite. The applicant wants to expand boarding to 35 horses and that would require the applicant to purchase or lease an additional 15 acres. The facility is open daily from 6am to 10pm. Riding lessons are by appointment. Day camps are offered to customers Monday through Friday from 8am to noon. There is no overnight camping for customers. They have existing structures on the property. The applicant proposes to build a 72'x160' indoor arena located south of the existing horse stable and arena. The building location is over 100 ft to all property lines. The applicant is working with Cleary Building to have the arena certified under the commercial building code to address issues such as snow load, wind shear, and footings for the safety of occupants. All Croix Inspections will address the commercial building requirements and permits on behalf of the Town of Clifton. The Public Health Dept. licenses these facilities and verifies the drinking water supply is safe. Off-street parking per PCC § 240-54(A) for commercial recreation requires 1 space per 4 patrons. The maximum number of anticipated patrons onsite at any one time is 50 people. The area currently has at least 20 parking spaces. Portable toilets will be provided (1 per 50 people) and maintained for customers. The applicant rents portable toilets from 5 Star Restroom Rentals LLC from River Falls, WI and are maintained weekly. The equipment to be used includes a skid steer, tractors, truck and trailer. Solid waste disposal service is provided by GFL Environmental from Hager City, WI. Currently, the applicant has 1 employee, but anticipates 2-4 employees after the proposed expansion. The applicant has liability insurance through Risk Placement Services through Croix Insurance. An on-premise sign is currently incorporated into their landscaping. A Manure Management Plan was submitted by the applicant. With the expansion, the

## Approved

applicant will continue work with neighbors to spread the manure on adjoining 154 acres of cropland twice a year. The Manure Management Plan has been reviewed and approved by the Pierce County Land Conservation Department. The Clifton Town Board recommended approval of this request on March 7, 2023. Based on advice from Corporation Counsel, staff is generally not recommending any conditions which require the permitting or compliance with other agencies, organizations, or departments regulations or rules. The existing conditions are listed in the staff report.

**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 the 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 riding arena shall be commercially rated, approved by DSPS, and a copy of the approved building plans shall be submitted to the Land Management Department prior to construction.
2. Adequate portable toilets (1 per 50 people) shall be provided and maintained.
3. Solid waste dumpsters or waste containers shall be located on-site and maintained.
4. The total number of horses boarded on the property is limited to 35 horses.
5. The applicant shall follow the requirements of PCC § 240-39B. Purchasing or leasing an additional 15 acres to fulfill the PCC Zoning code requirements of 1 acre of open space for each horse kept on the lot is acceptable.
6. The Manure Management Plan approved by the Pierce County Land Conservation Department shall be adhered to.
7. Hours of operation shall be 6am to 10pm.
8. 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.
9. The applicant shall renew the liability insurance annually.
10. The CUP shall be renewed every 2 years. Renewal may be completed administratively if no compliance issues arise.
11. 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 asked the committee for questions. **Chairperson Fetzer opened the hearing to the public. Hearing none Fetzer closed the Public hearing.** Fetzer asked Wrisky if she had anything to add. She said no. Sanden asked Wrisky what the plan was to add the 15 acres. Wrisky stated it was her understanding that the purpose was to continue to be able to have acreage to spread the manure on was the biggest concern. Wrisky said we already have, with our neighbors, the 154 acres to fill that. We have leasable land that we are working on as well. **Sanden moved to approve the Conditional Use Permit for expansion of a Private Outdoor Recreational Use with conditions 1-11/Aubart seconded. All in favor. Passed.**

### **Discuss take action on proposed amendments to Pierce County Code Chapter § 240-78, Variances and Chapter § 240-39, Outdoor Recreational Uses.**

**Staff Report – Adam Adank:** At the January 4, 2023 Land Management Committee meeting, staff presented an ordinance amendment concept to Pierce County Zoning Code § 240-78 that would better differentiate use vs area variances and identify variance standards consistent with state statutes and case law. The Wisconsin Supreme Court recognizes two types of zoning variances that may be granted by a zoning board: area variances and use variances. However current Pierce County Code does not specifically differentiate between a use and area variance. Instead, the current ordinance has five standards to consider for granting a variance. The last variance standard in the ordinance states, “No variance shall have the effect of allowing in any district a use not permitted in that district.” That language prohibits use variances in Pierce County. However, it is listed as a standard for any variance request. Staff believes that it is important to differentiate between a use variance and an area variance prior to establishing standards because case law establishes separate unnecessary hardship tests for each. The proposed changes to Pierce County Code § 240-78 would first clarify the types of variances before listing the standards for a variance. WI Statutes, Case law, and zoning guidance documents have identified 3 standards for granting variances. Staff has proposed changing the 5 standards currently listed in the

## Approved

ordinance to be consistent with the 3 standards recognized. Staff proposes the following code amendments for PCC § 240-78 Variances:

### C. Variance Types.

(1) Area Variance. An area variance requests a modification to a dimensional, physical, or locational requirement such as the setback, frontage, height, bulk, or density restriction.

(2) Use Variance. A use variance requests an authorization for the use of land for a purpose that is otherwise not allowed or is prohibited by the applicable zoning ordinance.

(a) Use variances are prohibited in Pierce County.

€D. Standards for variance. The Board of Adjustment shall consider the following standards for granting an area variance. The burden of proof at all times remains with the applicant to establish that the proposed variance meets the following standards:

- (1) Unnecessary hardship. That there are present actual physical conditions applying to the lot, parcel, building, structure, use or intended use on that parcel which are creating the unnecessary hardship in the application of this chapter, as distinguished from a mere inconvenience to the owner if the strict letter of the regulations is required. A self-created or self-imposed hardship does not constitute an unnecessary hardship.
- (2) Unique condition. That the conditions described in Subsection €D(1) are unique, exceptional, extraordinary or unusual circumstances applying only or primarily to the property under consideration and are not of such a general or recurrent nature elsewhere in the same zoning district as to suggest or establish the basis for general or recurrent nature elsewhere in the same zoning district as to suggest or establish the basis for ordinance changes or amendments or of having that effect if relied upon as the basis for granting a variance.
- ~~(3) Conditions not self created. That the condition creating the hardship or difficulty was not caused by the petitioner nor by any person still having an interest in the property.~~
- ~~(4) (3) Public interest. That in granting the variance there will not be a substantial detriment to neighboring property and the grant of variance will not be contrary to the purpose of this chapter and the public interest.~~
- ~~(5) Effect on uses. No variance shall have the effect of allowing in any district a use not permitted in that district.~~

Staff has also drafted proposed ordinance amendments to PCC § 240-39B regarding Private and Commercial Riding Stables. This issue was recently raised by the Clifton Town Board. The current ordinance requirements for private and commercial riding stable are the same except that commercial riding stables have a 10-acre minimum lot size. Staff is proposing to separate the requirements for a commercial and private riding stable. The main change proposed is to eliminate the requirement for commercial stables to have one acre of open space provided on a lot for each horse kept on the lot. Staff suggests that this amendment is warranted due to the nature of commercial stables and boarding horses. Many times, horses at a commercial facility are boarded in stalls and pastured less frequently or not at all. The entire acreage required for each horse is often not used. Livestock numbers are not limited anywhere else in the Zoning Ordinance. Staff suggests that a requirement for a manure management plan for commercial stables would be more appropriate than requiring a specific amount of open space. Staff proposes that following code amendments for PCC § 240-39B Riding stables, commercial and private:

### B. Riding stables, commercial and private.

#### (1) Private Riding Stables:

- ~~(1)(a) Minimum lot size for riding stables shall be 10 acres for commercial riding stables and three acres for private riding stables.~~
- ~~(2)(b) There shall be at least one acre of open space provided on the lot for each horse kept on the lot.~~
- ~~(3)(c) All stables shall be located at least 100 feet from the ordinary high-water mark of navigable water and shall be located such that manure will not drain into navigable water.~~
- ~~(4)(d) Riding stables in the Exclusive Agriculture District shall require a conditional use permit subject to § 91.75(8), Wis. Stats.~~

#### (2) Commercial Riding Stables:

- (a) Minimum lot size shall be 10 acres for commercial riding stables.

## Approved

(b) A manure management plan shall be submitted for review and approval by the Pierce County Land Conservation Department.

(c) All stables shall be located at least 100 feet from the ordinary high-water mark of navigable water and shall be located such that manure will not drain into navigable water.

(d) Riding stables in the Exclusive Agriculture District shall require a conditional use permit subject to § 91.75(8), Wis. Stats.

**Staff Recommendation:** Staff recommends that the LMC review the proposed amendments and, if appropriate, direct staff to schedule a public hearing to consider adoption. Chairperson Fetzer asked for any questions. Fetzer stated for him it cleans things up a bit. Gulbranson asked for an example of self-created hardship. Pichotta stated an example would be you build a garage in a spot where it impacts your ability to put a future structure or you subdivide your property and create an unusual shape and now you can't do what you had wanted to do because of what has been done. Sanden said that he has heard that some of these variance requirements state that the hardship can not be merely economic. Sanden asked if we would want to include that? Pichotta stated Sanden was correct that it cannot be, but the standards are defined in state statutes and there is no need to define them more but to just refer to them. Sanden wanted clarification that the state has a use variance allowed, which sounds like it should just be a special use permit. Sanden asked would we not be going against that by stating use variances are prohibited by Pierce County? Pichotta stated that the case law establishes a separate unnecessary hardship requirement for use variances and if we were to choose to allow them that standard would apply. Pichotta said Pierce County has taken the position that basically we won't allow use variance given that is essentially you're allowing a use that is from a different district without requiring them to rezone to that district. Gulbranson asked about if someone has a house addition out in the country, and they want to have a horse out there, would that be a private riding stable with one horse? Pichotta asked what it was zoned. Gulbranson stated residential. Pichotta stated they wouldn't be allowed a horse, but actually to approve that would be a request for a use variance. Sanden asked about how it states that it is better to use the manure management plan than the one acre per horse but then it also still talks about one-acre open space per horse. Pichotta stated that he thinks of the private riding stables as largely back yard horse owners. What we want to do is ensure that someone who wants to get a horse has enough room for it and say they don't want to buy a lot of feed, an open acre per horse is close to the amount of feed that a horse would need, so you want to have adequate room on a per horse basis. Pichotta said for a commercial facility there are really not those same concerns. Pichotta said in a commercial facility if they are treating the horses badly, people will leave and they won't have a successful business. Pichotta suggested that it is still appropriate to leave the one acre per horse for backyard horse owners. Sanden asked if it was safe to say that a person with one horse in the back yard would not have to have a manure management plan? Pichotta stated they wouldn't have to necessarily submit one, but the requirement that it not be close to navigable water would still apply. Fetzer stated that if you're trying to put two horses on one acre, it wouldn't be grass anymore, it would be dirt, so that is good reason to keep it one acre per animal for private riding stables. Aubart mentioned like the previous one we had tonight, wanting to build an indoor arena, with boxed stalls, those horses may never pasture. Pichotta stated in his experience the more expensive a horse, the less time it spends outside. Fetzer said, he agreed, when the horses are coming out they are being worked with, trained, etc. Chairperson Fetzer asked for anything further. **Aubart moved to approve the proposed amendments and to direct staff to schedule a public hearing/Puhrmann seconded. All in favor. Passed.**

### **Discuss take action on a proposed policy regarding temporary/emergency outdoor storage in Commercial and Light Industrial Districts.**

**Staff Report – Adam Adank:** When the Mississippi River reaches flood stage, campers and other trailers and vehicles located at campgrounds in the floodplain must be temporarily relocated. This creates the need for a procedure to allow for their temporary storage within a reasonable proximity. This concept was discussed by the LMC in late 2019 just prior to the onset of covid-19. Staff has developed a policy for LMC consideration that would allow for issuance of a permit to authorize temporary storage in Commercial and Light Industrial Districts in 30-day increments. The proposed policy has two sections:

Emergency Determination:

## Approved

Temporary outdoor storage shall be permitted in Commercial and Light industrial districts in cases of natural disasters or emergencies cause by flooding, fire, storm damage or other disasters determined to be emergency situations by the Zoning Administrator and subject to the standards of this policy.

### Emergency Outdoor Storage Standards:

1. Temporary outdoor storage shall require issuance of a permit which shall be valid for a 30-day period. 30-day permit renewals shall be allowed if emergency conditions are still in effect and upon submittal of a renewal application and any required fee. No more than 2 renewals shall be permitted (90 days total).
2. Temporary outdoor storage shall be limited to vehicles, boats, trailers, and mobile recreational vehicles.
3. Temporary outdoor storage items shall be located on paved or crushed rock parking areas.
4. Landscape buffer requirements of Pierce County Zoning Code § 240-31 shall apply
5. The impacted Town shall be notified of any permit issued for temporary outdoor storage.
6. Situations outside of these parameters shall be referred to the Land Management Committee.

Chairperson Fetzer asked what to do with this. Pichotta stated that this would be a discuss take action item and that we do need the committee to sign off on the policy if they are in support to how it is worded. Pichotta noted that if we put this in place, we will see how it works and if it works well, we could write up a code amendment to be put in the County Code. Pichotta stated it makes sense to see if it will work, as an example, a situation we have now is where campers came off the island and one individual contacted us with potential to store trailers, otherwise we have not heard much and they obviously went somewhere, and so those folks that have industrial parcels where outdoor storage is allowed without limitation probably stepped up and I would guess that they are located in those spots. Pichotta stated this creates another mechanism to address the storage in places that are already permitted for storage, just not specifically outdoor storage. Fetzer asked if there would be a cost for these permits. Pichotta stated that the fees for the Land Management Department are established by resolution that is adopted by the County Board and there is an “other” fee we can use for optional onsite assessments, etc. We would use that if necessary. Pichotta said in talking to some of the members of the committee, I think that we would probably waive any fees just given that this is an emergency situation. Sanden asked if these permits would be administered administratively. Pichotta stated that is correct. **Gulbranson made motion to approve the Departmental policy regarding temporary/emergency outdoor storage in Commercial and Light Industrial Districts/Puhrmann. All in favor. Approved.**

**Discuss take action on Travel/Training Requests.** Pichotta said there were no requests at this time.

**Future agenda items:** Pichotta stated we have two items for the May 3, 2023 meeting. First is a Public Hearing for a Conditional Use Permit for a Utility Facility for Xcel Energy to store some things while they upgrade their electric lines in the town of Hartland. Second is a discuss take action for a Conditional Use Permit renewal for Nonmetallic Mining for Greg Bechel in the Town of Union. There are a couple other agenda items that will be coming up, a CUP for Schmitt Timber, and another expansion of a nonconforming use for a trucking company owned by Dwight Johnson.

**Motion to adjourn at 6:42pm by Purhmann/Aubart seconded. Motion passed.**

Respectfully submitted by A. Anderson

**LAND MANAGEMENT COMMITTEE  
MEETING AGENDA**

**Wednesday, April 19, 2023 – 6:00 p.m.**

Courthouse Annex/Lower Level – County Board Room: 124 N Oak St. - Ellsworth, WI

**Public attendance is available in person or virtually with the link or phone number provided below.**

<https://us06web.zoom.us/j/86047754907?pwd=cVRjUElZRXZISE1LU2JvTEpDREtTQT09>

Meeting ID Number: 860 4775 4907  
United States: + 1 (312) 626-6799

Password: 375327  
Access Code: 375327

#	Action	Presenter
1	Call to order	Chair
2	Next meeting date: May 3, 2023, May 17, 2023 & June 7, 2023	Chair
3	Approve minutes of the March 1, 2023 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 to General Rural Flexible-8, for Ryan & Erica Kariesch, owners, on 26.613 acres, located in part of Lot 4 and Outlot A Certified Survey Map (CSM) Volume 11 Page 75 being part of the NE ¼ of the NW ¼ of Section 13, T26N, R20W, 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 Expansion of a Private Outdoor Recreational Use for Riding Lessons, Boarding, and Day Camps, for Rochelle Whisky, owner, on 20 acres, located in part of the S ½ of the NW ¼ of Section 29, T27N, R19W, Town of Clifton, Pierce County, WI.	Lund
6	Discuss take action on proposed amendments to Pierce County Code Chapter §240-78, Variances and Chapter §240-39, Outdoor Recreational Uses.	Adank
7	<b>Discuss take action on proposed policy regarding temporary/emergency outdoor storage in Commercial and Light Industrial Districts.</b>	<b>Adank</b>
8	Discuss take action on Travel/Training Requests.	Pichotta
9	Future agenda items.	Pichotta
10	Adjourn	Members

A quorum of County Board supervisors may be present.

(4/03/2023)

- **Revised Agenda April 12, 2023 @ 10:14am.**



**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  
land.mgmt@co.pierce.wi.us



MINUTES - Pierce County Land Management Committee Meeting, March 1, 2023, in-person meeting for everyone along with the option of remote attendance.

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

Others: Andy Pichotta, Adam Adank, Emily Lund, Jesse Stenske and Anna Anderson

Absent: Joe Fetzer

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

Next meeting dates: March 15, 2023, April 5, 2023 & April 19, 2023.

Approve Minutes from the February 1, 2023 Land Management Committee meeting: **Sanden moved to approve the Land Management Committee minutes from February 1, 2023/Puhrmann seconded. All in favor. Passed.**

**Public hearing to consider and take action on a request for a conditional use permit for a Retreat Center pursuant to Pierce County Code §240-36M in the General Rural Flexible-8 District for Belle Vineyard Weddings and Events LLC, owners on property located on Lot 2 CSM 16-46 part of the SW ¼ of the NW ¼ & SE ¼ of the NW ¼ of Section 3, T27N, R19W, Town of Clifton, Pierce County, WI.**

**Staff Report – Adam Adank:** The applicants recently purchased the property known as “Belle Vinez” vineyard and winery. The property has an existing Conditional Use Permit (CUP) for a Winery with incidental food service. The existing commercial structure includes a tasting room, kitchen, dining area, restrooms and offices/conference rooms. An outdoor pavilion is also located onsite. Since buying the property, the applicants have approached Land Management with a revised business plan that no longer involves producing wine onsite. Because wine will no longer be produced onsite, the business cannot meet the requirements to be licensed as a winery by the State of Wisconsin, meaning the existing CUP for a winery is no longer a viable permit option. The new focus/use of the property is to build a high-end wedding and event venue. The changes in business operations are more representative of a retreat center and the change of use requires a new CUP. The business will be renamed to Belle Âme Vineyard. While high-end wedding and events are the primary focus, the applicants also intend to host the public for wine tasting and local food offerings. The applicants also plan to sell agricultural products, grapes, private-label wine, apparel and other alcohol in accordance with a valid liquor license from the Town of Clifton. The site currently has more than 2,500 grape vines and the applicants plan on continuing to use those grapes for off-site processing and bottling that will be shipped back to Belle Âme Vineyard for sale as authentic goods. Food will no longer be cooked or prepared onsite which is also a departure from the previous business plan. Food offerings will be catered to the site or available by food truck for events. As part of the new business plan, the applicants are proposing a two-fold building renovation/expansion that they are calling Phase 2 and Phase 3. Phase 2 includes interior building renovations, the addition of a 20’x26’ “groom’s area”, a building addition for a fireplace area, and an exterior wall addition to screen the trash area. Phase 2 is expected to be completed by summer/fall of 2023. Phase 3 is the addition of a 5,140 sq. ft main venue area that will accommodate up to 252 people. The applicants hope to start Phase 3 in 2024. Approval of this conditional use permit would authorize Phase 2 as presented. Approval of a new CUP for expansion/intensification would be required prior to the implementation of Phase 3. Site plan review would also be required prior to the implementation of Phase 3. Staff is proposing a 6-month status report in front of the LMC consistent with past practice. The LMC has historically requested periodic status reports when a conditionally permitted use is being established or expanded. This enables unanticipated needs or impacts to be

## Approved

addressed in a timely manner. Once a use is established, and its impacts understood, renewal is typically conducted administratively. The property is zoned in the Town of Clifton and the property is zoned General Rural Flexible-8. Adjacent properties are zoned General Rural Flexible-8 and adjacent land uses are residential, agricultural and wooded. The purposes of the zones are listed in the staff report. “Retreat Center” is defined 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 Chapter §240-75(A)(1) requires site plan approval for new construction or additions to existing structures and buildings for commercial, industrial, institutional or multifamily uses. 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 proposed interior renovations/expansion described in Phase 2 will not increase the capacity of guests and will continue to allow for the accommodation of up to 120 guests indoors. The outdoor pavilion can accommodate up to 200 guests outdoors. Two separate Private Onsite Wastewater Treatment Systems (POWTS) exist onsite. The first system is a holding tank system that accepts wastewater from the kitchen, dishwasher, floor drains, and janitor mop sink. The other is a mound system that accepts waste from restroom use. The septic systems are sized adequately for indoor guests but do not account for increased wastewater flow from additional outdoor guests. Proposed event types include: Corporate events, executive meetings and retreats, local business special events, large family gatherings, large graduation celebrations, holiday events, wedding vendor events and trunk shows, engagement parties, professional photography sessions, wine tasting and marketing events. There are 2 access points off of 875<sup>th</sup> Ave, one for business and the other for customers. The tasting room would be open to the public on select days of each week. According to the CUP application, the tasting room is dedicated for wine and beer sales only; no other hard alcohol is to be served except for wedding and special events. The applicants have indicated that food will no longer be prepared onsite. The applicants are proposing to partner with local food vendors/caterers to have a limited appetizer menu available (e.g. charcuterie board) when the tasting room is open and strictly catered food for all weddings and events. The existing kitchen would be used only for pre-made food assembly. The applicants are also proposing to invite food trucks onsite for select events in the summer months when weddings or other larger events are not booked. Food trucks would be parked near the west side of the customer parking lot. Applicants are proposing hours of operation to be 10am to 10pm on Sunday, Monday, Tuesday, Wednesday, and Thursdays with vendors and guests leaving the premise by 10pm and lights out by 12am. Amplified music (<80 decibels) ending before 9pm. 10am to 11pm on Friday and Saturdays with vendors and guests leaving the premises by 11pm and lights out by 12am. Amplified music (<80 decibels) ending before 10pm. No parking is allowed on 875<sup>th</sup> Ave. Cars parked in the parking lot are to be removed by 9am the next morning per contract. The customer parking lot has 64 parking stalls with 3 being ADA compliant. The employee parking lot has 7 parking stalls on the west side of the building. Pierce County Code §240-54 specifies the minimum number of off-street parking spaces to be provided. Existing parking spaces were established using the following classifications from PCC §240-54: Indoor social area (classified as restaurant/tavern) – 40 parking spaces for a total of 120 guests/patrons. Tasting room (classified as restaurant/tavern) – 11 parking spaces for the estimated 5,500 sq. ft. outside plaza area. Pierce County Code Chapter §240-54 “Off-street parking” does not list retreat center as a use classification. Pierce County Code Chapter §240-54(4) states “uses not enumerated. In the case of uses, not specifically listed in this Subsection A, the minimum number of parking spaces shall be determined by the Zoning Administrator, based upon the requirements of similar uses.” Staff suggests that parking requirements are not an exact science and that it may be more appropriate and easier to enforce/administer the parking requirements based upon total number of guests/patrons allowed onsite at one time. Similar uses require 1 space per 3 seats/patrons. Based on 1 space per 3 seats/patrons, the existing 64 visitor parking spaces should be adequate for events up to 192 people. The Clifton Town Board recommended approval of this request on February 7, 2023. The Town did not list any concerns or suggested conditions and did not reference its comprehensive plan. The existing conditions of the Winery are shown in the staff report 1 – 18.

**Staff Recommendation:** The staff recommended 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

## Approved

be contrary to the above, staff recommended the Land Management Committee approve the conditional use permit for a Retreat Center 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. No more than 120 guests/patrons shall be allowed onsite (Indoor & Outdoor)
4. An additional 150 guests/patrons (270 total) shall be allowed onsite (Indoor & Outdoor) if the existing Private Onsite Wastewater Treatment System (POWTS) is expanded or a new POWTS is installed to handle the increase in wastewater flow and additional parking is established (1 space/3 patrons) to accommodate the additional guests/patrons.
5. Any proposed increase in parking areas shall require site plan approval by the LMC.
6. There shall be no parking on the street. Applicant shall install signs indicating no parking on the street.
7. Hours of operation shall be: 10am to 10pm on Sunday through Thursdays with lights out by 12am and 10am to 11pm on Friday and Saturday with lights out by 12am.
8. All food shall be cooked offsite and be catered in. Food trucks shall be allowed in the customer parking area as long as adequate parking is available.
9. No liquor shall be served in the tasting room.
10. Lighting shall comply with the Land Management Department policy.
11. Sound systems shall only be within the structures.
12. No audio bird repellent shall be used onsite.
13. Fireworks shall not be utilized onsite.
14. A status review shall be presented to the LMC in 6 months and in one (1) year.
15. This Conditional Use Permit shall expire in 2 years.
16. Phase 3 (as indicated in the application) shall require site plan approval and a new CUP for expansion/intensification of the use.
17. Amplified sound shall be limited to no more than 80 decibels at the source.
18. Promoted access route shall be along County Road M.
19. Applicant shall contact the Town of Clifton Building Inspector to determine necessary permits.
20. Applicant may hold events up to 270 (120 maximum indoors) people in the short term (next 6 months) if adequate portable restrooms are brought onsite (1 per 50 additional guests/patrons over 120) and an event specific parking plan is approved by Land Management staff that specifically delineates where, on site, vehicles in excess of the 71 available parking spaces will be parked (one additional space per 3 persons over 120).

Chairperson Aubart asked Sasha Skendzel if she had anything else to add. Sasha stated that she is a critical care Nurse Practitioner and a Professor at the University of Minnesota in the Twin Cities. She fell in love with this property, so she wanted to carry on a similar mission as the previous owners. At the time that she was considering the property, there was another group considering making an offer that had a very different vision for its use that focused more on it being a brewery/campsite. In the process of the purchase of the vineyard, she did not acquire the processing unit where wine could be made. Since we are not mixing wine on site, we continue to be a vineyard but have to sell off our grapes for production off-site, and then sell the wine in our tasting room. Sasha said we really are not a winery, we are a vineyard at this point, so we have reached out to change some of the language in the conditional use permit. We are pursuing more of a Retreat Center; our goal is really very similar with what had evolved in terms of the business plan for the previous owners over time. They had many requests, since the site was so beautiful, for weddings, celebrations, birthdays, conferences, meetings, etc. In addition, the previous operation wasn't sustainable in terms of staff and economically, so the bank had to see that this would be a successful model. Unfortunately, I'm not sure anyone would have been able to move forward with a mission or a vision on that site without proving to a bank that it would at least break even or be profitable, so that is why we are focusing just a little bit more on the event aspect. We won't have the kitchen running, so there will not be my own kitchen stuff, we have had discussions to sign service level agreements or partnerships with other woman-owned businesses locally to support them. They would pre-

## Approved

prepare food and bring it onsite when we are open to the public for our tastings. This would be located in the main lobby area. Sasha stated we did want blackout dates, days where we weren't operating the facility, just to be kind to the community, and also from an environmental standpoint, if we don't have the lights on and things running, that would be preferred. Several week days we won't be open at all. Tuesdays, we are hoping to have the tasting room open, we would close by 8pm, so we don't actually need to be open till 10pm. The reason we had originally gone with those hours was if we were to have some type of meeting or event inside the space that were to go later. The concerns that I was made aware of by staff are pretty consistent with what they had been in the past and so when we purchased the property, we had agreed to continue with the same noise restrictions. We do know we had some limited space as far as parking for what was approved in the original conditional use permit which was guests count of up to 270 at any one time. We did envision a mitigation plan for the parking and at this time we estimate we would have to add an additional 28 parking spaces. Our parking lot has 16 spaces per row, so that is roughly half the parking, we are working with an engineer. In terms of the building space itself, we wanted to have a small meeting room/groom's suite, so that is why the addition to the back. This was a request that small meetings had a place to go, if there were maybe only 5 people, or for groomsman to get ready. This would be Phase 2. Phase 1 is mostly renovations to the inside. Upstairs, we are adding a small bathroom for employee use, and downstairs we are remodeling flooring and taking down one wall that divided the back space, which was a nonstructural wall. In the future we had hoped to move forward with adding more to the building, it will take some re imagination of how that space would be set up. In Phase 3, if we were to add on, we would need to add a larger septic system, which we had already planned to do before heading into Phase 3. Sasha stated that she wanted to let it be known that she is a good person, caring, and a mother of three. Sasha said she has no intention of being a nuisance to the community, "my goal is to bring people in and support them". She knows of a couple larger charitable events that have booked through us, that we are hosting, they will be coming through in phases and we are requiring busing off site, so they are having to park at a separate winery and then bused back to that site, so there won't be parking in our lot. Chairperson Aubart asked if the committee had any questions. Sanden asked staff about the parking accommodating 192 people, then later it talks about 270 people, he asked if he was reading it right, that if they do exceed 192 people, that they would need a separate parking plan approval? Adank stated yes, that in condition #20, essentially, they could have 270 people onsite based on this condition. This is in the short-term phase of the next 6 months. So, if they have adequate restrooms and they come up with a parking plan for any number of guests that exceeds 120 on the premise, based on one parking space per three patrons, they should have sufficient parking. This forces them to look at any people onsite over 120, to come up with some type of a parking plan and at the 6-month renewal it would allow us to see how the parking was going. Sanden asked if we are just dealing with Phase 2. Adank stated yes. Gulbranson asked because they submitted Phase 3, we are not under liability or any condition to approve Phase 3 in the future by approving Phase 2. Pichotta stated that is correct. **Chairperson Aubart opened the hearing to the public.** Keith Getschel stated he is one of the neighbors adjoining the property in question and he thanked Sasha for coming and giving the overview. Getschel said it's good to put a face with the name. Getschel suggested that it would be good to have a neighborhood meeting to hear the plans rather than seeing it on paper. Getschel stated he would still be opposed to approving this conditional use permit because of the noise factor. The business plan on paper is substantially different than the previous one. The previous one was geared toward casual wine/dining and an occasional wedding event, and this one is geared more towards the large events and focusing more on weddings. There is a need for that, so I'm not disputing that the need isn't there. As a neighbor, I'm concerned about the surrounding rural area that its in because there are no other businesses, let alone large businesses anywhere close to this. This is a farming, wooded, rural area. We all have been to weddings before and we know the boisterous nature of how those proceed, especially the longer it goes into the evening, so the longer hours that are being proposed is also a concern. Most events will be Friday and Saturday nights and I think that impacts the neighborhood value and being part of that noise pollution. We could certainly hear the dialogue when the old winery was there and that was without a wedding style event going on. Matt Frisbie spoke and stated he lives two doors down to the south of the property. Frisbie stated he was the designer with the previous owner and in communicating with Adam over the last couple days, had a lot of clarification as to what was going on. Frisbie stated he was pretty nervous when he saw the last page in the packet of the big expansion. I am a little biased because I'm the original architect of the project and we made it cozy and it was a little Italian setting we were shooting for and tried to fit it in with the

## Approved

neighborhood and settle it in the area nicely. Frisbie said as this grows from the existing and into Phase 3, that really blows it out of proportion. Frisbie agreed that a neighborhood meeting would be nice. He said that Phase 3 just seems like a big jump. Frisbie stated we worked a lot with the county with the septic and storm water and the parking, there are just so many things that go into this type of conditional use permit, we wanted to make sure the applicant was going into this with their eyes wide open. **Chairperson Aubart asked for any other public comment.** Kendra Huston stated that her and Tyler live at the end of the road from the winery. She has concerns with the fact that 875<sup>th</sup> Ave is a private road, so when it comes to road maintenance, where does that fall? Huston stated when it comes to heavy traffic it feels like a heavy burden for the residential aspect of living in that area as well as the parking issue. Huston said that Sasha had mentioned increasing the parking spaces to accommodate for more parking, which would be appreciated, but there does come times when there are events and people would park all down the road and in the cul-de-sac. Huston stated that Pierce County Code Chapter §240-36 would allow them to have like bed and breakfast establishments and boarding houses, so I am concerned with people spending the night. Tyler Dusek, Kendra's partner, stated that it is a private road and the upkeep on the road, plowing, etc. is burdened on the residence, we have to pay that. What happens in 5-10 years when that road has to be replaced due to all the commercial traffic? Will that fall on us to replace? Dusek stated more traffic doesn't sound like a good idea to him. **Chairperson Aubart asked for any other public comment. Hearing none, Chairperson Aubart declared the public hearing closed.** Chairperson Aubart asked if Sasha wanted to respond to any of the concerns. Sasha stated she was grateful for the opportunity to gain insight as to what wasn't working well before. I think all of the concerns are understandable. I know that legally the way it is zoned that it is permitted, but she wants to be respectful. To address the noise, the 80-decibel limit was in the last conditional use permit, so one thing the other sites do is what is called a silent disco or move any type of music to the indoor space where it would be a little more buffered and then after a certain time, it would go to the silent disco and wouldn't be audible at all. It is also good to know that however they had the speaker system set up before was not great for the neighbors. She stated that knowing that, we will be really cognizant of that moving forward. Sasha stated that she agrees with the challenge of having that road be a private access, I have brought that up to the township, but she didn't know that at this time they were ready to move forward in acquiring the road. I am happy to pay more towards the maintenance of that, the upkeep, the plowing, etc. Chairperson Aubart asked if the committee had any further questions. Sanden asked would it be appropriate to look at the property line decibel limits? Pichotta stated as far as decibel limits, if you recall when we permitted Vino in the Valley, initially we had talked about decibels at the source and ultimately, we went to at the property lines, and in revisiting that, I'm more supportive of using the decibel limit at the source because then it guarantees that it won't be that at the property line. It is also easy to test. Sanden stated when you say source, I'm thinking the amplifiers, but what about the people being boisterous or loud? Pichotta said when we talk about decibel limits, we are talking about amplified music. Sanden stated that we will have a 6-month review, so that would be a great time for the neighbors to see if things aren't going as well as hoped for. Pichotta stated the 6-month review would be an opportunity for if there were some conditions that weren't working for the applicant, or if there were unanticipated impacts to the neighborhood that weren't being addressed, we can then amend conditions at that point. Pichotta stated as you may recall in the past, when we've got a use that's either been established or changed, we have brought folks in pretty frequently, at least initially, to try to make sure it fits well within the neighborhood. As those impacts are understood we are able to go to more administrative type of reviews. Sanden stated that it sounds like the applicant is aware of those concerns and is responsive to them. Speaking personally, I believe that will become important in that Phase 3 approval. Adank suggested that maybe it will be helpful to dispel some of the mystery of Phase 3, if Sasha could just touch on what that will look at in regards to the amount of people and the number of events you plan to hold if Phase 3 was approved. It says 252 guests, but we are not talking, in my discussions with her, 252 guests on top of the other 100-200 guests at the outdoor pavilion, or at the tasting room. Sasha stated the initial reason for the expansion was because people were requesting indoor options and we have a limited amount of time in this part of the country where we can have outdoor venues, so we wanted to be able to accommodate people in the winter months. The plan was not to increase in capacity so we could have extra-large events, it was to just increase capacity indoors. Sasha said she will not have over night guests, or anything of that nature. The only reason of re classifying as a Retreat is just because I'm not producing wine on-site due to my limited capacity to do so. Sasha stated she will have a better idea of traffic flow. The previous owners were very busy on the

## Approved

weekends, which is great, but I can see how that would be a lot of volume and traffic all throughout the day. The events we have in mind will be pretty controlled events, so if someone has a wedding booked that is a 100-person wedding, they have that Saturday booked for the whole day, but guests aren't on site till about 5pm and they would leave in the evening, so you would only have traffic during those two times. Gulbranson asked about the sound system if it could only be outside? Adank stated that was taken as an existing condition on Belle Vines original. Gulbranson said to me it boils down to the parking and sound, and he said I have sympathy with the neighbors. Sasha stated for clarification in terms of the noise, I know that they did have bands on the patio, they were allowing the DJ's to have their sound system speaker under the pavilion structure, so does that then count as a structure? Adank stated yes. Sasha stated also in terms of noise, we are requiring for large weddings in which there would be consumption of liquor that there would be our own staff member on site in addition to our beverage trained servers and that they would not be over serving. If they are I do have the right to eliminate that staff member. Our onsite staff will just be overseeing the wedding, they will be doing things like checking the noise, checking in with the DJ to make sure they aren't going over that 80 decibels and making sure people are being respectful. No further questions from the committee. **Sanden moved to approve the conditional use permit for a Retreat Center for Belle Vineyard Weddings and Events LLC in the General Rural Flexible-8 District, due to the fact that this is not contrary to the public interest, nor is it detrimental or injurious to the public health, public safety, or the character of the surrounding area with conditions #1 - #20/Gulbranson seconded. All in favor. Passed.**

**Discuss take action on a Screening plan for a Resort in the General Rural and Commercial Districts for John Grabrick, Big Dog Daddy's Roadhouse LLC, owner on property located in part of Government Lot 3, Section 7, T24N, R17W, Town of Isabelle, Pierce County, WI**

**Staff Report – Jesse Stenske:** A conditional use permit for a Resort on this property was approved on March 13, 2018. Subsequent CUP renewal have been approved on an annual basis but the resort use has not yet been established. The applicant has removed vegetation and prepared the resort for utility installations. Campsite utilities are planned to be installed soon with intent to open campsite operations this summer. Because the property to the west of the site is residential development, a condition of the CUP is that a Screening Plan be submitted to the Land Management Committee for approval. The required screening must also be established before the resort may begin operations. The property is located in the Town of Isabelle. The property is 5.45 acres and zoned General Rural and Commercial. Surrounding properties are zoned General Rural with the exception of a Commercial District that shares part of this property's west border. Surrounding land uses include residential to the west, DNR land to the east, and the Red Wing Airport to the north. The Land Management Minimum Landscaping 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 Screening Plan proposes 270' of 6' tall pressure treated dog ear panel fencing that will be constructed along the western property line. The fence will begin 100' from the southern property line. The owner has also proposed a pyramidal arborvitae hedge be planted in a single row extending from the northern end of the fence for additional screening. The trees will be planted about 3-4 feet apart for a total length of 30 feet. Pyramidal arborvitae has a growth rate of approximately 1-2 feet per year and matures around 18-25' tall and 3-5' wide. Initial plantings will be approximately 3-4 feet tall. The DNR recommends using red or white pine at 6 foot spacing instead because deer will eat arborvitae. The northern half of the neighboring property to the west is wooded and is zoned Commercial. No screening is proposed along this portion of the property. The intent of the submitted Screening Plan is to screen/buffer the resort cabins and campsites from the neighboring residential use of the property to the west.

**Staff Recommendation:** Staff recommends the Land Management Committee review the proposed Screening Plan and determine if it is sufficient to render the resort use “visually unobtrusive” from the adjacent residential use or whether changes or additions are warranted. If no changes or additions are warranted, the Screening Plan should be approved as proposed. Chairperson Aubart asked the applicant if they wanted to add anything. John Grabrick stated that the reason for the difference between the pine trees and the arborvitae was because the property to the west of us has a large concentration of pine trees that are starting to turn brown. Something is

## Approved

going on there, which is why I'm not doing pine trees, I'm doing something a little different. Grabrick stated that the fence that we are proposing basically blocks off the entire residence next door. I know it is intended to block the campground from the neighboring property, but, in this instance its for us to cut down on the noise from the neighbors as well. Grabrick said there is a lot of natural vegetation there, and eventually, we will put in probably 140-150 trees this year, along with some lilac bushes and other things, so we will spruce the property up. Chairperson Aubart asked the committee if they had any questions. Sanden stated he wasn't familiar with the country and deer in the area, but stated in just looking at the river, the road, the airport, you don't get a tremendous amount of deer in that location, do you? Grabrick stated he gets one doe and a couple of fawns every year, and they like to play out back of the campground, they don't eat vegetation a lot. Grabrick said if the arborvitae gets nibbled, we will replace that. **Gulbranson moved to approve the Screening Plan in the General Rural and Commercial Districts for John Grabrick, Big Dog Daddy's Roadhouse LLC, as presented/Puhrmann seconded. All in favor. Passed.**

**Discuss take action on a Vegetative Management plan for a Large Solar Energy System in the General Rural Flexible District, for Pierce Pepin Solar, LLC, agent for Pierce Pepin Cooperative Services, owners on property located on Lot 1, certified Survey Map (CSM) V12, P20, part of the SW ¼ of the NW ¼ of Section 28, T25N, R18W, Town of Trenton, Pierce County, WI.**

**Staff Report – Emily Lund:** The applicants obtained a Conditional Use Permit (CUP) for a Large Solar Energy System from the Land Management Committee (LMC) on January 4, 2023. The CUP is for the construction of a 2-megawatt alternating current (MWac), East-West tracking ground mounted solar generating facility. Pierce Pepin Solar, LLC is a fully owned subsidiary of OneEnergy Renewables and will develop, construct, own, and operate the project. The CUP was approved with 19 conditions. Two conditions related to this request are a minimum 50-foot vegetative buffer (consisting of existing trees and vegetation) shall be maintained between the facility and adjacent properties and road right-of-ways. If existing vegetation is inadequate to serve as a buffer, new plantings of trees, shrubs and grasses shall be established. The majority of the vegetative buffer shall have a minimum height of the project exterior fence. Initial plantings shall render the facility visually unobtrusive from adjacent properties and public view. Vegetative buffer requirement may be waived/modified with the consent of the adjacent property owner. Notice of content shall be submitted to the zoning office (CUP condition 3); and a vegetative management plan shall be developed for the site and it shall be reviewed and approved by the Land Management Committee. The applicant shall work with the Land Conservation Department in developing the plan. The plan shall include trees and shrubs, seed mixes, vegetation maintenance, and weed controls for the vegetative buffer, facility construction as well as facility operations (CUP) condition 5). The applicants submitted a Vegetation Establishment & Management Plan as part of the CUP condition approval and would like the LMC to discuss and take action on their plan. The property is in the Town of Trenton. The parcel is 16.033 acres and is zoned General Rural Flexible. Adjacent properties are zoned Industrial, Commercial, General Rural Flexible, and Agriculture-Residential. The applicants obtained a driveway permit from the Pierce County Highway Department. Then on 2-13-2023, they obtained a site address from the Land Management Department that is N2335 County Rd K. This parcel's land use was forested until approximately 2018 when the red pine timber was harvested. Since then, the land use changed to agriculture and corn was grown last year. Surrounding land uses are agricultural, woodland, and residential. The majority of the project area is located on Forkhorn sandy loam soils that are 2-6% slopes. There are no WI DNR mapped wetlands or floodplain in the project area. The Trimbelle River is located northwest of the parcel. Pierce County Code §240-31 regarding Landscape buffers are listed in the staff report, A – D. The Land Management Minimum Landscaping Policy was adopted on February 7, 2007 and addresses screening for nonresidential development. 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 50-foot vegetative buffer has been waived by the north and west adjacent property owners and documentation has been submitted to the Land Management Department. The attached site plan has an updated solar facility layout, vegetative buffer (CUP) condition 3), and setbacks to roads and lot lines (CUP condition 4). The ground mounted solar generation facility will be constructed with an 8' tall agricultural-style fixed knot wildlife exclusion fence to

## Approved

surround the perimeter and provide security to the solar panels. After the solar facility is constructed, vegetation and screening will be established and maintained outside and inside the fenced perimeter. On the outside fenced area there will be a 50-foot vegetative buffer that extends 2,080 feet along State Hwy 35 and County Rd K. The applicants have proposed a staggered double-row vegetative buffer with 4-foot evergreen trees and shrubs that will be planted 30 feet apart. The first row near to the road will be North Star white spruce or equivalent evergreen tree. The second row will be a native shrub, such as highbush cranberry or Allegheny serviceberry. A mulch ring will be placed around the trees and shrubs to help retain moisture and prevent weed growth. The applicants will water trees when necessary during the first growing season. They will inspect the trees and shrubs annually to ensure they remain healthy. On the inside fenced area, the soil that surround the solar panels and devices will be planted with pollinator and pasture friendly vegetation. The following is proposed:

-Clearing: Existing site materials will be removed. An herbicide application may be necessary to remove undesirable vegetation. If residential herbicides are present from the agriculture use, a temporary cover crop (annual rye, winter wheat, oats, etc.) will be planted before permanent seeding based on the WDNR Technical Standard 1059 and the WisDOT seeding specification 630.

-Permanent seeding: Grasses will be seeded and raked. Then wildflowers will be seeded and raked. The pasture grasses, clover, and native prairie species grow at or below 30 inches so the solar panels are not shaded. The CUP supplemental information stated the pollinator seed would be planted approximately 10.5 lbs./ac (61.4 seeds/ft<sup>2</sup>). Appendix B lists the specific plant species used.

-Vegetation management: After vegetation is established, rotational sheep grazing is proposed instead of mowing. The fenced area will be divided into paddocks. The sheep grazing is proposed instead of mowing. The fenced area will be divided into paddocks. The sheep will graze 3-5 days per paddock and removed for a 45-day rest period for vegetation regrowth. From 1-5 years after vegetation growth, each paddock will be grazed 2 or 3 times per year to control invasive species and new plant competition. The site will be inspected 3 times a year to monitor vegetation growth and competition. Hand weeding, herbicide spot spraying, or spot mowing with a flail mower may occur to control weeds and invasive plants. From 6-25 year, the pollinator meadow should be well established. The site will be inspected annually each spring. The site will be mowed or grazed 1 time per year late summer or early fall. Land Conservation Department Director Rod Webb met with a representative from OneEnergy Renewables and reviewed their draft Vegetation Establishment & Management Plan. Mr. Webb noted that the northwest portion of the property is a sensitive area for protecting the Trimble River with sediment erosion control measures and early plant establishment. The Land Conservation Department will visit this property in Spring 2023 to identify any potential direct conduits to the Trimble River and may recommend installing a cool season grass buffer adjacent to the Trimble River. The Land Management Department staff contacted the WI DNR Forester, Justin Kania, to review their proposed Vegetative Management Plan. He stated, "We have a bad spruce disease in the county. Only Norway Spruce, which is non-native, is disease resistant. I would plant red pine instead."

**Staff Recommendations:** Staff recommends the LMC review the proposed Vegetation Establishment & Management Plan to determine whether the vegetative buffer plan provides sufficient screening to render the use "visually unobtrusive" and whether the vegetation management plan provides sufficient details for vegetation establishment and maintenance or whether additions or modifications are necessary. If no additions or modifications are warranted, the Vegetation Establishment & Management Plan should be approved as proposed. Chairperson Aubart asked if the applicant had anything to add. Beth Esser stated she has Sarah Glover with her tonight, who is our Land Steward & Community Engagement staff. Esser stated they followed up with Reuver's Nursery in regards to the spruce disease, and we got their recommendation and information in regards to the disease. Glover stated that Reuver's Nursery said that the white pine has done well in the area, but they also suggested mugo pine, so they may go with that option. Esser said red pine would grow to a height that would be detrimental to the production of the solar panels, it could shade some of them out. **Sanden made motion to approve the Vegetative Establishment & Management plan for Pierce Pepin Solar, LLC, agent for Pierce Pepin Cooperative Services, as proposed/Purhmann seconded. All in favor. Motion approved.**

**Discuss take action on Travel/Training Requests.** Pichotta stated he has one traveling/training request for Emily Lund to attend the WCZA meeting in Wausau on 3/9/2023, she would take the county car and not stay overnight. **Gulbranson made motion to approve/Purhmann seconded. All in favor. Motion approved.**



## Approved

**Future agenda items:** Pichotta stated we don't have anything for March 15<sup>th</sup>, so we won't be having a meeting. We don't have anything specifically yet for April 5<sup>th</sup>, but there are two possible Rezones out there, both in the Town of Oak Grove, and if you recall the Wrisky Ranch, which has a Private Outdoor Recreation CUP, they are looking at an expansion and they are working their way through the Town of Clifton now.

**Motion to adjourn at 7:19pm by Purhmann/Sanden seconded. Motion passed.**

Respectfully submitted by A. Anderson

**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  
land.mgmt@co.pierce.wi.us



TO: PC JOURNAL PUBLISH & POST  
02-15-2023 & 02-22-2023  
THANK YOU

## Notice of Public Hearing

State of Wisconsin) ) ss.  
County of Pierce)

Public notice is hereby given to all persons in Pierce County, Wisconsin, that a public hearing will be held on the 1<sup>st</sup> day of March, 2023, at 6 pm, in the County Boardroom in the Courthouse, Ellsworth, WI, before the Land Management Committee to consider and take action on a request for a conditional use permit for a Retreat Center pursuant to Pierce County Code §240-36M in the General Rural Flexible-8 District for Belle Vineyard Weddings and Events LLC, owners on property located on Lot 2 CSM 16-46 part of the SW ¼ of the NW ¼ & SE ¼ of the NW ¼ of Section 3, T27N, R19W, Town of Clifton, Pierce County, WI.

**Public attendance is available in person or virtually with the link or phone number provided below:**

<https://us06web.zoom.us/j/81718866994?pwd=aEpaajMyYTJPQ2pOaFJxbzh0Z2tCZz09>

Meeting ID Number: 817 1886 6994  
United States: + 1 (312) 626-6799

Password: 142538  
Access Code: 142538

All persons interested are invited to said hearing and to be heard.

Adam Adank  
Zoning Administrator  
Pierce County, Wisconsin

CUPPH23.02

**LAND MANAGEMENT COMMITTEE  
MEETING AGENDA**

**Wednesday, March 1, 2023 – 6:00 p.m.**

Courthouse Annex/Lower Level – County Board Room: 124 N Oak St. - Ellsworth, WI

**Public attendance is available in person or virtually with the link or phone number provided below.**

<https://us06web.zoom.us/j/81718866994?pwd=aEpaajMyYTJpO2pOaFJxbzh0Z2tCZz09>

Meeting ID Number: 817 1886 6994  
United States: + 1 (312) 626-6799

Password: 142538  
Access Code: 142538

#	Action	Presenter
1	Call to order	Chair
2	Next meeting date: March 15, 2023, April 5, 2023 & April 19, 2023	Chair
3	Approve minutes of the February 1, 2023 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 pursuant to Pierce County Code §240-36M in the General Rural Flexible-8 District for Belle Vineyard Weddings and Events LLC, owners on property located on Lot 2 CSM 16-46 part of the SW ¼ of the NW ¼ & SE ¼ of the NW ¼ of Section 3, T27N, R19W, Town of Clifton, Pierce County, WI.	Adank
5	Discuss take action on a Screening plan for a Resort in the General Rural and Commercial Districts for John Grabrick, Big Dog Daddy's Roadhouse LLC, owner on property located in part of Government Lot 3, Section 7, T24N, R17W, Town of Isabelle, Pierce County, WI.	Stenske
6	Discuss take action on a Vegetative Management plan for a Large Solar Energy System in the General Rural Flexible District, for Pierce Pepin Solar, LLC, agent for Pierce Pepin Cooperative Services, owners on property located on Lot 1, Certified Survey Map (CSM) V12, P20, part of the SW ¼ of the NW ¼ of Section 28, T25N, R18W, Town of Trenton, Pierce County, WI	Lund
7	Discuss take action on Travel/Training Requests.	Pichotta
8	Future agenda items.	Pichotta
9	Adjourn	Members

A quorum of County Board supervisors may be present.

(02/10/2023)

**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  
land.mgmt@co.pierce.wi.us



MINUTES - Pierce County Land Management Committee Meeting, February 1, 2023, in-person meeting for everyone along with the option of remote attendance.

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

Others: Andy Pichotta, Adam Adank, Emily Lund, Jesse Stenske and Anna Anderson

Absent: Joe Fetzer

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

Next meeting dates: February 15, 2023, March 1, 2023 & March 15, 2023.

Approve Minutes from the January 4, 2023 Land Management Committee meeting: **Gulbranson moved to approve the Land Management Committee minutes from January 4, 2023/Sanden seconded. All in favor. Passed.**

**Public hearing to consider and take action on a request for a conditional use permit for Expansion of Nonconforming Structure pursuant to Pierce County Code §240-67A(2) in the Agriculture-Residential District for John Paul Walker & Brooke Obrien, owners on property located on part of the SE ¼ of the SW ¼ of Section 4, T24N, R16W, Town of Maiden Rock, Pierce County, WI.**

**Staff Report – Emily Lund:** The applicants are requesting a CUP to expand two nonconforming structures in the Town of Maiden Rock. The Town Assessor has stated that the original structures were built around 1920. The applicants want to expand an existing shed and house. The existing shed is 69.5 ft from the centerline of 385<sup>th</sup> Street. The applicants want to expand it from 8’x20’ to 16’x20’. After expansion, the shed would be 61.5 ft from the centerline of 385<sup>th</sup> Street. The existing house is 33 ft from the centerline of 385<sup>th</sup> Street (just outside of the road right-of-way). The applicants want to add a 9’x19’ deck to the west side of the house on the second floor which would remain 33 ft from the centerline. The 5’x21’ stairway would extend downward along to the south side of the house to a landing. The applicants own 16-acres, where 13-acres is an MFL contract, 2-acres is undeveloped and 1-acre is for their home, lawn, and the buildings. The adjacent land uses are agricultural, residential, forested, and wetland. This property and the surrounding properties are zoned Agriculture-Residential. 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 ft from the center line of the road or 42 ft from the edge of the right-of-way, whichever is greater.” 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.” The existing topography slopes toward the west and the buildings are located at the base of the hill. The existing septic system is located north of the house. The existing well is located by the southwest corner of the house. The nearest intersection is more than 1,500 ft south of the applicant’s driveway. The nearest dwelling is located more than 1,550 ft south of the proposed expansion(s). Permit renewal is not needed for this request. The Town of Maiden Rock recommended approval of this request on 12/12/2022. The town did not provide recommendation justification or reference its comprehensive plan. The town did suggest the expansion stay within the existing house parameter (meaning to not expand any closer to the road than the existing house).

**Staff Recommendation:** The staff recommended the Land Management Committee consider the above and determine whether the proposed expansions 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 expansion shall be completed within 12 months of CUP approval.
3. The deck and stairway expansion shall not protrude any closer to the town road right-of-way than the existing home.
4. Applicant shall contact the Town Chairman or the Town Building Inspector, All Croix Inspections, to determine if a building permit is required.

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

Chairperson Aubart asked if the committee had any questions. **Chairperson Aubart opened the hearing to the public.** No public comment. **Chairperson Aubart declared the public hearing closed.** Sanden stated that the Town of Maiden Rock mentioned to stay within the current house parameter, which it seems like it does, however the shed does not. Has the Town of Maiden Rock addressed the shed expansion at all? Lund said on the application it stated they shall stay within the parameter of the house. Staff contacted the Town Chairman to ask for clarification of what that meant. Lund stated they were more worried about the deck getting any closer to the road as compared to the shed. **Gulbranson moved to approve the conditional use permit for expansion of Nonconforming Structure in the Agriculture-Residential District for John Paul Walker & Brooke Obrien finding that 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 - #4/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 Business for antique & handcrafted décor sales pursuant to Pierce County Code §240-36D in the Primary Agriculture District for Kelly & Diane McCoy, owners on property located on part of the SE ¼ of the NE ¼ of Section 26, T26N, R17W, Town of Ellsworth, Pierce County, WI.**

**Staff Report – Emily Lund:** The applicants are requesting a CUP to operate an antique business in the Town of Ellsworth. They occasionally sell antiques; unique, handcrafted décor; repurposed and salvaged materials in their barn. The applicants have had their business for a few years and were not aware a permit was necessary for their advertising signs and business called “The Real McCoy Antiques.” The applicants own 39.62-acres, where 28.62-acres is for crop production, 6-acres forested, 2-acres undeveloped, and 3-acres is for their home, lawn, and the buildings. The adjacent land users are agricultural, residential, and forested. The property is zoned Primary Agriculture. The adjacent zoning districts are Primary Agricultural and General Rural Flexible. PCC §240-36D permits Farm & Home Based Businesses accessory to permitted single-family residences upon issuance of a conditional use permit in the agricultural districts, subject to the following as stated. Applicants manage the business themselves and do not have any employees at this time. The business utilizes 2,060 sq. ft of their barn. No new structures are proposed with this request. Property access is located west of 530<sup>th</sup> Street. Sales begin the last week in April, and continue in May, June, September, and October. They are closed in July and have a one weekend sale in August. Proposed hours of operation are Thursday, Friday, Saturday and Sunday from 10 am – 6 pm. PCC §240-54 establishes parking requirements and requires a minimum of 1 off-street parking space per 200 ft of primary floor area. A minimum of one parking stall shall be ADA compliant. The applicant’s have ample parking space to meet these requirements. There is ample parking for at least 10 vehicles. A restroom is available within the existing residence that is served by a mound septic system. PCC §240-61C(1)(b) allows the applicants with a CUP to have a maximum of two advertising signs located on their parcel that do not exceed 32 square ft in sign face area. Signs shall be located out of the road right-of-way and at least 5 ft from all side lot lines. Off-premise signs are limited to specific zoning districts, need a separate permit, and special review and approval. The applicants intend to install two advertising signs on their parcel within the next year that do not exceed 32 sq. feet in sign face area. Ellsworth Town Board recommended approval of this request on 1/9/2023. The Town Board justified their approval by stating, “Their business is

approved as it preserves rural character of the Town. We see no problems with having an antique business in the Town. They indicate they will not have signs on the roadway.”

**Staff Recommendation:** The staff recommended 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. 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.
3. The business shall be conducted by the owner of the dwelling unit.
4. The entire business area in the accessory building shall not exceed 5,000 square feet.
5. There shall be at least 1 off-street customer parking space. A minimum of one parking stall shall be ADA compliant.
6. Hours of operation shall be Thursday, Friday, Saturday and Sunday 10 am – 6 pm.
7. A maximum of 2 on-premise advertising signs that do not exceed 32 square feet in sign face area are allowed on this parcel. All advertising signs shall comply with the zoning code standards.
8. The CUP shall be renewed every 2 years. Renewal may be completed administratively if no compliance issues arise.

Chairperson Aubart asked the applicant if they wanted to add anything. The McCoys had nothing to add.

**Chairperson Aubart opened the hearing to the public. Chairman Aubart asked for any public comment.** Pichotta stated he received an email from a neighbor, Neil Siverson. The letter stated, “as per my phone conversation the other day, my husband Neil Siverson and I (Sue) strongly support the issuance of a CUP to the McCoy’s. A great service is offered to the community by offering the sale and preservation of local memorabilia and culture. Looking forward, it would be ideal if agribusinesses, such sales of crafts and antiques, were an allowed use in the Agricultural District.” **Chairman Aubart asked for any other public comment and stated hearing none, we will close the public hearing.** Chairman Aubart asked for questions from the committee. Sanden asked if there have been any complaints in the two years they have been operating. Lund stated no complaints. **Sanden moved to approve the conditional use permit for a Farm & Home Business for Kelly & Diane McCoy in the Primary Agriculture District, finding that 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 - #8/Puhrmann seconded. All in favor. Passed.**

**Discuss take action on a request for renewal of a conditional use permit for a Resort in the General Rural and Commercial Districts, pursuant to Pierce County Code §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 – Adam Adank:** 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. No cabins or campsites have been constructed at this time. The applicant has removed vegetation and prepared the site for utility installation. The applicant intends to have 8 park model homes brought onsite and anchored to cement slabs to be used for the comping cabins this summer. Campsite utilities are also planned to be installed soon and the applicant intends to open campsite operations this summer. In 2019, a survey of the site was completed, a discrepancy with the existing fence line and east property line led the applicant to purchase a 30’ strip of land from the DNR in 2020. A Bar and Grill and mobile home (applicant’s residence) are located on the property. The Bar and Grill was destroyed in a fire. The applicant is in the process of building a new Bar and Grill on the site. The portion of the property containing the Bar and Grill was recently rezoned to 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.” The proposed design for the resort is included in the packets. The applicant now intends to use park model homes

for the first 8 cabin sites. The applicant received a Land Use Permit to construct a shed in 2016. The applicant intends to convert this structure for use as the resort's bathrooms and showers. Staff contacted the Town of Isabelle Chairperson regarding this renewal request. The town has concerns about the amount of time it is taking to build/establish the resort and rebuild the bar and grill. No other complaints or concerns have been received. PCC §240-76(G) 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." A screening plan will need to be completed as required by condition #4. The applicant has indicated they will be ready to submit the screening plan soon. The existing conditions are listed #1-#9.

**Staff Recommendations:** Staff recommends the Land Management Committee consider whether any additional conditions or modifications are necessary. If not, 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. 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.
  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 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 11 pm.
  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.

8. 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.
9. This permit shall expire in one year.

Chairperson Aubart asked the applicant if they wanted to add anything. Mr. Grabrick stated it has taken us a little while, but we finally have obtained the financing that we needed, contractors are coming in. He stated that if you haven't driven past the place in the last few months, there is a pretty spectacular facility going up to replace the old bar. We have two different contractors looking at doing the campground grading for us, that will be done this Spring. We are looking at these park models for cabins on a concrete slab. As soon as we have the state approval on the septic system and the frost is out of the ground, we will get rolling on that. Mr. Grabrick stated that he submitted the new screening plan this week. If everything goes as planned, things should be ready and opened by springtime. Chairperson Aubart asked the town if they wanted to add anything. Scott Nelson, from the Planning and Zoning Commission for Isabelle Township, stated that it states the screening plan shall be established prior to resort operation, so his question was if the screening would have to be completed before Mr. Grabrick could open the door of the resort? Adank stated yes. Mr. Nelson asked who approves the screening plan? Adank stated the Land Management Committee. Dennis Potts, Chairman of Isabelle, stated he talked with Mr. Grabrick because he has heard some complaints from the neighbors that it is taking too long, and it's not getting done. Mr. Grabrick stated that this year is going to be it, he has the financing and the campground and building will be done. Potts stated that, as of right now, Mr. Grabrick does not have a liquor license, we've held that for the last two years because he doesn't have an establishment to serve it at. Mr. Potts told Mr. Grabrick if he gets the building done by July we can renew the license. Chairperson Aubart asked for any other questions. No further questions. **Gulbranson made motion to approve the renewal of a conditional use permit for a Resort in the General Rural and Commercial Districts for John Grabrick, Big Dog Daddy's Roadhouse LLC with conditions #1 - #9 as written/Puhrmann 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 Pierce County Highway Department, owner on property located in part of the NW ¼ of Section 5, T25N, R16W, Town of Salem, Pierce County, WI.**

**Staff Report – Adam Adank:** This mine was previously owned by Gregory Bisel. In January of 2020, Mr. Bisel sold 150 acres to the Highway Department. The Pierce County Highway Department has been the operator of this mine since 1990 and is now the owner. When Mr. Bisel owned the property, the Highway Department had a lease agreement that encompassed 70 acres. In February of 2021 the highway department submitted an updated reclamation plan and was granted approval to expand the mine. During the past two years the highway department has been crushing annually as they have done in the past. The last on-site blast was November 2, 2022 and the quarry face is advancing away from US Hwy 10 to the north. In the past two years the highway department has stripped an additional two acres. Hauling was steady in 2022 and future hauling volumes are expected to be consistent. The current active mining area is approximately 12 acres. The operation typically removes 30,000 to 40,000 tons of material each year. Blasting takes place dependent upon when material is needed. Staff contacted the Town of Salem Chairperson regarding this renewal. The town has received no complaints since the last renewal and they have no concerns at this time. The existing conditions of the mine are listed in the staff report #1-#11.

**Staff Recommendations:** Staff recommends that the Land Management Committee consider whether any changes or additions to the existing conditions are required. If no additions or modifications are deemed necessary, staff recommends this CUP be renewed with the following conditions:

1. Hours of operation shall be 7:30 am to 3:30 pm, Monday through Friday, except in June July and August; hours of operation shall be 6 am to 6 pm.
2. A 100-foot setback shall be maintained from all property boundaries. In areas where prior mining has extended within this setback no further encroachment shall occur.
3. Reclamation of the mine shall adhere to the original plan which states that slopes shall be restored to 3:1.



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. The 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.
11. A renewal fee of \$200 plus \$20 per acre of expansion shall be paid.

Chairperson Aubart asked if anyone had any questions or concerns. Pichotta noted that the Highway Commissioner is online if anyone had any questions for him. **Purhmann made motion to approve the renewal of a conditional use permit for Nonmetallic Mining in the General Rural District for Pierce County Highway Department with conditions #1 - #11 as written/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, 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 – Adam Adank:** This operation was originally permitted for nonmetallic mining in 2001 and was expected to provide sand and gravel for Monarch’s asphalt plant for 5-8 years. The property is currently the storage site for dredged materials taken from Corps Island on the Mississippi River, near Diamond Bluff. 350,000 cubic yards of dredged material were hauled to the site in 2011. The dredged material was originally used for “interim reclamation” and is now being utilized by the operator in other projects as needed. Since 2011 Monarch Paving has averaged 3,000-4,000 tons of sales per year up until 2021. There have been no sales since the last renewal in 2021. The sand is available for sale to anyone, private or public, but most of the sand being sold is to local excavating companies. 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 towards the pit entrance. Permitted hours of operation are 6 am to 6 pm, Monday through Friday and 8 am to 6 pm on Saturday during the construction season. The haul road was paved to address airborne dust concerns. The groundwater response plan has been approved. The County has received no complaints about this operation since the last renewal. Staff contacted the Town of Trenton Chairperson regarding this operation. The town has not received any complaints since the last renewal and has no concerns with the operation at this time. The existing conditions are listed #1 -#12.

**Staff Recommendations:** Staff recommends that the Land Management Committee determine whether additions or modifications to the existing conditions are necessary. If no additions or changes are warranted, staff recommends this CUP be renewed with the following conditions (prior conditions #1 & #12 removed): #1 was removed because it relates to compliance with other agencies. #12 was removed because hydraulic placement is no longer considered by Monarch, and new materials on site would need to be addressed on this CUP. Pichotta stated that condition #12, was added prior to hydraulic placement of dredge materials becoming a conditionally permitted use in the code.

1. Hours of operation are from 6:00 AM to 6:00 PM, Monday through Friday and 8:00 AM to 6:00 PM on Saturday during the construction season.
2. The haul route for commercial trucks is from the pit entrance on County Road K to Hwy 35.
3. Reclamation financial assurance information shall be reviewed and approved by Corporation Counsel and kept current.
4. A 50 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. Applicant shall comply with PCC Chapter 241 Nonmetallic Mining Reclamation.

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. The approved Groundwater Response Plan shall be adhered to.
10. This CUP shall be reviewed for renewal in two years.

**Sanden made motion to approve the renewal of a conditional use permit for Nonmetallic Mining in the Industrial District for Monarch Paving with conditions #1 - #10 as written/Gulbranson seconded. All in favor. Passed.**

**Discuss take action on a request for renewal of a conditional use permit for Nonmetallic Mining in the General Rural, General Rural-Flexible and Primary Agricultural Districts, pursuant to Pierce County Code 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 LCC, 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 – Adam Adank:** 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 and screening, the sand is trucked to the processing facility in the Town of Trenton. Trucks enter and exit the site directly onto State Hwy 35. To date, all mining activity has taken place in the Town of Isabelle. Due to current market demand, mining at the site has ceased and reclamation activities have begun. Staff contacted the applicant asking for a summary of any reclamation activities that have taken place within the last two years. The applicant responded that *“mining activities have been idled at the site since June 2016. We will be prepared to discuss the reclamation activities that have occurred to-date, the activities remaining at the site, and the anticipated timeline.”* Although actual mining has not occurred since 2016, WISC had, up until this renewal, detailed the actions taken to maintain the mine and its associated systems to ensure that the mine could be quickly opened should the sand market rebound. Said maintenance had been adequate to “maintain the use” from a permitting standpoint. Staff contacted the town of Isabelle Chairperson regarding this renewal. The town has had no complaints since the last renewal and has no concerns at this time. Staff contacted the town of Hartland Chairperson regarding this renewal No response has been received at this time. The existing conditions of the mine are listed #1 - #26.

**Staff Recommendations:** Given that WISC has officially ceased mining activities at this site, staff recommends that the Land Management Committee renew this CUP with the following conditions:

1. Reclamation shall be according to submitted plans and shall be completed within 2 years.
2. After the asphalt and road gravel is removed, following mine closure, the road 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.
3. Applicant agrees that any unforeseen erosion issues that arise shall be addressed to the satisfaction of the county.
4. This CUP shall expire in two years.

Adank stated we should consider adding one more condition to clarify that there are no conditions relating to active mining now, that it is not a free for all to continue mining without limitations. We are also recommending condition #5 stating, “Active mining shall not take place, unless reauthorized by this CUP. Pichotta noted that we have folks from the mine present and asked that they give us an update on activities. Jaimie Swenson stated she wanted to clarify a couple of items and provide some additional information. Nothing has changed from previous renewals, we are still maintaining the site in an idled status. Swenson wanted to let us know that they have begun their due diligence to start closure and reclamation of the site. They have started repurposing equipment, moving it off site and have initiated conversations with DNR, U.S. Fish and Wildlife for the bat hibernaculum at the site. Swenson stated there are going to be a lot of moving parts when it comes to the

reclamation of this site. Swenson stated we are requesting is that condition #1 be removed as far as the timeline. We know the CUP is good for 2 years, and there is a lot of unknowns when working with the DNR on the reclamation, so we have no idea if that will take us 1 year or 3. Michele Maxson added that this is an underground mining operation and with the bats, we do want to make sure we are not disturbing them during the hibernating season, so that is really why we would want to remove #1 and to expand that. Pichotta asked if it would be better from their perspective if it was re approved with all of the existing conditions. Swenson stated we would prefer to keep it as it is. We have continued to maintain mine in an idle position and have initiated conversations with the DNR and will continue to do the monitoring and do the maintenance and make sure that we have safety concerns addressed. Keeping all those existing conditions in the permit for the site would be our preference. Pichotta suggested the Land Management Committee consider renewing the conditional use permit for this mine with existing conditions #1 - #26. Pichotta also noted that there are folks from the Town here as well that may have questions. Dennis Potts, Town of Isabelle chairman, asked about the vacant house adjoining his land and what they intended to do with it. Swenson stated that they continue to do their due diligence with the security issues. **Gulbranson made motion to approve the renewal of a conditional use permit for Nonmetallic Mining in the General Rural, General Rural-Flexible and Primary-Agriculture Districts for Wisconsin Industrial Sand Company with existing conditions #1 - #26 as written/Purhmann seconded. All in favor. Passed.**

**Discuss take action on Travel/Training Requests.** Pichotta stated he has two travel/training requests. One for Jesse Stenske to attend a POWTS training in Tomohawk, WI, on March 8<sup>th</sup> & 9<sup>th</sup>. There is also a field day on April 6<sup>th</sup>. The cost is \$50 plus lodging. \$110 total and he would use the county car. The other training is for Adam Adank and Emily Lund to attend the WI County Code Administrators annual conference located in Wausau, WI on March 29<sup>th</sup> – 31<sup>st</sup>. The cost is \$200/per person plus lodging. We have money budgeted for these requests. **Sanden made motion to approve/Purhmann seconded. All in favor. Motion approved.**

**Future agenda items:** Pichotta stated our next meeting will be March 1<sup>st</sup>. Belle Vines was sold and the new buyer is going to request a different plan and CUP, and they are working their way through the town of Clifton. When we do meet again, we will have that screening plan for Big Dog Daddy's Roadhouse. We do not have much for CUP renewals as we have moved more toward the administrative renewals.

**Motion to adjourn at 6:49pm by Gulbranson/Purhmann seconded. Motion passed.**

Respectfully submitted by A. Anderson



# 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



Date: January 16, 2023

You are receiving a Notice of Public Hearing from the Land Management Department due to your proximity to a parcel of land on which a conditionally permitted use has been proposed.

We encourage those in proximity to such a request to attend the Public Hearing to raise any questions or concerns they may have. Public attendance is available in person or virtually. To attend virtually, please use the following (clickable link can be found on Pierce County's website):

<https://us06web.zoom.us/j/81161157987?pwd=Nlp4WHFkOHczZmlkT0pFWk43UnF4UT09>

Meeting ID Number: 811 6115 7987

United States: + 1 (312) 626-6799

Password: 998137

Access Code: 998137

We would like to encourage you to contact Land Management staff to discuss any questions or concerns you may have prior to the meeting. In many cases staff will be able to answer any questions you may have and can bring any concerns to the Land Management Committees attention without you having to attend the Public Hearing. If you wish to provide additional information, please submit it a week before the meeting to be provided to the Committee for review.

A staff report which will analyze the request from a County Zoning Code and planning perspective will be generated by staff for the Land Management Committees consideration prior to the meeting. The staff report is typically available about a week prior to the holding of the meeting and Public Hearing. Staff reports can be provided to you by mail or can also be found on Pierce County's web site.

Please feel free to contact the Land Management Department at (715) 273-6746 or by email at [land.mgmt@co.pierce.wi.us](mailto:land.mgmt@co.pierce.wi.us) with any questions or concerns you may have.

Thank you.

CUPPH22.10

cc: file

Jerry F. Duden, Chairperson, Town of Maiden Rock

Darla Pittman, Clerk, Town of Maiden Rock

Adjoining Property Owners (or within 300')

**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



**ISSUANCE OF A CONDITIONAL USE PERMIT FOR EXPANSION OF NONCONFORMING STRUCTURE IN  
AGRICULTURE RESIDENTIAL DISTRICT  
BY THE LAND MANAGEMENT COMMITTEE  
PIERCE COUNTY, WISCONSIN**

*FOR: John Paul Walker & Brooke Obrien, owners on property located on part of the SE ¼ of the SW ¼ of Section 4, T24N,  
R16W, Town of Maiden Rock, Pierce County, WI.*

Applicant: John Paul Walker & Brooke Obrien  
N1350 385<sup>th</sup> St  
Maiden Rock, WI 54750

**File Number:** CUPPH22.10

**Application Filed:** December 30, 2022

**Hearing Date:** February 1, 2023

**Date of Approval:** February 1, 2023

**Dates of Published Notice:** January 18<sup>th</sup>, and 25<sup>th</sup>, 2023

**Tax Parcel Number:** 016-01072-0300

**APPROVED**

*The request for a conditional use permit for expansion of nonconforming structure in the Agriculture Residential District for the above application is APPROVED with the following conditions in addition to what is required by terms of the ordinance:*

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. Applicants shall address any erosion control issues during and after the construction of the residence.

**APPEAL RIGHTS**

The decision regarding the issuance of the conditional use permit for expansion of nonconforming structure in the Agriculture Residential District by John Paul Walker & Brooke Obrien, owners, by the Land Management Committee may be appealed by any person aggrieved by filing an action with the Circuit Court of Pierce County within 30 days after the date of filing shown below. The County assumes no liability for and makes no warranty as to the legality of any construction or operation commenced prior to the expiration of this 30-day period.

LAND MANAGEMENT COMMITTEE

---

Zoning Administrator

Date Filed: \_\_\_\_\_

CUPPH22.10





# 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



Date: January 16, 2023

You are receiving a Notice of Public Hearing from the Land Management Department due to your proximity to a parcel of land on which a conditionally permitted use has been proposed.

We encourage those in proximity to such a request to attend the Public Hearing to raise any questions or concerns they may have. Public attendance is available in person or virtually. To attend virtually, please use the following (clickable link can be found on Pierce County's website):

<https://us06web.zoom.us/j/81161157987?pwd=Nlp4WHFkOHczZmlkT0pFWk43UnF4UT09>

Meeting ID Number: 811 6115 7987

United States: + 1 (312) 626-6799

Password: 998137

Access Code: 998137

We would like to encourage you to contact Land Management staff to discuss any questions or concerns you may have prior to the meeting. In many cases staff will be able to answer any questions you may have and can bring any concerns to the Land Management Committees attention without you having to attend the Public Hearing. If you wish to provide additional information, please submit it a week before the meeting to be provided to the Committee for review.

A staff report which will analyze the request from a County Zoning Code and planning perspective will be generated by staff for the Land Management Committees consideration prior to the meeting. The staff report is typically available about a week prior to the holding of the meeting and Public Hearing. Staff reports can be provided to you by mail or can also be found on Pierce County's web site.

Please feel free to contact the Land Management Department at (715) 273-6746 or by email at [land.mgmt@co.pierce.wi.us](mailto:land.mgmt@co.pierce.wi.us) with any questions or concerns you may have.

Thank you.

CUPPH23.01

cc: file

Roger Billeter, Chairperson, Town of Ellsworth

Phyllis J. Beastrom, Clerk, Town of Ellsworth

Adjoining Property Owners (or within 300')

**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



ISSUANCE OF A CONDITIONAL USE PERMIT FOR A FARM & HOME BUSINESS FOR ANTIQUE &  
HANDCRAFTED DÉCOR SALES IN PRIMARY AGRICULTURE DISTRICT  
**BY THE LAND MANAGEMENT COMMITTEE**  
**PIERCE COUNTY, WISCONSIN**

*FOR: Kelly & Diane McCoy, owners on property located on part of the SE ¼ of the NE ¼ of Section 26, T26N, R17W, Town of Ellsworth, Pierce County, WI.*

Applicant: Kelly & Diane McCoy  
N4757 530<sup>th</sup> St  
Ellsworth, WI 54011

**File Number:** CUPPH23.01

**Application Filed:** January 10, 2023

**Hearing Date:** February 1, 2023

**Date of Approval:** February 1, 2023

**Dates of Published Notice:** January 18<sup>th</sup>, and 25<sup>th</sup>, 2023

**Tax Parcel Number:** 006-01082-0600

APPROVED

*The request for a conditional use permit for a Farm & Home Business for antique & handcrafted décor sales in the Primary Agriculture District for the above application is APPROVED with the following conditions in addition to what is required by terms of the ordinance:*

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. Applicants shall address any erosion control issues during and after the construction of the residence.

**APPEAL RIGHTS**

The decision regarding the issuance of the conditional use permit for a Farm & Home Business for antique & handcrafted décor sales in the Primary Agriculture District by Kelly & Diane McCoy, owners, by the Land Management Committee may be appealed by any person aggrieved by filing an action with the Circuit Court of Pierce County within 30 days after the date of filing shown below. The County assumes no liability for and makes no warranty as to the legality of any construction or operation commenced prior to the expiration of this 30-day period.

LAND MANAGEMENT COMMITTEE

---

Zoning Administrator

Date Filed: \_\_\_\_\_

CUPPH23.01

**LAND MANAGEMENT COMMITTEE**

**MEETING AGENDA**

**Wednesday, February 1, 2023 – 6:00 p.m.**

Courthouse Annex/Lower Level – County Board Room: 124 N Oak St. - Ellsworth, WI

**Public attendance is available in person or virtually with the link or phone number provided below.**

<https://us06web.zoom.us/j/81161157987?pwd=Nlp4WHFkOHczZmlkT0pFWk43UnF4UT09>

Meeting ID Number: 811 6115 7987

Password: 998137

United States: + 1 (312) 626-6799

Access Code: 998137

#	Action	Presenter
1	Call to order	Chair
2	Next meeting date: February 15, 2023, March 1, 2023 & March 15, 2023	Chair
3	Approve minutes of the January 4, 2023 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for a conditional use permit for Expansion of Nonconforming Structure pursuant to Pierce County Code 240-67A(2) in the Agriculture Residential District for John Paul Walker & Brooke Obrien, owners on property located on part of the SE ¼ of the SW 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 a Farm & Home Business for antique & handcrafted décor sales pursuant to Pierce County Code 240-36D in the Primary Agriculture District for Kelly & Diane McCoy, owners on property located on part of the SE ¼ of the NE ¼ of Section 26, T26N, R17W, Town of Ellsworth, Pierce County, WI	Lund
6	Discuss take action on a request for renewal of a conditional use permit for a Resort in the General Rural and Commercial Districts, pursuant to Pierce County Code 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.	Adank
7	Discuss take action on a request for renewal of a conditional use permit for Nonmetallic Mining in the General Rural District for Pierce County Highway Department, owner on property located in part of the NW ¼ of Section 5, T25N, R16W, Town of Salem, Pierce County, WI.	Adank
8	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.	Adank
9	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 240-37A for Wisconsin Industrial Sand Company,	Adank

	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.	
10	Discuss take action on Travel/Training Requests.	Pichotta
11	Future agenda items.	Pichotta
12	Adjourn	Members

A quorum of County Board supervisors may be present.

(01/12/2023)

**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, January 4, 2023, in-person meeting for everyone along with the option of remote attendance.

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

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

Absent: Joe Fetzer

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

Set meeting dates for 2023: Committee agreed to keep the 1<sup>st</sup> and 3<sup>rd</sup> Wednesday of each month at 6:00 pm for 2023.

Next meeting dates: Next meeting date set for February 1, 2023.

Approve Minutes from the November 2, 2022 Land Management Committee meeting: **Gulbranson moved to approve the Land Management Committee minutes from November 2, 2022/Sanden seconded. All in favor. Passed.**

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

**Staff Report – Emily Lund:** The applicants are proposing to construct an in-ground pool in their backyard that will encroach within the Kinnickinnic River Blufflands bluffline setback. The excavation for the pool requires CUP approval for filling and grading within the bluffline setback. On 7/21/2022, the applicants obtained a Land Use Permit (LUP) to construct their residence and attached garage on this lot. In August 2022, a CUP was granted for filling and grading within the same bluffline setback area to create a walkout basement for the residence. The proposed pool would be located in back of the house off the walkout basement. On 11/2/2022, the LMC approved a CUP for tree removal and restoration in the Kinnickinnic River Blufflands bluffline setback. On 9/29/1998, Pierce County Zoning Code amendments were adopted by Ordinance# 98-07 relating to the Kinnickinnic River Blufflands. The code amendments established a bluffline setback for structures. This parcel is 7.156 acres and is located in the Town of Clifton. Pierce County Code (PCC) §240-45C states, “Slope Setback. All structures shall be set a minimum of 15 ft behind the bluffline, which is defined as a line connecting points at which a slope along the river and the first 1,320 ft of adjacent ravines in excess of 20% decreases to a slope of less than 12%.” PCC §240-45D states, “Site plan approval. All applications for structures along Kinnickinnic River Blufflands shall require site plan approval to assure compliance with the provisions of this chapter and to address erosion control during construction and afterward.” PCC §240-45E states, “Any filling and grading of slopes downslope from the bluffline setback shall require a conditional use permit.” The applicants are proposing to install a 20 ft x 40 ft in-ground pool with a 4 ft concrete apron in their backyard. Depending on the bedrock depth, the pool is proposed to be 8 ft to 10 ft deep. During the construction of the residence, the backyard was graded nearly flat. A small portion of the pool is proposed to extend into the bluffline setback. All other disturbance will be outside of the setback area. Also, all the remaining soil will be hauled off site. Existing erosion control measures are in place from the filling and grading CUP approved in August 2022. Existing erosion control measures are shown on the submitted site plan and include: An erosion

log at crest of hill, two rows of coconut logs, a silt fence & a grass buffer. Site plan review was completed administratively in accordance with PCC Sec. 240-45(D). The Town of Clifton recommended approval of this request on 10/17/2022 without reference to the Town Comprehensive Plan or any listed concerns or recommended conditions.

**Staff Recommendation:** Staff recommends the Land Management Committee consider the above and determine whether the proposed conditionally permitted activity for filling and grading 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. Existing erosion control measures shall be maintained during construction.
3. Best management practices shall be utilized to control excessive ground disturbance.
4. Applicants shall address any erosion control issues to the satisfaction of the Pierce County during and after the construction of the 20 ft. x 40 ft in-ground pool with a 4 ft concrete apron.

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

Chairperson Aubart asked if the committee had any questions. **Chairperson Aubart opened the hearing to the public.** No public comment. **Chairperson Aubart declared the public hearing closed.** Sanden stated that the pool extends very slightly into the Blufflands area, and asked if the heavy equipment could also stay north of that point? Mr. Wegge stated there will be about 25 ft. between where the hole will be dug and the septic mound is on the north side, so yes that is possible. **Sanden moved to approve the conditional use permit for filling and grading in the Kinnickinnic River Blufflands Area for Ross Wegge, agent for John Armstrong & Jo Ann Lincoln, owners, due to the fact this is not contrary to the public interest, nor detrimental or injurious to public health, public safety, or the character of the surrounding area with conditions #1 - #4,/Puhmann seconded. All in favor. Passed.**

**Public hearing to consider and take action on a request for a conditional use permit for a Large Solar Energy System in the General Rural Flexible District, pursuant to Pierce County Code Chapter 240-41D(3), for Pierce Pepin Solar, LLC, agent for Pierce Pepin Cooperative Services, owners on property located on Lot 1, Certified Survey Map (CSM) V12, P20, part of the SW ¼ of the NW ¼ of Section 28, T25N, R18W, Town of Trenton, Pierce County, WI.**

**Staff Report – Adam Adank:** The applicant is proposing to construct a 2-megawatt (MW) alternating current (AC) solar generating facility in the Town of Trenton. The facility will be located on a 16.033 acre parcel and will have an East-West tracking solar panel system for offsite consumption. The proposed fenced in area of the project would occupy approximately 11.60 acres of the 16.033 acre parcel. The SES will have onsite Inverters that convert the direct current (DC) output from the panels to AC current that can be used by the grid. A pad-mounted transformer will increase the 480-volt output from the inverter and step it up to the grid voltage of 12,470 volts The power generated would interconnect to the existing distribution lines along Hwy 35. Pierce Pepin Solar, LLC will develop, construct, own and operate the project. Pierce Pepin Solar, LLC is a fully owned subsidiary of OneEnergy. The property is located in Section 28, Town of Trenton. The property is zoned General Rural Flexible. Adjacent properties are zoned Industrial, Commercial, General Rural Flexible, and Agriculture-Residential. Surrounding land uses are agricultural, woodland and residential. The property abuts State Hwy 35 which is a designated National Scenic Byway. State Hwy 35 is also identified as a High Access Corridor in Pierce County’s adopted Comprehensive Plan, within which higher intensity uses, including commercial and industrial, are to be located. The majority of the parcel is comprised of prime farmland soils. The proposed project footprint is located entirely on prime farmland soils. Pierce Pepin Solar, LLC has submitted an application and supplemental information intended to provide additional detail/information.

Submittals include:

- Addendum A – Zoning Permit Application Addendum
- Addendum B – OneEnergy Solar Information
- Addendum C – Glare Analysis
- Addendum D – Solar Project FAQ’s

## Addendum E – Native Upland Seed Mix

Staff reviewed additional studies/guidance documents relating to solar energy systems in effort to recommend appropriate conditions specific to this site. A brief summary of these supporting documents can be found in addendum F. Major components of the project include solar modules, racking, tracking system, inverters, and transformers. The project is designed to use approximately 4,134 x 550 Watt VSUN BMH bifacial solar panels. The required vs proposed setbacks are listed. No structure of buffer vegetation is proposed in the vision clearance triangle. Large solar energy systems setbacks shall be established by the Land Management Committee based on the purpose and intent of the zoning ordinance. The project location was chosen based on suitability for solar and adequate parcel size along an existing 3-phase distribution line. The site has electrical infrastructure adjacent to the property with adequately sized lines and favorable electric characteristics to interconnect the solar facility. The solar cells proposed for this project are made from silica which is formed into ingots and then sliced into thin wafers. These solar cells convert sunlight into electricity and are wired together with copper. The solar cells are sandwiched between two layers of tempered glass and enclosed in an anodized aluminum frame. The glass, aluminum, solar cells, and copper wiring compromise about 99% of a solar panel by volume and are all recyclable. The racking for the proposed project consists of driven steel I-Beams that are embedded approximately 8-10 feet into the ground and extend approximately 5 feet above ground. A torque tube connects to the top of the I-beams, and the panels are mounted on top of the torque tube. All components of the racking system are galvanized steel. The panels will have a +/- 50degree range of motion driven by electric motors. Most equipment (inverters, electrical panels, etc.) will be mounted on driven pilings similar to the pilings that support the solar panels and racking with a maximum height of 8 feet. The horizontal tracker would be in its highest position during the morning and evening hours when the trackers are tilted at their maximum angel and the panels would be a maximum of 8 feet above grade. The panels will be approximately 6 feet above grade when tilted flat at mid-day. Approximately 20 inverters will be installed on a north central part of the parcel. The inverters are proposed to be 60' from the north property line and least 250' from all other property lines. The project is expected to be constructed in the summer of 2023 pending availability of key equipment and lead times. Approximately 10-30 employees are expected during the construction window of 3-6 months. Construction equipment is listed. Delivery trucks will consist of semis to deliver the racking and modules, and smaller box trucks to deliver other miscellaneous equipment such as the fencing rolls, inverters, etc. No laydown yard area is needed. Construction will happen over a 2-4 month period during which all necessary work will be performed in sequence. The applicant may need to work with state and local authorities to obtain the applicable oversize-overweight permits. Construction activities are proposed to be conducted during daylight hours Monday through Friday with the option to work Saturdays in order to shorten the schedule of on-site work. An 18' access drive is proposed off County Road K. Earthwork will be very minimal and mostly contained to the access road construction with minor grading within the site. All grading will be done pursuant to an approved stormwater permit from the WI DNR. Fencing will be used to surround and provide security to the photovoltaic panel areas. The inverters, electrical panels and transformers will also be located within the project fence as depicted on the site plan. The fence will be an 8' tall agricultural-style fixed knot wildlife exclusion fence. After construction, the facility will be an unmanned plant that will operate through local and remote control. Local control will occur through autonomous controllers. The PV system will be monitored through the operations and maintenance contractor's Data Acquisition System (DAS). One or two people will visit the site once or twice a month tor inspection and minor maintenance, as needed. A third-party vegetation management contractor will perform the seeding of the site and the vegetation maintenance for the first five years. They are contracted to ensure the best outcome for the pollinator planting, and set up a site-specific management plan based on the existing weed seed load and planting conditions after planting. They typically perform a high mowing 3 times per year the first 2 years, and spot spray invasives if necessary. Years 3-5, they typically do a high mowing twice per year. And once the pollinator meadow is well established (year 6 and beyond), the idea is to only need to mow once a year in late summer or early fall. This baseline plan is subject to change based on ongoing monitoring of the vegetation over time. Seed bed preparation and seeding procedures as well as seed mix are listed. The applicant is required to conduct a hydrology study showing how the water flows before the project is installed and after the project is installed as part of the stormwater permit obtained through the DNR. The applicant has stated that these studies show that water infiltration actually



increases after the installation of the project due to the field being planted to deep-rooted perennial vegetation after construction and since there is no tillage or soil disturbance associated with row-crop harvesting. The inverters have an audible noise level of <65dBA @ 1 meter and 77 degrees Fahrenheit. The noise from the inverters is expected to reduce to below ambient levels of a quiet rural area (~45dBA) at 250 feet. The nearest property line from the inverters is approximately 60 feet away. The nearest residence is approximately 790 feet away. The property owners nearest to the inverters (approximately 60 feet from property line) have signed a letter stating that they approve the location of the proposed inverters. The solar panels planned for installation at this project have 30-year warranties. One Energy expects the panels to continue working beyond the warranty period and designs the remainder of the site equipment to a 40-year design life. The agreement with the landowner obligates OneEnergy to remove all facilities at the end of the project life and return the land to farmable condition. Depending on market conditions and project viability, the applicant may look to renegotiate the term of the lease with the landowner to extend the life of the project. The current lease is 40 years. OneEnergy renewables has an agreement with the landowner that obligates the company to remove all the solar facilities within one year from when the project is no longer producing power. All solar facilities (including all electric cabling and conduit, foundations, and access road) will be removed from the property within one year from when the project is no longer producing solar. The access roads may be left in place if requested and/or agreed to by the landowner. OneEnergy works with The Retrofit Companies, Inc. in Minnesota to recycle panels that are damaged during shipping or installation, and intends to partner with TRC or another similar panel recycler to recycle any panels that may need to be disposed of in the future. When asked to provide a decommissioning estimate, the applicant responded, "Our lease agreement obligates us to maintain financial security sufficient to fully decommission the project. The amount of the financial security is set by a third party estimate of the decommissioning cost net of salvage value performed once the system installation is complete, and updated every five years throughout the operation term. Typically, the salvage value of the equipment exceeds the decommissioning expense for the first 15 years, after which point the decommissioning expense exceeds the salvage value." Pierce County Zoning Ordinance §240-41D(3) outlines zoning standards. Large Solar Energy System is defined as, equipment which directly converts and then transfers or stores solar energy into usable forms of thermal or electrical energy which is intended for off-site consumption. Large SES setbacks shall be established by the LMC based on the purpose and intent of this ordinance. Large SES height shall be established by the LMC based on the purpose and intent of this ordinance. The applicant is proposing no structures greater than approximately 8 feet. The SES shall be positioned so that the glare does not create any unsafe conditions. The glare study provided shows no glare at adjacent residences and roadways (Addendum C). No mention of glare to aircraft was mentioned. OneEnergy has stated that modern solar panels are designed to absorb rather than reflect sunlight and are not considered to produce glare. Further, the panels they use are treated with an anti-reflective coating. All SES shall be installed by a North American Board of Certified Energy Practitioners (NABCEP) certified solar installer or other person qualified to perform such work. Contractor selection is still in progress. The applicant can commit to submitting the contractor's qualifications prior to construction. A SES shall comply with all applicable State of Wisconsin electrical codes and the National Electrical Code. Projects of this scale are considered electrical facilities subject to state electrical licensing and inspection in Wisconsin. The applicant has stated that their electrical engineering designs must be approved by the Wisconsin DSPS. The state sends an electrical inspector to verify the system is being installed per the approved plans during construction, and at the end of construction. The facility cannot be energized until this inspection is complete. The inspection ensures that the system is installed and grounded correctly per National Electric Code, and that the utility interconnection is designed with the appropriate fault detection. A small SES that intends to connect to the electric utility shall not be permitted until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. A copy of the final agreement shall be submitted to the Zoning Office. Applicant will provide final Generator Interconnection Agreement prior to construction. The structure upon which the proposed SES is to be mounted shall have the structural integrity to carry the weight and wind loads of the SES. Applicants has stated that the racking system is being designed by a structural engineer based on the results of the geotechnical analysis that was performed onsite last month and based on the relevant risk category and weather condition in the area. Stamped design drawings can be submitted prior to commencement of construction. Upon issuance of

a conditional use permit, all large SES shall notify the Public Service Commission of Wisconsin. Applicants confirms that the Wisconsin Public Service Commission will be notified upon issuance of CUP. Pierce County Zoning Ordinance §240-31 Landscape Buffers outlines zoning standards. These requirements are intended to reduce potential adverse impact that a particular land use might have on occupants of adjacent properties, such as glare of lights, dust, litter and appearance. With vegetative screening, such adverse impacts will be lessened. 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. General requirements are listed 1-6. Landscape buffer tree requirements state landscape buffers, at the time of establishment, shall meet the design specifications on file in the Zoning Office as approved and incorporated into this chapter. The Land Management Minimum Landscaping Policy adopted February 7, 2007, 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. Power and orientation of light fixture is listed. The applicant has proposed a vegetative screening along the length of the project parallel to State Hwy 35 frontage and wrap around for the first 100 feet of the County Road K frontage. The applicant has been working with Reuver’s Nursery in Hager City to determine appropriate plantings. Based on recommendation from the nursery, the applicant is proposing to plant one row of shrubs consisting of viburnum (12-15’ tall and 10’ wide), autumn brilliance serviceberry (15-20’ tall/wide), and dogwood (10’ tall/wide). The spacing is proposed at 10’-15’ feet depending on species. Photos of the proposed shrubbery can be seen in Addendum B. The Town of Trenton recommended approval of this request on November 15, 2022, stating the use benefits the community by economic development as a natural resource, by possibly reducing our carbon footprint. The town also has suggested screening along Hwy 35 and a short distance on County Road K. It was suggested to the Town Board Chair and Clerk that if the Town of Trenton wanted to support a method of screening that was different from the default established by the LMC in prior approvals of utility size solar projects, that specific support should be included in the Town’s recommendation. While it is staffs understanding that the Town is supportive of the applicants proposed setbacks and screening method, the Town’s recommendation did not address the method of screening to be utilized or setback distances. Additionally, Wis. Stats. 66.0401 (1m) Authority to Restrict Systems Limited, states: No political subdivision may place any restriction, either directly or in effect on the installation or use of a solar energy system...unless the restriction satisfies one of the following conditions:

- (a.) Serves to preserve or protect the public health or safety.
- (b.) Does not significantly increase the cost of the system or significantly decrease its efficiency.
- (c.) Allows for an alternative system of comparable cost and efficiency.

(4) Local procedure.

- (b) “A political subdivision shall make a record of its decision making on an application for approval, including a recording of any public hearing, copies of documents submitted at any public hearing, and copies of any other documents provided to the political subdivision in connection with the application for approval.”
- (d) “A political subdivision shall base its decision on an application for approval on written findings of fact that are supported by the evidence in the record...”

**Staff Recommendation:** The staff recommended conditions are intended to ensure that impacts to adjacent properties are mitigated whether those parcels are developed or not and are based on guidance from a variety of sources including the American Planning Association’s (APA) Planning Advisory Service. The recommended conditions are intended to serve as a default minimum that ensures mitigation strategies are in place to limit impacts, to the degree possible, to those properties that are in proximity to proposed utility sized solar projects. It is recognized that each town under County Zoning is unique and that each town has the ability to recommend deviation from these standards if so desired through the Town Recommendation requirement. Recommended conditions also provide adjacent landowners with an ability to waive setback and buffer requirements, if so desired. Staff recommends that the 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 found to be not contrary to the above, staff recommends the Land Management Committee approve this conditional use permit for a Large Solar Energy System with the following conditions:

1. The owner or operator shall construct, maintain, and operate the facility in compliance with the submitted plan/application unless modified by a condition of this permit.
2. Inverters shall be set back a minimum of two hundred fifty (250) feet from any adjacent land owners lot line. Inverter setback may be waived/modified with the consent of adjacent property owner (no less than 10 feet) Notice of consent shall be submitted to the zoning office.
3. A minimum 50-foot vegetative buffer (consisting of existing trees and vegetation) shall be maintained between the facility and adjacent properties and road right-of-ways. If existing vegetation is inadequate to serve as a buffer, new plantings of trees, shrubs and grasses shall be established. The majority of the vegetative buffer shall have a minimum height of the project exterior fence. Initial plantings shall render the facility visually unobtrusive from adjacent properties and public view. Vegetative buffer requirement may be waived/modified with the consent of the adjacent property owner. Notice of consent shall be submitted to the zoning office.
4. The project shall be setback a minimum one hundred fifty (150) feet to all above ground project components from any residence and at least one hundred (100) feet from property lines (excluding fences and access roads), sixty-seven (67) feet from County Road right-of-way, and seventy-seven (77) feet from State Highway right-of-way. Property line setbacks may be waived/modified with consent of adjacent property owner (setback shall be no less than 10 feet). Notice of consent shall be submitted to the zoning office.
5. A vegetative management plan shall be developed for the site and it shall be reviewed and approved by the Land Management Committee. The applicant shall work with the Land Conservation Department in developing the plan. The plan shall include trees and shrubs, seed mixes, vegetation maintenance, and weed controls for the vegetative buffer, facility construction as well as facility operations.
6. Construction hours shall be daylight hours, not earlier than 7am and not later than 7pm Monday through Saturday.
7. Dust control measures shall be implemented when necessary during construction. Dust control shall be addressed to the satisfaction of the County.
8. A final grading plan shall be submitted to the zoning office prior to any site disturbance.
9. The applicant shall submit a decommissioning plan to the County for approval. The purpose of the decommissioning plan is to specify the procedure for which the applicant or its successor would remove the solar facility after the end of its useful life.
10. The decommissioning plan shall include a decommissioning cost estimate prepared by a State licensed professional engineer. The cost estimate shall provide the net estimated cost (cost minus value of the components) to decommission the solar facility in accordance with the decommissioning plan and these conditions. The decommissioning plan shall be updated every five years.
11. Applicant shall provide decommissioning security in one of the two following alternatives to the Pierce County Corporation Counsel for approval:
  - a. Letter of credit or other acceptable assurance for the full decommissioning cost.
  - b. Tiered Security, such as:
    - i. 10 percent of the decommissioning cost estimate to be deposited in a cash escrow reasonable acceptable to the County; and
    - ii. 10 percent of the decommissioning cost estimate in the form of a letter of credit or other acceptable assurance with the amount of the financial assurance increasing by an additional 10 percent in years 2-9 after commencement of operation of the facility.

- iii. In the tenth year of operation, the applicant will have increased the value of the financial assurance to 100 percent of the decommissioning cost estimate. At such time, the applicant may be entitled to a return of the 10 percent cash escrow.
- 12. The maximum height of the project's equipment shall be ten (10) feet.
- 13. Panels shall have a resting angle of 50 degrees.
- 14. The Owner/Operator shall install an 8' tall agricultural-style fixed knot wildlife exclusion fence (as described in the application) unless electrical code mandates a different height.
- 15. All lighting shall comply with Land Management Department Minimum Landscaping Policy.
- 16. No structures shall be placed or land disturbed in the floodplain.
- 17. A signed copy of the interconnection agreement shall be submitted to the Zoning Office.
- 18. Contractor's qualifications shall be submitted prior to construction.
- 19. Any unforeseen erosion issues shall be addressed to the satisfaction of the County.

Chairperson Aubart asked the applicant if they wanted to add anything. Beth Esser from OneEnergy Renewables, project manager, said we appreciate the opportunity to be here and that there are some members of the township here as well as Pierce Pepin Cooperative Services. OneEnergy has been partnering with many Dairyland Power Cooperative members to build these local utility scale solar projects that fit in with their ability to generate approximately 10% of their load locally, rather than purchasing that through Dairyland. OneEnergy has built 15 projects in the state. Not all of those have been Dairyland Power Cooperative members, but they've all been similar sized projects, under 5 megawatts (MW). OneEnergy has talked with Dairyland and Pierce Pepin Cooperative Services about what their load need is and production would be and finding the land that could occupy. OneEnergy has a few concerns with some of the proposed conditions. There is some distinguishment in the utility scale solar world, between Large Scale Utility Solar and Small Scale Utility Solar. Esser defined that in terms of, how it is connecting to the existing electrical grid. OneEnergy projects connect to distribution lines and serve the local population and that is the smaller of the utility scale sized projects. The larger utility scale sized projects are on multiple parcels of land and comprising, typically, hundreds or thousands of acres and are connecting to transmission lines. That power is purchased from different utilities across the state and serve different populations. Esser stated that they are not against those large projects, but wanting to make that distinguishment, because she believes that the American Planning Associations large utility scale solar siting recommendations are largely based on the larger scale sized projects. The recommendations that OneEnergy would like to discuss tonight have to do with all of the setbacks. One Energy's experience in building all of these projects have been to really look at setbacks that are related to residential, existing residence and not to property lines in general. OneEnergy adheres to the existing zoning regulations of townships and counties for general property line setbacks. In Pierce County it's a 10' setback from property lines. That has been acceptable in OneEnergy's other projects. Vegetative screening is typically only required for existing property. OneEnergy acknowledges that Hwy 35 is a designated scenic byway and that is why, in early conversations with the county, had proposed to do a vegetative buffer along Hwy 35 and then going on K for that single residence that is along K. One other thing that OneEnergy would like to note is the Hwy setbacks. The way OneEnergy engineers have proposed that design right now is based on the centerline setback. They have two projects with Oakdale Electric Cooperative, that is in Juno County. In Juno County, its not the county that makes the decision, but the townships that makes the decision, and they actually exempted the solar panels and racking from being considered a structure. OneEnergy wanted to just raise the possibility of having our panels and racking being exempted based on the public utility exemption of different road setbacks for public utility equipment that doesn't have permanent foundation. Esser asked Adank to clarify. Adank stated that exemption reads, "public utility poles, lines and related equipment without permanent foundations are exempt from road setbacks" Esser stated that OneEnergy is proposing to consider an exemption from the Hwy setback for that reason. OneEnergy wouldn't be proposing to go nearer to the Highways than they have in the current layout, which is 110' from the centerline of Hwy 35 and 100' from the centerline of County K. OneEnergy engineers told Esser that by pushing those setbacks that will compromise our ability to produce enough power in that lot as what we have agreed to do for Pierce Pepin. Esser stated that she also wanted to bring up the decommissioning and the salvage value of these projects. When the project is constructed, OneEnergy is looking at an investment of 2 million dollars approximately into this project, and the

only way OneEnergy is going to make money, is to make sure that this project keeps producing power. OneEnergy is incentivized to make sure that this project is producing power as long as possible. The salvaged value of the equipment at the time of installation exceeds by approximately 12 times the amount of the decommissioning cost. OneEnergy has experienced within other communities to do a decommissioning security bond, letter of credit or corporate guarantee that adds the language of decommissioning cost net the salvage value. Esser suggested that if it would make the committee more comfortable, that we could increase that decommissioning cost times 150%, but still net the salvage value. OneEnergy does want to reflect the value of the equipment, which does exceed the value of decommissioning until approximately year 15. **Chairperson Aubart opened the hearing to the public.** Bruce King, Oak Grove Township, presented a handout of questions/comments. Mr. King stated it seems that this is going to change an eco system or landscape and he don't know how much science is behind large scale solar systems. What will this do with birds, animals, species, the type of species and migration movement? He doesn't believe anybody would prefer a black, reflective chunk of land over a field which does have environmental advantages. He is glad to see that we are talking about setbacks. How many more of these are we going to see in this direction that America is going? How many is it going to take for us to power the future? China is already a threat in the economic system, which is communism, but in economic power and in power, they will have an advantage and our weaknesses are only going to grow worse if we try to rely on green power. He stated that we are currently starved for energy and that he got notice in the mail that there could be rolling blackouts. King never thought he would live to see that day, America is becoming a third world nation. Rural areas and small businesses will suffer most from energy starvation. It is going to get worse with rechargeable batteries for your cars, and Pierce Pepin putting in broadband, but yet they tell us that maybe you're not going to be able to have power for a few hours now and then. If you think our power supply is going to go to rural areas, its not. Pierce Pepin folks have been exposed to this and to the author of Apocalypse Never: Why Environmental Alarmism Hurts Us All. It is a great read, not by someone who is anti-green, but someone who is green and recognizes that we need power. **Chairman Aubart asked for any other public comment.** Dave Chavie, Energy Innovation & Technology Manager at Pierce Pepin Cooperative Services, stated that the reason that Pierce Pepin is proposing to build this project and the reason we bought that property down in Hager City, is to increase the amount of renewable energy that's available to our people that live in Pierce and Pepin counties. There is a percentage from this output array that will potentially be made available to low income families through a state grant program that we are working on. Chris Truttmann spoke and stated that she and her husband Tim are the people that sold the land to Pierce Pepin for this project. They live on County O and own farmland in Trenton and Diamond Bluff Townships, they are very active on conservation practices for farmland, blufflands and the Trimbelle River. They are excited to be involved with this solar field project because it is another way that they can help to serve their community. Truttmann stated that when they considered selling the property, it was clearly understood that we agreed to sell the property for the sole reason of a solar field. They were concerned of other things that would be visually concerning on the property, such as a gravel pit. They felt very confident in the fact that a solar field is something that has minimal concerns as far as the property itself, all the solar panels are being held with posts down into the ground, and at some point, if it is no longer needed can be taken away and returned back to the property that it is in right now. They would like to see this project developed as depicted in the picture presented by Pierce Pepin Solar, LLC and OneEnergy. This is considered a small solar field and has qualities that are necessary for a solar field, such as the flat land, the three phased lines and a substation that is close. Requiring excessive setbacks and a larger area for the shrubs and vegetation on the outer fenced area, will limit the area of land that will actually be used for the solar field itself. Their hope is to benefit our community at the maximum possible size within the land that we have sold. They are concerned with the restrictions that are being discussed by the county. In regard to any concerns regarding the sound or noise that may come from the solar field, the sound is minimal. Truttmann asks the LMC to keep in mind that there are two railroad crossings, on each end of the field on the other side of Hwy 35, and the trains are required to blow their whistles at both ends, which happen every 10-20 minutes. In regards to how the proposed solar field will look, this is a small solar field, and I understand that this is along the Historic Scenic Hwy 35, but in driving past this solar field at 55 miles per hour, it only takes 20 seconds that the solar field is in view. Historic Scenic Hwy 35 is approximately 250 miles long in WI, and there are plenty of other things that we see that we don't have control

over, such as gravel pits, or lots of cars that our sitting in people's lots, etc. Keep in mind the size of this solar field. Brian Berg, Trenton Town Chairman, stated that he has been a longtime supporter of solar energy. He noted that it had been stated that we should be looking into nuclear or something that might be cheaper or more reliable and not take up land space. Berg noted that nuclear is a proposal, but we don't know when that is coming, and it's not going to be cheap. It is estimated solar with battery storage will be half the price of this nuclear energy they are coming up with. Berg stated that this solar project is a temporary installation. They just drive the pilings into the ground. In the 25-30 years that this will be in place, maybe better technology does come along, maybe there will be something cheaper. Then you just pull the stuff out and it hasn't changed the ground. If a building or parking lot is put in, the top soil would all be excavated off and it would never be the same. This proposal doesn't change it at all. It could be back into production if you wanted it to. As far as the visual aspect, across from this is railroad tracks and lp tanks sitting there. There is no vegetation in front of that.

**Chairman Aubart asked for any other public comment and stated hearing none, we will close the public hearing.** Chairman Aubart asked for questions from the committee. Aubart asked about the differing of opinions of large scale vs. small scale. Why are we calling this large scale? Adank stated our ordinance defines large scale as being intended for off-site consumption. Beth was stating that there are various sizes of solar facilities that produce power for off-site consumption. Aubart asked about off-site, does that mean not particular to a specific farm or residence? Adank clarified that it is for more than one owner, to be sold vs. roof-mounted solar panels, or ground mounted by an individual for their home. Aubart asked if it's a specific number of panels? Pichotta stated, no, our code basically defines any utility scale solar as large scale, what they are suggesting that there is some deviation between the large solar projects, that they are not all the same. When we say our small scale solar we are referring to the ones people generally put on their roof, or in their yard, to offset their own personal consumption and what they don't use feeds back the grid vs. off-site consumption where the power isn't intended for use on-site, it is intended to be sold for use elsewhere. Aubart asked Esser about security. The application stated that it would be visited one to two times per month, and Aubart stated that seemed a little light to me because things happen. Is there any kind of security notice or alarm system? Esser stated that there is a remote monitoring system so that at any time if any of the panels, even one panel, isn't working appropriately, we get alerted. Someone would then be sent out to take a look at it or repair or replace whatever is needed. Aubart asked which conditions are we questioning specifically so we can focus in on those. Adank stated condition #3,#4 & #10. Esser stated that on #2, we do have a letter from the neighboring landowners to waive the 250' setback for the inverters. The inverters are typically centrally located, not adjacent to any residences. Sanden asked staff with reference to conditions #3 & #4, 110' from Hwy 35 centerline and 100' from County K centerline, how will that translate into the language we have in condition #3 & #4? Adank asked if the question was how far would they additionally have to be setback vs. what they have in their plans? Sanden stated the conditions are talking about from the property lines or from the road right-of-way. Adank stated from Hwy 35 it would bump them back to 127' which would be an additional 17' from what they have shown, and then on County Rd K it would be 17' as well. Sanden asked if we changed the language to instead of 67' to 50' and instead of 77' to 60' that would be in keeping with what is requested? Adank stated those are ordinance standards so we can't necessarily change those. They would have to be granted a variance to be closer to those road setbacks. Adank stated that Esser mentioned the exemption, but we don't really feel that exemption applies to solar panels, it is more transmission lines, underground cables, etc. If it applied to solar panels, essentially, they could put panels 33' from the centerline. The only way we can apply greater setbacks is through a vegetative buffer. Sanden stated what we're looking at in condition #4 is a standard, and if they would like that to be reduced they would have to go through a separate process. Adank stated that the setback of 150' to the residences and 100' from property lines, we could reduce those. Those numbers came out of the American Planning Association Guidance document. They recommended 150' from property lines, we bumped that down to 100' which is consistent with what has been done for other large scale solar projects. The intent of those larger setbacks is to treat undeveloped properties the same as properties that are developed.

Sanden asked if Esser's issue was more setbacks from the roads? Esser stated the concern is setting a precedent that it does not match what we have experienced in other communities in terms of setbacks for our size of solar projects. Esser has already had conversations with the two neighboring landowners to the north and west and

both of those property owners have said they would grant waivers to those setbacks. Esser stated that those are not as concerning from a design standpoint in being able to meet the production targets that have been agreed on with Pierce Pepin Cooperative. Esser stated the Hwy setbacks, however are going to impact our production if we cannot go from the centerline and we have to go from the right-of-way, because it will take out an entire row of panels on the southern side. Adank stated the setbacks from the roads cannot be adjusted, the setbacks from the property lines and the residences can be adjusted. The setbacks from the right-of-ways are ordinance standards, so they would either need a variance or they would have to be considered exempt through the portion of the ordinance that was mentioned. Sanden asked, so we don't have ability at this level to make any adjustments there without a variance? Pichotta stated you would basically need to make a determination that the panels aren't structures in order for that to happen. Gulbranson stated to be consistent with the large scale one we did out in Spring Lake, many parcels, all over the place, these same guidelines were pretty much followed. Pichotta stated yes. Our goal is to have a default standard with the recognition that each town is unique and if the town wanted to see some deviation - to allow it, to the degree that was possible. We want to be consistent whether 16 acres or 40, its still a field of panels. Gulbranson asked Esser if you could get a little more land and put a couple more rows? Esser stated that the panels are mounted on steel piles and then there is a torque tube that runs on top of them. They are bi-facial panels that rotate throughout the day. The tracking system can only be skewed so far and our engineers have reviewed this with the tracking system manufacturer on how they can lay it out, and how much they can angle it, and they are not able to skew it any further. We also lose a lot of efficiency if you shorten rows of panels. The engineers have said they have maximized the space that is available with the setbacks. Esser stated they would lose a row of panels and shorten panels and that would decrease our target production based on discussions with Pierce Pepin Cooperative Services. Esser stated they are not asking to be any closer than what our current layout depicts, which is from the centerline. Sanden stated that respecting that we want to consistent instead of precedent county wide, would there be an avenue for them to go back to the Town of Trenton and have these declared not structures and then come back to us? Pichotta stated I think a determination that a solar panel isn't a structure, wouldn't be something that we would want to address through a town recommendation, essentially what you would be asking is for the Town of Trenton to say in this particular case to consider solar panels not to be structures. Normally, when you propose a change through a town recommendation, we like to see them tie it to the comprehensive plan or have it based on their local knowledge. In this particular case, seems like we are trying to get too creative to make it work for what they are proposing vs. what the standards are. I would be concerned if we were to declare in this case solar panels not to be structures, and thus not subject to setbacks. Sanden stated that it was mentioned about the flexibility of the town. Pichotta stated that was more in reference of the setbacks to adjoining property lines and the buffering requirements. Some properties don't have state highway and county highway along them and so there are properties that would have 10' setbacks all the way around. The fact that we have two highways on this parcel makes it a little difficult to deviate from what the code calls for. Gulbranson asked for any wiggle room on the bond for the decommissioning. Pichotta stated we had a very similar discussion with another case and the argument is that the panels for the first 10-15 years retain a lot of their value, so the value of the panels is much more than the cost to actually take them down. That is assuming that there is a market for those used panels. We are not assuming that there is a market and that it could be that they are obsolete, and they are not worth anything. We are trying to put something in place that ensures there is adequate financial resources to decommission regardless what happens with the value of salvage. Puhmann asked about the possible recommendation that Esser made about the 150% of the value at that time? Pichotta stated that the committee should do what makes sense, our recommendations are merely recommendations. If you feel a there is a valid reason to deviate, certainly that is in your purview to do so. Chairman Aubart asked Esser to go over that one more time. Esser explained the decommissioning estimates that we get are inclusive of the salvage value of not just the solar panels, but other equipment as well. Esser stated that an independent engineer will estimate what the salvage value and decommissioning cost of the project components. Esser stated we have found that at the time of commencement of operation the salvage value exceeds the decommissioning costs by approximately 12 times. The salvage value decreases steadily over time, and at year 15, the estimates from the engineer say that the salvage value and the decommissioning costs are about equal at that time. It is helpful to acknowledge, in a decommissioning letter of credit, the net salvage value. Puhmann asked, Isn't that a guess from 15 years? Esser

stated, yes, our longest project is 5 years. Chairman Aubart wanted to go back to #3 with the vegetative buffer. Esser stated they suggested to have a vegetative buffer along Hwy 35 and 100' up County K. Their experience with vegetative buffers is really to obstruct residences from line of sight, not Highways. OneEnergy works hard to make the projects look nice, and don't necessarily want to hide them from view. Esser stated we are asking that the depth requirement not be there for the 50' depth requirement. Esser asked if we could do a single line or stagger plants. Reuvers Nursery has suggested a variety of different plants that would be suitable for this area. One of our projects has vegetative buffer that has two rows that are offset. Esser also asked that there wouldn't be a requirement of a buffer around the rest of the project on the west and north side and the entire length of County K. Adank stated that the department policy regarding minimum landscaping requirements, requires screening from adjacent properties and public view. That is why it was recommended all the way around the property. The ordinance requires landscaped buffers shall be provided independent of existing landscape buffers on adjoining lots, to protect undeveloped properties, just like we would a property that has already been developed. Chairperson Aubart asked if there was a waiver to get around that? Pichotta stated that folks who are willing to waive that requirement, certainly can. Esser stated that they have talked with the northern neighbor, Chris & Tim, and Pierce County Highway Dept. is the western neighbor. Chad Johnson from the Highway Dept. told Esser she could state that he verbally agreed to a waiver for that vegetative buffer as well as the setback from the property line. Along County K, there is no waiver we could seek. Chairman Aubart stated that they are looking at 50' along the Hwy 35 and the length going along County Rd K. Esser stated they are happy to do a vegetative buffer along Hwy 35, we knew early on in conversations with the county, because of it being a designated scenic byway. Esser stated because there was a residence along County K, we proposed it to be along County K, but we did not propose further buffer along County K. Esser stated she has talked to the neighbor on the eastern side and she has verbally expressed support and no requirement of a vegetative buffer. Chairman Aubart asked what have we done in the past with the county roads, I know along Hwy 35, we've done all kinds of different things, we've had berms put in and a number of different screening. Pichotta stated we've done blue spruce staggered, two or three rows, we have been pretty consistent with our requirement of buffers, and I would remind you, that just because their experience with other municipalities has been a certain way, doesn't mean yours has to be the same as theirs. Sanden asked if we were to reduce the width of the buffers, would that in some way compensate for the 17' extra setback. Esser stated because the buffer can be within that setback area, it doesn't really impact that. Sanden asked one more question about the salvaged cost, is salvaged cost reselling the panels to be reused or recycling the panels and getting minerals out of them, etc. Esser stated that the independent engineer suggests recycling and resale when appropriate for each. Gulbranson asked a question to Pierce Pepin if this was the first solar project they were involved in. Chavie stated yes. Chairman Aubart addressed Mr. King's concerns as it relates to the land and wildlife migration patterns, etc. We have talked about that one at the last project and this is not a large piece of land and maybe none of that is really a concern. Pichotta stated that this is a small enough project where there should be no real impacts to wildlife. Pichotta stated that they are working with Reuvers and Land Conservation to make sure that it is native and it is beneficial. Land Conservation is sort of our check and balance on those sorts of things. Gulbranson asked isn't it true that with the State Statute, its really not up to this committee to address Mr. Kings questions with a yes or no? Pichotta stated that we have very specific standards relating to the issuance of conditional use permits and basically conditions have to be measurable, they have to be based on fact, and if something is turned down, it has to be for a real reason that can be demonstrated. Gulbranson stated we've deviated on different solar projects we've done in the past. Pichotta stated that each conditional use is unique in its own right and so you do have the ability to take into consideration the unique characteristics of each different project site, if in this particular case you were to determine that solar panels aren't structures and thus are exempt from setbacks, that would be a hard one to find in this particular case and not do that moving forward. Pichotta suggested that we move forward systematically and address #3, #4, #10 & #11 and make some decisions. Pichotta asked if, in #3, we wanted to change the 50-foot vegetative buffer? Sanden stated he was thinking of the recent buffer along Hwy 35 for a storage facility and it seemed like it was just one row of trees. Pichotta stated that was a commercial use in a commercial district. Committee determined to leave #3 as written. Pichotta stated there really wasn't an issue with #4, as they can get waivers from both the property owners. We simply don't have the ability to deviate from the 67 feet from county road right-of-way and 77 feet from state



right-of-way, as that would require the issuance of a variance by the Board of Adjustment. Committee determined to leave #4 as written. Pichotta stated with #10 and the decommissioning plan, it comes down to determination by the committee as to whether or not to go with industry standard, which is the value of these components are 12 times the cost of decommissioning. Sanden asked what if along those lines, work on the second sentence, to say something like, “The cost estimate shall provide the gross estimated cost minus value? Pichotta stated you could just change the word gross to net in that sentence, and that going forward that would likely be our new standard, that we accept the industry suggesting that there is that value there. Sanden stated that there seems to be that things will change over time and net today will be different from net 10, 20 or 30 years from now, its not a set number. If they decommission them tomorrow that will be different than 30 years from now, so that value of net changes. Pichotta stated that #11 would address that. Sanden stated he would propose changing gross to net. Gulbranson asked if this was intended to protect the land owner? Pichotta stated yes, that is what we are trying to do. Gulbranson asked Pierce Pepin if they were ok if we changed that word in #10 from gross to net? Pierce Pepin representatives stated that they were ok with that. Adank asked if we changed that word then there is probably not going to be any financial assurance for at least 15 years? Esser stated that typically what happens is that because it exceeds then there isn’t anything until year 15. Esser stated, we can review that every 5 years. #10 will now read, “The decommissioning plan shall include a decommissioning cost estimate prepared by a State licensed professional engineer. The cost estimate shall provide the net estimated cost (cost minus value of the components) to decommission the solar facility in accordance with the decommissioning plan and these conditions. The decommissioning plan shall be updated every five years. Pichotta stated #11 has been addressed and can remain the same. Pichotta stated the last issue would be whether the committee would view solar panels as not being structures and exempt them from setbacks. It was agreed upon that the solar panels would remain a structure. Pichotta stated that we have worked through the items and asked if there was anything else? Esser asked on #3 about the buffer on Hwy 35 and not wanting to change that, but wanted to confirm along the length of County K, if that was something you wanted to change, as the township approved it with the 100-foot distance along County K? Pichotta stated that his understanding was that the buffer along Hwy 35 still needs to be 50 feet, but a portion of that could be creative, example native grasses. As far as the buffer along County K, again some creativeness could be built into that 50-foot width and you could vary on what you propose. Esser asked on #4, she wondered if our solar system, because it ties into the distribution grid, which is a public utility, that this would then be part of that exemption for road setbacks. Pichotta stated that the code exempts public utility poles, lines and related equipment without permanent foundations, when that was written, it was not intended to include solar panels. The committee could take a different tact on it, this is staffs interpretation and it could be challenged, but I would have concerns about eliminating setbacks for a whole category of use. Chairman Aubart asked if substations that tie into the grid system, are considered structures? Pichotta stated we have done a number of conditional use permits (CUP’s) for tank farms, transformer stations, etc. Chairman Aubart stated he would have a little bit of an issue not saying it’s a structure when you have pilings 8-10 feet into the ground. **Sanden moved to approve the conditional use permit for the Large Solar Energy System for Pierce Pepin Solar, LLC, due to the fact that this is not contrary to the public interest, nor detrimental or injurious to the public health, public safety, or the character of the surrounding area with conditions #1 - #19, adjusting condition #10 sentence two, to read, “The cost estimate shall provide the net estimated cost (cost minus value of components) to decommission the solar facility in accordance with the decommissioning plan and these conditions/Puhrmann seconded. All in favor. Passed.**

#### **Discuss potential code amendments to Pierce County Code Chapter 240.**

**Staff Report – Adam Adank:** Staff has summarized four code concepts relating to possible ordinance amendments below. Staff requests that the LMC consider the concepts and determine if staff should bring forth potential amendments related to each. Chapter 240-37 Industrial Uses & Chapter 240 – Attachment #2 (Table of Dimensional Requirements). All development regulated under Chapter 240 is required to meet the minimum dimensional requirements as shown in the Zoning Ordinance Table of Dimensional Requirements, which is attached. Each zoning district in the table has specific dimensional requirements. All Zoning Districts are shown in the table except the Industrial District. The table does not stipulate development standards for the Industrial

District which appears to be an oversight, or possibly an error in codification that has made administering setback requirements unclear at times. Although dimensional requirements for industrial districts are missing in the table of dimensional requirements, some industrial uses have specified setbacks established in Article IV (particular Use Requirements), that apply regardless if the use is proposed in an Industrial or Agricultural zoning district. Staff suggests that setbacks for industrial uses in industrial districts should be standardized as the very large setbacks which are appropriate when siting uses in Agriculture Districts, may not be appropriate or necessary in Industrial districts. Chapter 240-40(A) Accessory Residences. In November of 2021 amendments were made to allow the permitting of accessory residences via a regular land use permit instead of needing to apply for a Conditional Use Permit (CUP) as long as the area of the accessory dwelling is no greater than 60% of the square footage of the principle dwelling, and cannot exceed 1500 square feet. These changes were made in part due to legislative changes under 2017 Wisconsin Act 67 that required that a zoning authority to grant a CUP if any applicant meets, or agrees to meet, all of the requirements and conditions specified in the relevant ordinance or imposed by the relevant zoning board. Staff has had approximately one year to administer the new accessory residence amendments and would like to discuss how the 60% rule is working and to potentially propose amendments to streamline. Chapter 240-78 Variances. The Pierce County Zoning Code lists 5 standards to consider for granting a variance. However, WI Statutes, Case law, and zoning guidance documents have identified 3 standards for granting variances. Staff suggests that the 5 standards identified in the ordinance inadvertently muddle the two different types of zoning variances (Use variance vs area variance) and cause confusion for those attempting to justify the approval or denial of a variance. Staff suggests that amendments to 240-78 would better differentiate use vs area variances and identify standards consistent with case law. Chapter 240-32 – Accessory Structures. Pierce County Zoning code stipulates that an accessory structure shall not be permitted until its associated principle structure is present or under construction. Agricultural structures are exempt from this requirement if located within an agricultural district. The majority of the County is zoned agricultural and it seems to be increasingly more common for landowners to request a pole shed prior to construction of a principle structure. As previously stated, this can now only be allowed if the shed is used for agricultural purpose or if the shed is constructed as the principle structure (which typically involves adding living quarters). Both situations have created compliance issues and permitting difficulties. Staff would like to discuss the issues/difficulties with permitting accessory structures and have the LMC determine if changes may be warranted.

**Staff Recommendations:** Staff recommends the Land Management Committee discuss the outlined concepts, and if appropriate, direct staff to draft ordinance amendments for future LMC Consideration. Pichotta stated that if the committee is comfortable with these concepts, we will in the course of the next 6-8 months be bringing things in for your consideration. Pichotta stated in regards to the last one on accessory structures, you can't buy a piece of land and put up a pole shed and store your collector cars in it. The question is, should you be able to or should we only allow agricultural structures. Most of our neighboring counties do allow for you to put up a garage/pole shed. There are cases where we wouldn't want to do that, an example being in a residential land division, you don't want someone that has a big pole shed and uses it as storage in the midst of a land division. This may be limited to agricultural uses. We also have some land divisions that are entirely zoned Agriculture. Pichotta stated we don't need a motion in this regard. Committee consensus to direct staff to bring draft language regarding issues identified for future discussion.

**Discuss take action on Travel/Training Requests.** Pichotta stated he has one travel/training request for Kevin Etherton to attend the WI Land Information Associations Annual Conference. It is in Kalahari in WI Dells, February 22<sup>nd</sup>-24<sup>th</sup>. He would use the county car, and if you recall this is one of the training opportunities that we get a grant for. **Gulbranson made motion to approve/Sanden seconded. All in favor. Motion approved.**

**Future agenda items:** Pichotta stated we will not be meeting for the second meeting in January, it will be February 1<sup>st</sup>. We have renewal of Bay City underground mine, and a request for a CUP to authorize the expansion of nonconforming structure in the Town of Maiden Rock, and potentially a Farm & Home Business in Ellsworth Township.

**Motion to adjourn at 8:05pm by Gulbranson/Sanden seconded. Motion passed.**

Respectfully submitted by A. Anderson



**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**



Date: December 22, 2022

You are receiving a Notice of Public Hearing from the Land Management Department due to your proximity to a parcel of land on which a conditionally permitted use has been proposed.

We encourage those in proximity to such a request to attend the Public Hearing to raise any questions or concerns they may have. Public attendance is available in person or virtually. To attend virtually, please use the following (clickable link can be found on Pierce County's website):

<https://us06web.zoom.us/j/88443446730?pwd=S1Y5b3dzU3piQ05KOVc3RkdWVWYvZz09>

Meeting ID Number: 844 4344 6730  
United States: + 1 (312) 626-6799

Password: 410564  
Access Code: 410564

We would like to encourage you to contact Land Management staff to discuss any questions or concerns you may have prior to the meeting. In many cases staff will be able to answer any questions you may have and can bring any concerns to the Land Management Committees attention without you having to attend the Public Hearing. If you wish to provide additional information, please submit it a week before the meeting to be provided to the Committee for review.

A staff report which will analyze the request from a County Zoning Code and planning perspective will be generated by staff for the Land Management Committees consideration prior to the meeting. The staff report is typically available about a week prior to the holding of the meeting and Public Hearing. Staff reports can be provided to you by mail or can also be found on Pierce County's web site.

Please feel free to contact the Land Management Department at (715) 273-6746 or by email at [land.mgmt@co.pierce.wi.us](mailto:land.mgmt@co.pierce.wi.us) with any questions or concerns you may have.

Thank you.

CUPPH22.09

cc: file  
Brian Berg, Chairperson, Town of Trenton  
Steve Thoms, Clerk, Town of Trenton  
Adjoining Property Owners (or within 300')

**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



**ISSUANCE OF A CONDITIONAL USE PERMIT FOR FILLING & GRADING IN THE KINNICKINNIC RIVER  
BLUFF IN THE GENERAL RURAL FLEXIBLE 8 DISTRICT  
BY THE LAND MANAGEMENT COMMITTEE  
PIERCE COUNTY, WISCONSIN**

*FOR: JOHN ARMSTRONG & JO ANN LINCOLN, OWNERS, BY ROSS WEGGE, AGENT, ON PROPERTY LOCATED IN  
THE NE ¼ OF THE SE ¼, LOT 24, HIDDEN HILLS OF THE KINNI PHASE 2, IN SECTION 9, T27N, R19W, TOWN OF  
CLIFTON, PIERCE COUNTY, WI.*

**Applicant:** Pierce Pepin Cooperative Services  
4377 Porter Gulch Rd  
Aptos, CA 95003

Ross Wegge  
203 Walnut Hill Way  
River Falls, WI 54022

**File Number:** CUPPH22.09  
**Application Filed:** July 12, 2022  
**Hearing Date:** August 17, 2022  
**Date of Approval:** August 17, 2022  
**Dates of Published Notice:** August 3<sup>rd</sup>, and 10<sup>th</sup>, 2022  
**Tax Parcel Number:** 002-01019-0824

**APPROVED**

*The request for a conditional use permit for filling & grading in the Kinnickinnic River Bluff in the General Rural Flexible 8 District for the above application is APPROVED with the following conditions in addition to what is required by terms of the ordinance:*

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. Applicants shall address any erosion control issues during and after the construction of the residence.

## APPEAL RIGHTS

The decision regarding the issuance of the conditional use permit for filling & grading in the Kinnickinnic River Bluff in the General Rural Flexible 8 District by Ross Wegge, agent, for John Armstrong & Jo Ann Lincoln, owners, by the Land Management Committee may be appealed by any person aggrieved by filing an action with the Circuit Court of Pierce County within 30 days after the date of filing shown below. The County assumes no liability for and makes no warranty as to the legality of any construction or operation commenced prior to the expiration of this 30-day period.

LAND MANAGEMENT COMMITTEE

---

Zoning Administrator

Date: \_\_\_\_\_

Date Filed: \_\_\_\_\_

CUPPH22.04

Parcel Number	Property Address 1	Property Address 2	Owner Name	Owner Address 1	Owner Address 2
2010250200	N8078 1094TH ST	RIVER FALLS, WI 54022	NEIL Q ANDERSON	421 N MAIN ST	RIVER FALLS, WI 54022
2010230300			NEIL Q ANDERSON	421 N MAIN ST	RIVER FALLS, WI 54022-0474
2010210600			GREGORY J ERICKSON	PO BOX 779	RIVER FALLS, WI 54022-0779
2010190825			CORY L HUPPERT	W9331 460TH AVE	HAGER CITY, WI 54014-7708
2010190824	N8050 1100TH ST	RIVER FALLS, WI 54022	JOHN ARMSTRONG	4377 PORTER GULCH RD	APTOS, CA 95003
2010190823			CORY L HUPPERT	W9331 460TH AVE	HAGER CITY, WI 54014-7708
2010190822			CORY L HUPPERT	W9331 460TH AVE	HAGER CITY, WI 54014-7708
2010190826			CORY L HUPPERT	W9331 460TH AVE	HAGER CITY, WI 54014-7708
2010210700			DAVID VAN EECKHOUT	N8072 1094TH ST	RIVER FALLS, WI 54022
2010220700			AARON M CLAY	20 SERENITY CRT	RIVER FALLS, WI 54022





**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**



Date: December 22, 2022

You are receiving a Notice of Public Hearing from the Land Management Department due to your proximity to a parcel of land on which a conditionally permitted use has been proposed.

We encourage those in proximity to such a request to attend the Public Hearing to raise any questions or concerns they may have. Public attendance is available in person or virtually. To attend virtually, please use the following (clickable link can be found on Pierce County's website):

**<https://us06web.zoom.us/j/88443446730?pwd=S1Y5b3dzU3piQ05KOVc3RkdWVWYvZz09>**

Meeting ID Number: 884 4344 6730  
United States: + 1 (312) 626-6799

Password: 410564  
Access Code: 410564

We would like to encourage you to contact Land Management staff to discuss any questions or concerns you may have prior to the meeting. In many cases staff will be able to answer any questions you may have and can bring any concerns to the Land Management Committees attention without you having to attend the Public Hearing. If you wish to provide additional information, please submit it a week before the meeting to be provided to the Committee for review.

A staff report which will analyze the request from a County Zoning Code and planning perspective will be generated by staff for the Land Management Committees consideration prior to the meeting. The staff report is typically available about a week prior to the holding of the meeting and Public Hearing. Staff reports can be provided to you by mail or can also be found on Pierce County's web site.

Please feel free to contact the Land Management Department at (715) 273-6746 or by email at [land.mgmt@co.pierce.wi.us](mailto:land.mgmt@co.pierce.wi.us) with any questions or concerns you may have.

Thank you.

CUPPH22.08

cc: file

LeRoy Peterson, Chairperson, Town of Clifton  
Kris Johnson, Clerk, Town of Clifton  
Adjoining Property Owners (or within 300')

**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**



**ISSUANCE OF A CONDITIONAL USE PERMIT FOR FILLING & GRADING IN THE KINNICKINNIC RIVER  
BLUFF IN THE GENERAL RURAL FLEXIBLE 8 DISTRICT  
BY THE LAND MANAGEMENT COMMITTEE  
PIERCE COUNTY, WISCONSIN**

*FOR: JOHN ARMSTRONG & JO ANN LINCOLN, OWNERS, BY ROSS WEGGE, AGENT, ON PROPERTY LOCATED IN  
THE NE ¼ OF THE SE ¼, LOT 24, HIDDEN HILLS OF THE KINNI PHASE 2, IN SECTION 9, T27N, R19W, TOWN OF  
CLIFTON, PIERCE COUNTY, WI.*

**Applicant:** John Armstrong & Jo Ann Lincoln  
4377 Porter Gulch Rd  
Aptos, CA 95003

Ross Wegge  
203 Walnut Hill Way  
River Falls, WI 54022

**File Number:** CUPPH22.08

**Application Filed:** July 12, 2022

**Hearing Date:** January 4, 2023

**Date of Approval:** January 4, 2023

**Dates of Published Notice:** December 21<sup>st</sup> , and 28<sup>th</sup>, 2022

**Tax Parcel Number:** 002-01019-0824

**APPROVED**

*The request for a conditional use permit for filling & grading in the Kinnickinnic River Bluff in the General Rural Flexible 8 District for the above application is APPROVED with the following conditions in addition to what is required by terms of the ordinance:*

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. Applicants shall address any erosion control issues during and after the construction of the residence.

## APPEAL RIGHTS

The decision regarding the issuance of the conditional use permit for filling & grading in the Kinnickinnic River Bluff in the General Rural Flexible 8 District by Ross Wegge, agent, for John Armstrong & Jo Ann Lincoln, owners, by the Land Management Committee may be appealed by any person aggrieved by filing an action with the Circuit Court of Pierce County within 30 days after the date of filing shown below. The County assumes no liability for and makes no warranty as to the legality of any construction or operation commenced prior to the expiration of this 30-day period.

LAND MANAGEMENT COMMITTEE

---

Zoning Administrator

Date: \_\_\_\_\_

Date Filed: \_\_\_\_\_

CUPPH22.04

Parcel Number	Property Address 1	Property Address 2	Owner Name	Owner Address 1	Owner Address 2
2010250200	N8078 1094TH ST	RIVER FALLS, WI 54022	NEIL Q ANDERSON	421 N MAIN ST	RIVER FALLS, WI 54022
2010230300			NEIL Q ANDERSON	421 N MAIN ST	RIVER FALLS, WI 54022-0474
2010210600			GREGORY J ERICKSON	PO BOX 779	RIVER FALLS, WI 54022-0779
2010190825			CORY L HUPPERT	W9331 460TH AVE	HAGER CITY, WI 54014-7708
2010190824	N8050 1100TH ST	RIVER FALLS, WI 54022	JOHN ARMSTRONG	4377 PORTER GULCH RD	APTOS, CA 95003
2010190823			CORY L HUPPERT	W9331 460TH AVE	HAGER CITY, WI 54014-7708
2010190822			CORY L HUPPERT	W9331 460TH AVE	HAGER CITY, WI 54014-7708
2010190826			CORY L HUPPERT	W9331 460TH AVE	HAGER CITY, WI 54014-7708
2010210700			DAVID VAN EECKHOUT	N8072 1094TH ST	RIVER FALLS, WI 54022
2010220700			AARON M CLAY	20 SERENITY CRT	RIVER FALLS, WI 54022

**LAND MANAGEMENT COMMITTEE**

**MEETING AGENDA**

**Wednesday, January 4, 2023 – 6:00 p.m.**

Courthouse Annex/Lower Level – County Board Room: 124 N Oak St. - Ellsworth, WI

**Public attendance is available in person or virtually with the link or phone number provided below.**

<https://us06web.zoom.us/j/88443446730?pwd=S1Y5b3dzU3piQ05KOVc3RkdWVWYvZz09>

Meeting ID Number: 844 4344 6730

Password: 410564

United States: + 1 (312) 626-6799

Access Code: 410564

#	Action	Presenter
1	Call to order	Chair
2	Set meeting dates for 2023	Chair
3	Next meeting date: January 18, 2023.	Chair
4	Approve minutes of the November 2, 2022 Land Management Committee meeting.	Chair
5	Public hearing to consider and take action on a request for a conditional use permit for Filling & Grading in the Kinnickinnic River Bluffland Area pursuant to Pierce County Code 240-45E in the General Rural Flexible 8 District by Ross Wegge, agent for John Armstrong & Jo Ann Lincoln, owners, on property located on Lot 24 of Hidden Hills of the Kinni Phase 2, in the NE ¼ of the SE ¼ of Section 9, T27N, R19W, Town of Clifton, Pierce County, WI.	Lund
6	Public hearing to consider and take action on a request for a conditional use permit for a Large Solar Energy System in the General Rural Flexible District, pursuant to Pierce County Code Chapter 240-41D(3), for Pierce Pepin Solar, LLC, agent for Pierce Pepin Cooperative Services, owners on property located on Lot 1, Certified Survey Map (CSM) V12, P20, part of the SW ¼ of the NW ¼ of Section 28, T25N, R18W, Town of Trenton, Pierce County, WI.	Adank
7	Discuss potential code amendments to Pierce County Code Chapter 240.	Adank
8	Discuss take action on Travel/Training Requests.	Pichotta
9	Future agenda items.	Pichotta
10	Adjourn	Members

A quorum of County Board supervisors may be present.

(12/21/2022)

**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 2, 2022, in-person meeting for everyone along with the option of remote attendance.

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

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

Absent: Joe Fetzer

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

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

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

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

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

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

Recommendations:

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

Corrective actions to consider:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



restoration efforts. Pichotta stated he would agree. Based on the input we received from Rod Webb and Diana Alfuth, he would say that to require the planting of trees probably would negatively impact the reestablishment of the Oak Savannah. It may not make sense to require the planting of any trees. Gulbranson stated we would be going against what Clifton Town is asking for, at least that's how he interprets. Pichotta stated that is true but ultimately this committee and department is responsible for the administration of this code. It is not unusual to have disagreements as to how code ought to be administered. Adank stated also one of Clifton's recommendations was to identify if there is a need to plant new trees to replace any logged/removed trees. So that was one of the things they requested that we look into. Gulbranson stated there is no plans for you to plant anymore trees. Mr. Wegge stated he has no intentions of planting any trees in the woodland sloped area. In the alfalfa field there will be a lot of trees planted, including some Burr Oak, because the alfalfa field will be restored to a tall grass prairie as well. Gulbranson stated just talking here, he is leaning to approve everything but not condition #6. Sanden agreed. Given the goals of the project and the intent of the code to maintain soil erosion or restrict it. Gulbranson stated if they are talking in the future of getting some aesthetics or visual beauty in that area they might have to change their plan. The plan should be changed he guesses. Pichotta asked do you mean the town? Gulbranson stated the Kinnickinnic Watershed Plan. Pichotta stated it wouldn't be the Kinni plan that was amended, the Town would basically propose changes to the portion of the code relating to Kinni bluff lands. Ultimately, Land Management Committee and the County Board would have to sign off on it. Sanden asked if the Town cited any Comprehensive Plan issues. Pichotta stated they did not. Mr. Wegge stated that some of those other exhibits that he handed out are examples of other projects that have occurred within the canyon. One notable is the Erickson site, he can see it from their lot and it's beautiful, it's great. It needs to be burned and managed but it looks great. **Sanden moved to approve the conditional use permit for tree removal in the Kinnickinnic River Bluffland Area for Ross Wegge, agent for John Armstrong & Jo Ann Lincoln, owners, due to the fact this is not contrary to the public interest, nor detrimental or injurious to public health, public safety, or the character of the surrounding area with conditions #1 - #5, striking condition #6/Gulbranson seconded. All in favor. Passed.**

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

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

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

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

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

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

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

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

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

Respectfully submitted by S. Koehler





**LAND MANAGEMENT COMMITTEE**

**MEETING AGENDA**

**Wednesday, November 2, 2022 – 6:00 p.m.**

Courthouse Annex/Lower Level – County Board Room: 124 N Oak St. - Ellsworth, WI

**Public attendance is available in person or virtually with the link or phone number provided below.**

<https://us06web.zoom.us/j/81396239751?pwd=Wi9EN1VTa0dBRE9wQmFTSkR2aE5wQT09>

Meeting ID Number: 813 9623 9751

Password: 764995

United States: + 1 (312) 626-6799

Access Code: 764995

#	Action	Presenter
1	Call to order	Chair
2	Next meeting dates: November 16 <sup>th</sup> , December 7 <sup>th</sup> & 21 <sup>st</sup> , all in 2022.	Chair
3	Approve minutes of the October 19, 2022 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for a conditional use permit for Tree Removal in the Kinnickinnic River Bluffland Area in the General Rural Flexible 8 District by Ross Wegge, agent for John Armstrong & Jo Ann Lincoln, owners, on property located on Lot 24 of Hidden Hills of the Kinni Phase 2, in the NE ¼ of the SE ¼ of Section 9, T27N, R19W, Town of Clifton, Pierce County, WI.	Adank
5	Public hearing to consider and take action on a request for a conditional use permit for a Nursery in the Primary Agriculture District for James & Carrie Larson, owners on property located in the NE ¼ of the NE ¼ of Section 3, T26N, R17W, Town of Ellsworth, Pierce County, WI.	Lund
6	Discuss take action on Travel/Training Requests.	Pichotta
7	Future agenda items.	Pichotta
8	Adjourn	Members

A quorum of County Board supervisors may be present.

(10/21/22)

**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, October 19, 2022, in-person meeting for everyone along with the option of remote attendance.

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

Others: Andy Pichotta, and Shari Koehler

Absent: Joe Fetzer

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

Next meeting dates: November 2<sup>nd</sup> & 16<sup>th</sup>, December 7<sup>th</sup> & 21<sup>st</sup>, all in 2022.

Approve Minutes from the October 5, 2022 Land Management Committee meeting: **Sanden moved to approve the Land Management Committee minutes from October 5, 2022/Puhmann 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 General Rural Flexible District for Dennis Sorenson, owner, by Tom Sorenson, agent on approximately 10.4 acres, located in part of the SW ¼ of the SE ¼ of Section 1, T27N, R16W, Town of Gilman, Pierce County, WI.**

**Staff Report – Andy Pichotta:** This is a request for a map amendment (rezone) from General Rural to General Rural Flexible. The applicants are proposing to rezone 10.4 acre parcel to enable a proposed land division. The property is located in Section 1 on the north side of County Road B in the Town of Gilman. The 10.4 acres is currently in the General Rural zoning district. Adjacent zoning districts are General Rural, Primary Agriculture, and the Village of Spring Valley. Current land uses and neighboring land uses are agriculture, residential, forested, and undeveloped. Pierce County Zoning Code §240-15 Purpose and Intent of Zoning Districts states: General Rural (GR) 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) 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.”

The Pierce County Comprehensive Plan states, “The County will approve re-zonings or map amendments only when the proposed change is consistent with an adopted or amended town comprehensive plan.” The Gilman Town Board recommended approval of this request on 9-13-2022. They supported the approval by citing the following from the *Town of Gilman Comprehensive Plan*

- Goal 1: Encourage and support a variety of affordable housing choices in the Town of Gilman.
- Objective 1: Support affordable housing options to attract future residents and first-time home buyers.
- Objective 2: Support alternative housing options to meet the future needs of current residents.
- Recommendation 4: Support increased residential density in appropriate locations such as along the highways 29 and 63 corridors, along County Highways, and primary town roads.

The Town of Gilman Planning Commission stated, “Because of the nature of this property and location on County Road B and proximity to much higher density in the neighboring Village, we believe this rezone is appropriate and consistent with the objectives of the Comprehensive Plan.” The Gilman Town Board stated, “Approval is consistent with Goals, Objectives and Recommendations from Page 10 of Gilman Comprehensive Plan, most notably Objective 2 and Recommendation 4.” The value of land for agriculture is shown in the staff report.

**Staff Recommendation:** Given that the Town of Gilman Board of Supervisors has recommended approval of this proposed map amendment and has determined that the request is consistent with the Town of Gilman's adopted Comprehensive Plan, staff recommends the LMC approve this map amendment (rezone) of 10.4 acres from General Rural to General Rural Flexible and forward a recommendation to the County Board of Supervisors.

Chairperson Aubart asked Tom Sorenson if he had anything else to add. Mr. Sorenson stated no. Sanden stated that the map shows it pretty close to the Village of Spring Valley, how far is it? Pichotta stated it's just across the road.

**Chairperson Aubart opened the hearing to public comment.** Dennis & Claudia Gilbertson, they live directly across and they are officially in the Village of Spring Valley. It's not necessarily that they are opposed to this, but their concern is that there is no drainage plan in place. They are currently in discussion with the Highway Department because the County Road B Highway re-do added a large culvert in the middle of their front yard. Since that has been added, they have experienced large amounts of runoff both water and garbage. They just don't know, because there is no drainage plan, how this will affect that runoff. Until they are somewhat comfortable on how this will affect their runoff, they don't feel they can support this. Pichotta stated basically a rezone makes it possible for someone to do a land division. In the course of doing a land division, as well as when a home is permitted and subject to Uniform Dwelling Code, one of the elements that is looked at in that is stormwater management. Ms. Gilbertson stated the other question that they had was that rural flexible doesn't define how much more density is possible. It says it allows for a higher density and she asked the question, how many possible houses could be built on the 10.4 acre plot and at one time she was told two and at one time she was also told one. Pichotta stated two total, one additional to the one that is there. Ms Gilbertson stated so they are just looking at one additional house and one additional driveway. Pichotta stated that is correct. Ms Gilbertson stated she guessed that they still have the concern with the drainage. Pichotta stated he certainly understands their perspective and he will reach out to Highway and encourage them to respond to you.

Chairperson Aubart stated unfortunately for you, that's not going to be resolved as we take up this particular issue. Ms Gilbertson stated no, but this could add to this issue because there is no public hearing. She wished there was a public hearing once they knew what the drainage situation is going to be. Pichotta stated that it seems that your drainage issue is likely not due to this particular property. It's certainly draining through there but the issue was likely caused by the addition of a larger culvert. Chairperson Aubart stated until such time that there is even an additional house proposed, we aren't going to have that answer. It may be just rezoned and then it just sits there. We don't know at this point. **Chairperson Aubart asked for any other public comment.**

**Hearing none he declared the public hearing closed.** Gulbranson stated that he thinks that's a good idea to get ahold of Highway, that was engineered. He doesn't know the engineering firm off hand but if they could get in touch with each other that would be good. Puhmann stated when Land Conservation does waterways, they would know where the flooding comes from. So Land Conservation might be an option to help them.

**Gulbranson moved to approve the Map Amendment (Rezone) for Dennis Sorenson from General Rural District to General Rural Flexible District by Tom Sorenson, agent, on approximately 10.4 acres, and forward a recommendation to the County Board of Supervisors/Sanden seconded. All in favor. Passed.**

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

**Future agenda items:** Pichotta stated we have two items for the November 2<sup>nd</sup> meeting. The first is a public hearing for a CUP for tree removal in the Kinni River Bluffland area. This is that Lot 24 issue out in the Town of Clifton. Then we have a public hearing on a CUP for a Nursery in the Primary Agriculture District in the Town of Ellsworth. We are hoping to not have a second meeting in November but we have another request coming from Lot 24. If you recall when he was here for filling and grading awhile back, he mentioned that they are also going to do a swimming pool and because that is filling and grading in the setback area, that too requires a conditional use permit. We are going to encourage him to not submit that right away so we can group things and not have a meeting just with one or two items.

**Motion to adjourn at 6:14pm by Puhmann/Gulbranson seconded. Motion passed.**

Respectfully submitted by S. Koehler





**LAND MANAGEMENT COMMITTEE**

**MEETING AGENDA**

**Wednesday, October 19, 2022 – 6:00 p.m.**

Courthouse Annex/Lower Level – County Board Room: 124 N Oak St. - Ellsworth, WI

**Public attendance is available in person or virtually with the link or phone number provided below.**

<https://us06web.zoom.us/j/85069086868?pwd=V000b3VCQ2NhchBhWm9oR0JqWnZnQT09>

Meeting ID Number: 850 6908 6868

Password: 995765

United States: + 1 (312) 626-6799

Access Code: 995765

#	Action	Presenter
1	Call to order	Chair
2	Next meeting dates: November 2 <sup>nd</sup> & 16 <sup>th</sup> , December 7 <sup>th</sup> & 21 <sup>st</sup> , all in 2022.	Chair
3	Approve minutes of the October 5, 2022 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for a Map Amendment (Rezone) from General Rural District to General Rural Flexible District for Dennis Sorenson, owner, by Tom Sorenson, agent on approximately 10.4 acres, located in part of the SW ¼ of the SE ¼ of Section 1, 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

A quorum of County Board supervisors may be present.

(10/7/22)

**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, October 5, 2022, in-person meeting for everyone along with the option of remote attendance.

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

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

Absent: Joe Fetzer

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

Next meeting dates: October 19<sup>th</sup>, November 2<sup>nd</sup> & 16<sup>th</sup>, all in 2022.

Approve Minutes from the September 7, 2022 Land Management Committee meeting: **Sanden moved to approve the Land Management Committee minutes from September 7, 2022/Gulbranson seconded. All in favor. Passed with Dan Puhmann abstaining 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 parts of the N ½ of the SW ¼, SE ¼ of the SW ¼, the SE ¼ of Section 29, also parts of the N ½ of the NE ¼ of Section 32, all in T25N, R17W, Town of Hartland, Pierce County, WI.**

**Staff Report – Emily Lund:** Ralston Purina/Nestle Purina Petcare Company is a cat and dog food flavoring processing facility located in Hager City, WI. They operate a wastewater treatment facility with two settling basins to store bio-solids, or sludge material. When the food processing equipment is cleaned, wastewater is generated. These ponds need occasional sludge removal. The LMC approved previous CUPs for sludge disposal in 1997, 1999, 2001, 2006, 2011, 2015, 2016, and 2020. The applicants request this new CUP to be extended through December 15, 2023. They plan to land apply sludge material after the crops are harvested this Fall 2022 and Fall 2023. The sludge contains nitrogen, phosphorous, potassium, and other nutrients that support corn and soy bean plant growth. The WI DNR approved the same fields as 2020 with application requirements. The parcels are located in Sections 29 and 32 all in Hartland. The parcels total 329.6 acres and are zoned General Rural Flexible. Soybean and corn crops are grown on the upland areas. Surrounding land uses include agriculture, woodland, and residential. Pierce County Zoning Code Ch. 240 Attachment 1:1 Table of Uses defines sludge disposal as a conditionally permitted use in the General Rural Flexible Zoning District. The WI DNR reissued the applicant’s Wisconsin Pollutant Discharge Elimination System (WPDES) Permit No. WI-0054224-10-0 and it is effective for 7/1/2022 to 6/30/2027.

- Of the 329.6 acres, only 197.3 acres will have sludge material applied.
- The WI DNR reduced the area due to WI DNR regulated separation distances to wells, residences, steep slopes, surface water, drainage areas, and more.
- The land application requirements for industrial sludge are regulated by the WI DNR through Ch. NR 214, WI Admin. Code.
- The land application locations and rates are regulated by the WI DNR through Ch. NR 160 and 283, WI Stats.

The Nutrient Management Plan for the 2022-2023 year was updated by Pro-Ag Consulting LLC in accordance with the USDA NRCS 590 Technical Standards. The updated Nutrient Management Plan was reviewed by the Land Conservation Department on 9/12/2022 stating, “The Nutrient Management Plan appears to meet the USDA-NRCS 590 standards. The per acre application rate is maximum of 15,000 gallons and must be injected

into the soil.” The Hartland Town Board recommended approval of this request on 9-12-2022 with the following statement (attached), “Contingencies & Requirements”:

1. Road to be inspected before and after to ensure no damage.
2. Applicant responsible for road signage determined necessary by Town.
3. Contingent on letter of credit from a bank or security deposit to cover potential road damage - \$60,000.”

The Town did not reference its Comprehensive Plan.

PCC §240-76G discusses expiration of Conditional Use Permits and states, “All conditional use permits shall expire 12 months from the date of issuance where no action has commenced to establish the authorized use. If a time limit has been imposed as a condition for the permit, the permit shall expire at the end of the time limit.”

The applicant is strongly encouraged to comply with relevant local and state ordinances and regulations and secure all necessary permits and licenses (e.g. Town of Hartland, WI DNR, USDA, NRCS, etc). The previous CUP (2020) has the conditions #1 - #6 listed in the staff report.

**Staff Recommendation:** Staff recommends the Land Management Committee determine whether the proposed land spreading of sludge at the proposed locations would be contrary to the public interest and whether it would be detrimental or injurious to public health, public safety, or the character of the surrounding area. If found to be not contrary to the above, staff recommends the Land Management Committee approve this conditional use permit (CUP) for Sludge Disposal with the following conditions:

1. Activities shall be conducted as presented in the application unless modified by a condition of this CUP.
2. Applicant shall contact the Land Management Department when sludge spreading begins.
3. Sludge application shall cease if the ground becomes frozen or too wet for land injections.
4. Field access points shall be protected to control soils and sludge from being tracked onto public roads.
5. Applicant shall enter into a road maintenance agreement with the Town of Hartland, if necessary.
6. The per acre application rate is maximum of 15,000 gallons and must be injected into the soil.
7. An “As-Spread” map shall be submitted after land applications are completed each fall.
8. The Nutrient Management Plan must be updated to meet the USDA-NRCS 590 standards prior to Fall 2023 land applications.
9. This conditional use permit will be active through December 15, 2023.

Chairperson Aubart asked James Sullivan, Maintenance Manager and Environmental Coordinator at Nestle, if he had anything else to add. Mr. Sullivan stated no, nothing more to add, he is just here to answer any questions. Gulbranson stated staff has added three more conditions and it’s a little more defined, is that for the County’s benefit? Pichotta stated yes.

**Chairperson Aubart opened the hearing to public comment.** Cory Roed asked what chemicals are being used to clean whatever it is you are disposing of, with the water? Mr. Sullivan stated chemicals that are used at the factory are Caustic 80% and Phos acid 85%. **Chairperson Aubart asked for any other public comment**  
**Hearing none he declared the public hearing closed.**

**Gulbranson moved to approve the 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, Town of Hartland, finding this is not contrary to the public interest and not detrimental or injurious to public health, public safety or the character of the surrounding area, with conditions #1 - #9 as written/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 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 – Emily Lund:** Rumpca Excavating owns and operates a nonmetallic mine on 80 acres that was expanded in 2002 requiring the issuance of a CUP. The materials mined are gravel and limestone. The operation plan states that 60 of the 80 acres will be mined. A policy exception to the 100-foot setback was granted in April 2018 that allowed the Rumpca mine to join the neighboring Rohl mine. The Rumpca mine did not have much material extracted between 2020-2022. They also operate in the adjoining Rohl mine. While doing so, they stock pile material in the Rumpca Mine and also use the scale in the Rumpca mine. Most of the recent activity has been reclaiming the adjoining Rohl mine, which is planned to be completed soon. In the spring of 2023, they plan to crush Class 5 rock in the Rumpca mine. Legal description is Section 29, 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 Class 5 gravel, recycled Class 5, and screened hard rock. Trucks are used to haul the product. The operator has removed approximately 50-60 feet of material to a depth of approximately 990 feet. Ground water elevation is approximately 850 feet. Hours of operation are 7am to 6pm, Monday through Friday and 7am to 4:30pm on Saturday. Blasting is between the hours of 8am to 4pm Monday through Friday. Crushing is between the hours of 7am 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 that 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 has not received any complaints about this operation. Staff has contacted the Town of Clifton Chair regarding this renewal and no complaints or concerns were reported. Rumpca has never blasted at this mine, so no well tests have been submitted. In 2006, the permit condition related to well tests was worded as, "Well tests for nitrates suspended solids, and dissolved solids shall be conducted for all existing wells within 1000 feet of the proposed mining operation. This should be completed prior to blasting. This condition shall apply to any future mining operations." Past department practices have excused the well testing requirements for operations where blasting has not taken place and having sufficient separation from ground water. In 2020, a new condition was added to the CUP renewal related to well testing to standardize the process for mining operations. Based on advice from Corporation Counsel, staff is generally not recommending any conditions that require the permitting or compliance with other agencies, organizations, or departments regulations or rules. The current conditions are listed in the staff report #1 - #14.

**Staff Recommendation:** Staff recommends the Land Management Committee consider the above and 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 following conditions:

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

Chairperson Aubart asked Bradley Rumpca if he had anything to add. Mr. Rumpca stated no he did not, they just want to keep doing what they have been doing. **Sanden moved to approve the renewal of the conditional use permit for Rumpca Excavating with conditions #1 - #14 as written/Puhrmann seconded. All in favor. Passed.**

**Discuss take action on a request for renewal of a conditional use permit for Nonmetallic Mining in the General Rural District for Ben Burshem, owner on property located in the SW ¼ of the SE ¼ of Section 5, T24N, R17W, Town of Isabelle, Pierce County, WI.**

**Staff Report – Adam Adank:** The site was mined in the past, but the dates are unknown. Earlier mining activities ceased prior to August of 2001 when NR 135 took effect requiring nonmetallic mining reclamation, and the site was left unreclaimed. A conditional use permit for nonmetallic mining was issued in 2006 to authorize new mining on the site. The current applicant became the operator of the mine in 2018. Sand is mined from the site and 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 zoned General Rural. The mining site has approximately four unreclaimed acres. The total extent of the mine will be approximately 6.5 acres. Access to the mine is off of 150<sup>th</sup> Ave. 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. A 100-foot setback must be maintained from property lines. Financial assurance for reclamation is being reviewed and may need to be updated. Based on advice from Corporation Counsel, staff is generally not recommending any conditions which require the permitting or compliance with other agencies, organizations, or departments regulations or rules. Staff has contacted the Town of Isabelle Chairperson regarding this renewal. The Town has concerns about the road flooding over onto 150<sup>th</sup> Avenue directly across from the mine each spring. The applicant suggests that the flooding is due to the design of the road and that the spring water runoff is not leaving his mining site. Staff is looking into this issue. The reclamation plan states that the mine is internally drained. No DNR stormwater permits have been obtained to the knowledge of the applicant or this Department. The existing conditions for the permit are listed #1 - #6 in the staff report.

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

1. Hours of operation remain consistent with daylight hours Monday through Friday and Saturday hours will be 8:00am – 4:00pm.
2. Applicant shall comply with Pierce County Code (PCC) Chapter 242 Annual reclamation permits.
3. A 100-foot setback shall be maintained from all property lines for all mining activities, which includes stockpiling and equipment.
4. ***Applicant agrees that any unforeseen erosion control or stormwater issues shall be addressed to county satisfaction.***
5. Reclamation shall be according to submitted plans shall be completed within one year of ceasing mining operations.
6. ***Financial surety shall be updated, if determined to be necessary.***
7. This CUP shall expire in 2 years.

There was no one representing Ben Burshem. Sanden asked about the stormwater issue given that it is currently under investigation or whatever by the Town, is this premature, should we wait? Or do you think condition #4 is adequate. Pichotta stated he thinks it is appropriate to renew it. What we did in modifying that condition is created a pathway to address the issue. He doesn't think we can get to the bottom of the issue until the spring when the issue is occurring. What we would likely do is go down there with the owner of the mine, the town chair, and someone from staff and figure out what is going on and identify a plan to address it. He doesn't think it makes sense to hold up the renewal of the permit. Sanden stated in worst case scenario and something is not able to be fixed, it could be pulled at that point. Pichotta stated it could. With any conditional use permit, we have the ability to call them in front of this committee basically at any point. We meet often enough that if there is an issue we could usually get them in front of you guys within a couple of weeks. Gulbranson questioned what if it still floods in the spring, but it isn't from the mine? They can't really be blamed for it then. Pichotta stated that is correct. What we didn't want to do was discount the Town's concern. We want to make sure we create a pathway to address the issue. We will deal with it come spring. Gulbranson stated it always throws him when we put in what Corporation Counsel doesn't want us to make agreements with all these other agencies but yet we try to massage it. Pichotta stated we have to try to do that with the Town's concerns in the sense that we do zoning for the towns. If they don't have an ordinance or licensing ordinance in place then they actually have no mechanism to enforce things. While there are things from the Town level that we don't want to reference, specifically their ordinances - but when they've got a concern, we do need to address it in the conditions. Adank stated it's about a two-week period in the spring when stuff is freezing and thawing and the road is freezing at points with all that excess water. So it's kind of a narrow window to go down and look at it. **Gulbranson**

**moved to approve the request for renewal of the conditional use permit for Nonmetallic Mining for Ben Burshem with conditions #1 - #7/Puhrmann seconded. All in favor. Passed.**

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

**Future agenda items:** Pichotta stated he said he knows we try to only meet once a month but we will be meeting a second time this month. We have a rezone request out of the Town of Gilman for Dennis Sorenson on property that borders the Village of Spring Valley.

**Motion to adjourn at 6:26pm by Sanden/Puhrmann seconded. Motion passed.**

Respectfully submitted by S. Koehler



**LAND MANAGEMENT COMMITTEE**

**MEETING AGENDA**

**Wednesday, October 5, 2022 – 6:00 p.m.**

Courthouse Annex/Lower Level – County Board Room: 124 N Oak St. - Ellsworth, WI

**Public attendance is available in person or virtually with the link or phone number provided below.**

<https://us06web.zoom.us/j/81250195401?pwd=Yk9NMURTM2F4QmpnV3doaWVvYkFyQT09>

Meeting ID Number: 812-5019-5401

Password: 328518

United States: + 1 (312) 626-6799

Access Code: 328518

#	Action	Presenter
1	Call to order	Chair
2	Next meeting dates: October 19 <sup>th</sup> , November 2 <sup>nd</sup> & 16 <sup>th</sup> , all in 2022.	Chair
3	Approve minutes of the September 7, 2022 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 parts of the N ½ of the SW ¼, SE ¼ of the SW ¼, the SE ¼ of Section 29, also parts of the N ½ of the NE ¼ of Section 32, all in T25N, R17W, Town of Hartland, 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.	Lund
6	Discuss take action on a request for renewal of a conditional use permit for Nonmetallic Mining in the General Rural District for Ben Burshem, owner on property located in the SW ¼ of the SE ¼ of Section 5, T24N, R17W, Town of Isabelle, Pierce County, WI.	Adank
7	Discuss take action on Travel/Training Requests.	Pichotta
8	Future agenda items.	Pichotta
9	Adjourn	Members

A quorum of County Board supervisors may be present.

(9/23/22)



**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, 2022, in-person meeting for everyone along with the option of remote attendance.

Present: Jon Aubart, Neil Gulbranson, and Eric Sanden

Others: Andy Pichotta and Shari Koehler

Absent: Joe Fetzer, Dan Puhmann

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

Next meeting dates: September 21<sup>st</sup>, October 5<sup>th</sup> & 19<sup>th</sup> all in 2022.

Approve Minutes from the August 17, 2022 Land Management Committee meeting: **Sanden moved to approve the Land Management Committee minutes from August 17, 2022/Gulbranson 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 Dale & Sheila Olson, owners on approximately 20.5 acres, located in the SE ¼ of the SE ¼ of Section 6, T27N, R17W, Town of Martell, Pierce County, WI.**

**Staff Report – Andy Pichotta:** The applicants propose to rezone 20.52 acres from Primary Agriculture to General Rural to enable a proposed land division. The 2 parcels are located in Section 6, Town of Martell. Current land use is residential, forested, and undeveloped. Neighboring land uses are residential, forested, agriculture, and undeveloped. Pierce County Zoning Code §240-15 Purpose and Intent of Zoning Districts states:

Primary Agriculture (PA) 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 density limits set so as to maintain the rural characteristics of the district.”

General Rural (GR) 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 Pierce County Comprehensive Plan states, “The County will approve re-zonings or map amendments only when the proposed change is consistent with an adopted or amended town comprehensive plan. In cases where a town has not adopted a comprehensive plan, rezoning will be approved only when consistent with the Pierce County Plan (encouraged vs. discouraged). In such cases, Pierce County will solicit a non-binding town recommendation regarding the proposed rezone.”

The Martell Town Board recommended approval of this request on 8-16-2022. They supported the approval by citing the *Town of Martell Comprehensive Plan*:

The Town’s justification is attached to the staff report and read by Pichotta:

The rezoning request of the parcel is in accordance with 3.0 Housing Element, Goals: Allow residential development while preserving the integrity of the environment and the character of the community, and promote a high quality residential character with a balanced range of housing opportunities. The future use of the parcel promotes the opinions of the residents of Martell when they were asked Question 15 in 3.0 Housing Element: Which of the following options best describes your ideas on the optimal size of parcels for new residential development: One of the two highest rated answers was “Single family scattered on 5+ acre lots” at 26.5%. This rezoning request is consistent with the Goals section 9.0 Land Use of the Comprehensive Plan.

Those are: Goals – Maintain rural character and lifestyle, Maintain a rural environment that provides for continuation and evolution of agricultural activities and Encourage well-planned development in the Town. There is no impact to productive farmland as stated in Section 2, Issues and Opportunities, Objectives of the Comprehensive Plan as the parcel being requested to be rezoned has had no income-producing farm production for many years. The parcel this rezoning request is for is part of a 78 acre parcel that was subdivided approximately in 1978. There are currently seven homes located on the original parcel, with two additional parcels under additional ownership with no structures. While this “neighborhood” does not fit the specific definition of a “conservation cluster development”, it would appear that allowing the rezoning request is appropriate for this parcel.

The value of land for agricultural use according to the USDA Web Soil Survey is listed in the staff report.

**Staff Recommendation:** Given that the Town of Martell Board of Supervisors has recommended approval of this proposed map amendment and has determined that the request is consistent with the Town of Martell’s adopted Comprehensive Plan, staff recommends that the LMC approve this map amendment (rezone) of 20.52 acres from Primary Agriculture to General Rural and forward a recommendation to the County Board of Supervisors. Chairperson Aubart asked the Olson’s if they have anything else they would like to add. Mr. Olson stated no, the report is complete.

**Chairperson Aubart opened the hearing to public comment.** Herb Bennett, Town of Martell, the land could have been used, has been used for agriculture. He had cattle there one year and one got out. He had to get them out of there immediately. He put corn on there the next year and then he was accused of poisoning the neighbor’s cat. Come to find out it had a kidney stone. It could have had agricultural on it, that is by their choice not ours. They would like to see it stay agricultural or rural. They don’t want to see the twin cities. He thinks he speaks for everybody behind him which are landowners next to it. They have already divided once, two per forty and they don’t know why it has to be done again. Brian Borgerson, Town of Martell, lives across south of 29 from the property that is being developed. He recommends this be brought back to the town board level for more discussion. People weren’t able to make the town board meeting when this was discussed. There are a lot of concerned people in the area. Mr. Borgerson stated on top of it, the whole process of people moving out into our community, they buy their 20 acre lots up and then they want to be able to develop or sell more lots off. They are farming their land off, basically, for a profit when it is going to have a direct impact on the farms that have been out there for generations. They have seven generations on the farm out there and if people are going to be able to buy 20 acre lots and redevelop them into five-acre parcels off that 20 acres. The people who have 40 acre lots or 180-acre parcels. They can only sell two acres per 40 but it’s going to get changed for the people who have moved out there in the last twenty, thirty years and they get to do whatever they want out there? They tried to get a cellphone tower put up on their land and it’s a big issue. They have no say and you are going to have more and more of these five-acre parcels and they are going to get on the town board and have their say for all the people that have been there for generations and have been farming their land. He doesn’t think it’s right. Merlin Rud, Town of Martell, owns the land adjacent to the Olson’s. He feels there are enough houses over there in that area. We don’t need any more. If you want to live in a housing development, go back to town. Kimberly Borgerson, Brian Borgerson’s wife, stated her concern is liability. There is going to be more traffic coming out there. There is already an issue. They already have people passing, flying by. They don’t know the rules about how agriculture works and that you should allow that tractor to be the first away. Somebody is going to get hurt and that is going to be a liability on either end. Those concerns are her biggest ones, as well as preserving the land. If they start developing that then they lose that and they are going to try as hard as they can to preserve that because there are a lot of old farms out there. Mr. Borgerson stated they have a generational farm of seven generations built in 1847. They have no voice out there anymore. You let all these people move out there. **Chairperson Aubart declared the public hearing closed.** Dale Olson, applicant, stated; regarding Mr. Bennet’s concerns, when they bought the property in the fall of 1989, the following year, he did plant corn on their parcel surrounding their buildings. The portion that they are looking at getting divided off only had a part of the cropland on it. That was the only year he planted corn on it. They did make arrangements for him to put cattle on the property. At the time they did indicate that the fencing was in disrepair and needed work. The cattle got out several times and at that time they had to indicate to him that because the fences weren’t being maintained he had to remove the cattle. He doesn’t think they had any dealings with Mr. Bennet after that on the property. He has no idea what he was referring to with the cat. The other thing that he would like to indicate to these other attendees at the meeting is the parcel that they are on was not originally a 20-acre parcel when it was

subdivided in 1977. It was a 4-acre parcel, a 6.52-acre parcel and a 10-acre parcel. He has a survey map indicating that. If you look at the last page of the staff report at the property that is being indicated on the small green map, you will notice is that there are a quite a few residences clustered around that. All they are proposing is that an additional structure be added to that cluster. They are not taking any ag land out of production. They are not proposing a one-acre per residence subdivision of some kind. They want to maintain the rural character. This particular parcel is very suited for another residence. There is a residence immediately to the west. There is their residence immediately to the south. There is a parcel to the north that is currently being farmed by Mr. Borgerson and the road on the east. He doesn't see where one more residence in that area would highly impact traffic. He doesn't see where an additional residence would be detrimental to wild life or any of that sort of thing. What they are looking at doing is after the rezone, proposing subdividing off a five-acre parcel for a single residence. Sanden stated, given the dimensions and going from the Primary Agriculture to General Rural, they mentioned one additional lot, what would be the maximum that they could increase? Pichotta stated General Rural is four per forty. So two units on twenty acres at the most. Sanden stated so two at the most. Pichotta stated yes, one additional. Sanden stated the committee knows that he is always one that speaks up about loss of prime ag land soils and that is kind of where he would stand but the town board is obviously really behind this. They have made some pretty exhaustive comments as to why they support it. He isn't speaking for anyone else on the committee but it does seem to be that we do want as much local control as possible, as much decisions made at the town level so that does kind of make him want to defer to their judgment. What would the ramifications be if they did send it back to the town for another look at it? Is that really part of the process or would that be going against how we normally do things? Pichotta stated that would not be typical. Typically, when the town makes a recommendation and they cite their comprehensive plan, it moves forward and is approved. Sanden stated that when the comprehensive plan was written, it was done to provide as much local control as possible, especially when it came to rezones. Some of that authority was taken away from the townships and given back through the comprehensive planning process. Who is solely responsible for interpreting their comprehensive plan? Is it our place to second guess them and say no? When the spirit of the comprehensive plan was that the townships would have the final say in interpreting their own comprehensive plan or was there an opening for us to override their interpretation? Pichotta stated the purpose in doing it the way that we did it was to make it so the town's had comprehensive plans that they actually used. When they provide guidance, we go by it because it used to be that rezones were very contentious at the County Board level. What we wanted to do was remove some of that contention and put the power back in the hands of the towns. You give me a comprehensive plan and you give me a project, you can typically find things that will support it and things that wouldn't support it. It's not like a comprehensive plan is a black and white document that you can look in it and say yes, this is supported or not. It basically provides backing for decisions made by the town board. What our goals were, as far as rezones, was to enable towns to further the goals, objectives and policies of their comprehensive plans to achieve the vision that they set out in their comprehensive plan. What is important to remember also, is that towns are an autonomous unit of government and we do zoning for the towns, we don't do it to them. Typically, if a town makes a recommendation and it is based on solid language that is contained within their comprehensive plan, we support that. Sanden stated when you say not zoning to the towns, that also would refer to denying something that they support. In other words, not us going in and proactively doing a rezone, we don't want to not follow their advice. Maybe procedurally there is a way, but not in the spirit of the comprehensive plan. Gulbranson agreed with what Eric said and stated in all his time here, this is probably the longest reference to their comp plan that has been in front of the committee. Most of the time it's one sentence. This really went into quite a bit of detail. Number two, he doesn't recall where we've really gone against the town's recommendation, maybe one item that had nothing to do with one home. He doesn't recall ever where we would have justification to go against the town. Pichotta stated typically, if we go against a town, it has been in relation to conditionally permitted uses versus rezones. Rezones are a bit more clear-cut. The other way to think about rezones and County zoning is this; say we propose a change to our zoning code. The check and balance is that if one more than half of the towns that would be impacted by that change are against it, the County can't adopt it. If we were to make a change to the General Rural District and if one more than half of them that had General Rural zoning present were against it, we couldn't adopt it. In that way there is kind of a check and balance. Now when you have a map amendment, that is also an amendment to the zoning code but it only impacts that single town. So that town has veto authority over that. That is part of the reason that we took the approach that we do. If a town didn't support a rezone and the County wanted to

essentially force a rezone on a town, we actually couldn't. The only town impacted by it would be that one and that is more than half. Sanden asked if that would go the other way that we couldn't deny it if the township was for it? Pichotta stated not necessarily, that is not something that is contained in statutes. Basically, the guidance contained in our comprehensive plan where we say we will only approve rezones when they are supported by a town and they are consistent with their plan. He understands that these folks here tonight are not happy with this proposed rezone but he would encourage you to get involved with your town government. Sanden stated he is normally one very resistant to, especially with prime ag lands, especially with all the people participating, but he is also one that likes to defer to the town as much as possible for that local control. If they didn't go so exhaustive, as you are right most of the time it's not addressed well in the comprehensive plan, here they went into quite a bit of detail. He would hate to go against the whole structure that they have set up for the comp plans and the relationship between the County and the town. He could say he doesn't think this would ever be more intensively rezoned after this meeting. This would be it. They have created two houses period on this property. Pichotta stated our goal through the whole comprehensive planning process and encouraging the towns to adopt comprehensive plans was essentially to recognize their autonomy and get them to make the decisions for themselves. Sanden stated especially since legislation took some of that authority away from them. This is a way to give it back.

**Gulbranson moved to approve the map amendment (rezone) from Primary Agriculture to General Rural for Dale & Sheila Olson and forward a recommendation to the County Board of Supervisors due to the Town of Martell finding the request to be consistent with their Comprehensive Plan /Sanden seconds it. All in favor. Passed.**

Chairperson Aubart stated just for procedural information, it now goes to the County Board. There are two readings at the County Board, will it be on the September meeting agenda? Pichotta stated it should be, assuming we are able to get the ordinance drafted quickly enough. Chairperson Aubart stated it will be before the County Board in September and October. Brian Borgerson asked what happens at the County Board meeting, is there any more discussion? Chairperson Aubart stated yes, you can come and voice your concerns and if you can convince nine of the supervisors that it is valid, they could deny it. Mr. Borgerson asked who the supervisors are. Chairperson Aubart stated there are 17 County Board Supervisors. He thinks Dean Bergseng is your County Board Supervisors. Mr. Borgerson stated no, he isn't. Chairperson Aubart we will vote on it, the vote won't come until October but the discussion will come at the first meeting, for the most part. That meeting will be the 27<sup>th</sup> of September at 7:00pm in this room.

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

**Future agenda items:** Pichotta stated we have no items for the September 21st agenda so our next meeting will be October 5th. We have at a minimum two mine renewals on that agenda.

Sanden congratulated Brad Roy for his new position and thanked him for his many years of service. He has watched him really grow into someone who is very, very capable. The Village of Ellsworth is in good hands.

**Motion to adjourn at 6:31pm by Sanden/Gulbranson seconded. Motion passed.**

Respectfully submitted by S. Koehler



**LAND MANAGEMENT COMMITTEE**

**MEETING AGENDA**

**Wednesday, September 7, 2022 – 6:00 p.m.**

Courthouse Annex/Lower Level – County Board Room: 124 N Oak St. - Ellsworth, WI

**Public attendance is available in person or virtually with the link or phone number provided below.**

<https://us06web.zoom.us/j/85632378119?pwd=REltbjJJbnMvelQ1U3hPZDcxWjVydz09>

Meeting ID Number: 856 3237 8119

Password: 722365

United States: + 1 (312) 626-6799

Access Code: 722365

#	Action	Presenter
1	Call to order	Chair
2	Next meeting dates: September 21 <sup>st</sup> , October 5 <sup>th</sup> & 19 <sup>th</sup> , all in 2022.	Chair
3	Approve minutes of the August 17, 2022 Land Management Committee meeting.	Chair
4	Public hearing to discuss and take action on a request for a Map Amendment (Rezone) from Primary Agriculture District to General Rural District, for Dale & Sheila Olson, owners on approximately 20.5 acres, located in the SE ¼ of the SE ¼ of Section 6, T27N, R17W, Town of Martell, Pierce County, WI.	Lund
5	Discuss take action on Travel/Training Requests.	Pichotta
6	Future agenda items.	Pichotta
7	Adjourn	Members

A quorum of County Board supervisors may be present.

(8/25/22)

**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 17, 2022, in-person meeting for everyone along with the option of remote attendance.

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

Others: Andy Pichotta, Adam Adank and Anna Anderson

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

Next meeting dates: September 7<sup>th</sup> & 21<sup>st</sup>, October 5<sup>th</sup> & 19<sup>th</sup> all in 2022.

Approve Minutes from the August 3, 2022 Land Management Committee meeting: **Aubart moved to approve the Land Management Committee minutes from August 3, 2022/Puhmann seconded. All in favor.**

**Passed.**

**Discuss take action on a request for a conditional use permit for an Orchard in the General Rural District pursuant to Pierce County Code Chapter 240-35C(5), for Tomasz & Shawn Wisniowski, owners on property located in the SW ¼ of the SE ¼ of Section 6, T26N, R16W, Town of El Paso, Pierce County, WI.**

**Staff Report – Adam Adank:** This property has been operating as an apple orchard/Christmas tree plantation since 1995. The business is called Happy Earth Orchard. The primary product is pick-your-own apples and pre-picked apples. In addition to selling apples, there are also baked goods, local products, and merchandise for sale. The orchard also provides activities like a corn maze, playground, and wagon rides. The business was originally permitted with multiple Land Use Permits in 1995 and 1999. In 2000 the owners received a Conditional Use Permit for a farm and home-based business due to the floor area of the business exceeding 1500 sq. ft. and the expansion of the hours of operation, additional employees, and additional retail which included producing/selling pastries, pies, and drinks from the commercial kitchen. In 2016 a LUP was issued for Direct Market Agriculture that also allowed for people to pick their own apples. In the fall of 2020 the property was sold to Tomasz & Shawn Wisniowski. In the Spring of 2021 the applicants started talking with staff about expanding food services to include wood fired pizzas and picnic baskets. The applicants are also proposing to sell more products. Produce options would include pumpkins, blueberries, grapes, cucumbers, carrots, cabbage, etc. The applicants also proposed selling local wines, ciders, and beer but the alcohol proposal has since been eliminated due to the lack of liquor licenses in the township. In 2012 amendments were made to Chapter 240 that classified Orchards as a specific use under agricultural business operations. Prior to 2012 an orchard would have been regulated/permitted as a farm and home-based business as indicated by the permit from 2000. Instead of applying for an expansion of the current CUP, staff recommended that the Wisniowski's apply for a new CUP to be classified as an Orchard based on the 2012 code amendments. The property is located in the SW ¼ of the SE ¼ of Sec. 6, T26N, R16W, Town of El Paso. This 31-acre parcel is zoned general Rural. 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. Adjacent land surrounding this parcel is zoned General Rural and Primary Agriculture. Adjacent land uses include agriculture, forest and low density residential. PCC Ch. 240 Table of Uses allows orchards in the General Rural zoning district with the issuance of a CUP and is listed under § 240-35C(5). Pierce County Code (PCC) § 240-88 defines Farm and Home-Based Business as "A business, profession, occupation or trade for gain or support which is conducted on the same lot as a residence or farmstead." Pierce County Code (PCC) §

240-88 defines Orchard as “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 identified in the conditional use permit.” An orchard is listed in the Pierce County Code as an Agricultural Business Operation along with other uses such as Winery 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 Orchard is open to the public from late August through late October. Current hours of operation are: Friday 12pm-5pm, Saturday: 10am-6pm, and Sunday: 10am-6pm. One to three seasonal employees help with picking apples, washing apples, and general maintenance and cleanup. Some contractors are hired for pruning and other tree care. All other work is performed by the applicants. The personal residence has its own kitchen separate from the commercial kitchen. The property has current permits and regular inspections with the Pierce County Public Health Department. All proposed food will be served using disposable paper services. All seating for food services will be outside on picnic tables or blankets. Picnic baskets would include snack items such as an assortment of cheeses, apple slices, honey, peanut butter, crackers, etc. The applicants estimate that they currently have around 30-40 customers on a busy day. Pierce County Code (PCC) § 240-54 requires one off street parking space per four patrons for commercial recreational uses. One space per employee during the peak shift is also required and 2% of the total number of spaces shall be provided for use by physically disabled persons. The applicants estimate that they have around 27 parking spaces available onsite, four of which are designated as handicap parking. One porta potty is located on-site for customers. The primary residence is served by a holding tank system. The El Paso Town Board recommended approval of this request on 7/11/2022. The Town did not list any concerns or suggested conditions. Based on advice from Corporation Counsel, staff is generally not recommending any conditions which require the permitting of, or compliance with, other agencies, organizations, or departments regulations or rules. The applicant is strongly encouraged to comply with relevant local and state ordinances and regulations and secure all necessary permits and licenses (e.g. Department of Safety & Professional Services (DSPS), Department of Health and Family Services, etc.). The existing conditions of the Farm and Home-Based Business CUP are:

1. The applicant shall submit a traffic circulation and parking lot plan to be developed consistent with the guidelines outlined earlier in the staff report that provides convenient access for customers.
2. The hours of operation shall allow for weekday and weekend use between the hours of 8:00A.M. and 8:00P.M.
3. Outside lighting shall not be directed toward the road right-of-way or the neighboring properties.
4. There shall be no outside display area shall not exceed the footprint of the overhang eave of the store.
5. Sale of products not produced on the premise shall not exceed 25% of the interior sales area of the building.
6. Provide a compliance inspection report from the Department of Agriculture.

**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, the staff recommends the Land Management Committee approve this conditional use permit for an Orchard with the following conditions:

1. Activities shall be conducted as presented in the application unless modified by a condition of this CUP.
2. The hours of operation shall allow for weekday and weekend use between the hours of 8:00A.M. and 8:00P.M.
3. Outside lighting shall not be directed toward the road right-of-way or the neighboring properties.
4. There shall be no outside display of merchandise for sale except for products grown or produced on the premises.
5. Applicants shall work with staff to determine if additional wastewater will be generated onsite and if modifications to the Private On-Site Wastewater Treatment System (septic system) are required.



6. At least 13 off-street parking spaces and a minimum of one ADA compliant parking space shall be provided onsite (assuming 40 people at peak hours).
7. Sale of retail items shall be limited to items identified in the Conditional use permit Application. Pizza sales shall be limited to Orchard operation August through October.
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.
9. This conditional use permit shall be renewed every two years. Permit may be renewed administratively if no compliance issues arise.

**Chairperson Fetzer opened the hearing to public comment.** No public comment. **Chairperson Fetzer declared the public hearing closed.** Chairperson Fetzer asked if the committee had any questions. Sanden asked given that the town hasn't cited any comprehensive planning concerns, functionally what would change as far as this orchard designation for a CUP versus the previous Farm and Home business CUP. Or would there be no difference? Pichotta stated that the difference would be the inclusion of pizza, the sale of pizza and what the orchard designation does is it allows for multiple pieces of business under one CUP, so it went from there being multiple permits issued over time to basically one all-inclusive approval. Chairperson Fetzer asked if Wisniewski had anything to add. Mr. Wisniewski asked what this means for us as we grow. He suggested that after this year or the following year they may have things that come up. Chairperson Fetzer suggested that he work with staff as questions come up.

**Sanden moved to approve the conditional use permit for an orchard, finding that the proposed use at the proposed location would not be contrary to the public interest nor would it be detrimental or injurious to public health, public safety, or the character of the surrounding area, with conditions #1 - #9/Gulbranson seconded. All in favor. Passed.**

**Discuss take action on a request for a conditional use permit for Filling and Grading in the Kinnickinnic River Bluff pursuant to Pierce County Code Chapter 240-45(E), for John Armstrong & Jo Ann Lincoln, owners, by Ross Wegge, agent, on property located in the NE ¼ of the SE ¼, Lot 24 of Hidden Hills of the Kinni Phase 2, in Section 9, T27N, R19W, Town of Clifton, Pierce County, WI.**

**Staff Report – Andy Pichotta:** The applicants are proposing Filling and Grading in the Kinnickinnic River Blufflands bluffline setback to construct a residence with a walkout basement. On 9/29/1998, Pierce County Zoning Code amendments were adopted by Ordinance#98-07 relating to the Kinnickinnic River Blufflands. The code amendments established a bluffline setback for structures. This parcel is 7.16 acres and is located in the NE ¼ of the SE ¼ of Sec. 9, T27N, R19W, Town of Clifton. This property and the surrounding properties are zoned General Rural Flexible-8. PCC § 240-45C states, “All structures shall be set a minimum of 15’ behind the bluffline, which is defined as a line connecting points at which a slope along the river and the first 1, 320 ft of adjacent ravines in excess of 20% decreases to a slope of less than 12%.” PCC § 240-45D states, “Site plan approval. All applications for structures along Kinnickinnic River Blufflands shall require site plan approval to assure compliance with the provisions of this chapter and to address erosion control during construction and afterward.” PCC § 240-45E states, “Any filling and grading of slopes downslope from the bluffline setback shall require a conditional use permit.” The applicants are proposing to grade approximately 55 feet into the bluffline setback to achieve the necessary slope for a walkout basement. The slopes in this area range from 12% - 20%. No slopes greater than 20% will be disturbed. A Land Use Permit was issued for the residence on July 21, 2022 with the following conditions:

1. Erosion Control Measures shall be established consistent with the recommendations from Rod Webb, Pierce County Land Conservation Department Director.
2. The smallest amount of bare ground shall be exposed for as short a time as feasible.
3. Diversion berms or bales, silting basins, terraces, filter fabric, fencing and other methods shall be used to prevent erosion.
4. Any unforeseen erosion issues shall be corrected to the satisfaction of Pierce County.

The builder plans to start construction of the structure in the walkout area, to allow for final grading and seeding to be established as soon as possible. All other disturbance will be outside of the setback area. Site plan review was completed administratively, with assistance from the Land Conservation Department, to address erosion

concerns. The Town of Clifton recommended approval of this request on 7/18/2022 without reference to the Town Comprehensive Plan or any listed concerns or recommended conditions.

**Staff Recommendation:** Staff recommends the Land Management Committee consider the above and determine whether the proposed conditionally permitted activity (filling and grading) 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. Applicants shall address any erosion control issues during and after the construction of the residence.

Pichotta stated that Mr. Wegge is here and noted that there are a number of handouts and maps in the packet. Pichotta asked Mr. Wegge to walk us through their plans. Mr. Wegge stated on page 2 of the packet is a map with a square box that shows the approximate location of where the home would be, and the blue shaded area to the left of the home is the area where the dotted yellow line comes up from the Kinni and jogs up towards the house and then goes over diagonally to the property line.

**Chairperson Fetzer opened the hearing to the public.** Greg Erickson, Clifton Township, stated that he submitted an email two weeks ago to this committee and again yesterday. Both addressed Wegge's development and project. Mr. Erickson stated he has been following this project since he first heard it. He investigated what was going on and has looked at the Hidden Hills development. He noted that there are lots and roads in various states of finishing. A lot of homes are already built, others are under construction and there are vacant lots. On lot 24, there is cutting that has happened on the bluffline, not the subject of tonight's application for a CUP, but it is a violation of Pierce County and Clifton's blufflands ordinance. That issue of the remedy that is going to take place for that violation is still an open question. He has no problem with Ross building a home on lot 24. He has no problem with this grading and filling CUP. The whole project that's planned for lot 24 has a huge unanswered question and until everything gets completely resolved, this committee should put it on pause. There has never been another violation of the blufflands ordinance, there are no penalty provisions specified in the ordinance, and it was his understanding from conversation with the people that participated in the creation of that ordinance in Clifton Township, is that it was intentionally left somewhat vague. The reason being that when an applicant would come in, forgetting that there has been a violation here, and that the applicant is applying after the fact, the applicant would come in and say I want to do some cutting here, and I'm going to be in the blufflands, etc., that there could be an open discussion on what would happen, how it would be handled, and then ultimately when all the parties agreed to how that was going to be handled, then you would issue the CUP. It would be monitored and everybody, hopefully would be in compliance, and it would be reviewed and so forth. In this case, on the bluffland portion of it, the trees are gone. So, what kind of remedy is this committee going to impose? He is afraid it's just going to be well, they're gone. He recommended that this committee take into account and that this is the first time that there has been a clearing on the bluffline. It is exactly what the bluffline ordinance was intended to prevent. What kind of remedy you would impose in the future, I don't know that, certainly that is up to you and your discretion. Chairperson Fetzer asked for any further input or comment on this. No further comment. **Chairperson Fetzer closed the public hearing.** Chairperson Fetzer asked if the committee had any questions. Gulbranson stated that on a couple of these pages, there is one with a home, one with a pool, and then one with a garage. So, is the garage attached to the house? Mr. Wegge stated he would focus in on the last page that shows the home with the garage. Approximately 15-20 feet out from the house there will be a rectangular pool. The pool will be the subject of another CUP request and is something that we will be addressing this winter. The surveyor's prints are accurate. Sanden had a question for staff. The email correspondences between Andy and Joe Rohl, correct me if I'm wrong, but the way I read it was that, and the last one was today, am I correct in saying that they are implying that the remedy situation should be addressed by Clifton Township, I know at first, they were reluctant to. It seems that through this email exchange, they may have had a change of heart. Pichotta stated that he is not certain on whether there has been a change of heart or not, he thinks that Mr. Rohl perhaps now recognizes the need for the town to generate a recommendation in order to move forward. Pichotta suggested it may be of benefit to the folks that are here for him to summarize where we are with the issue of tree cutting, basically the town of Clifton suggested that they were going to hold off on issuing a Town Recommendation for the CUP for

tree removal until such time as Land Management had imposed sufficient penalties on the landowner. However, 240-86 of the code states that if a structure or premise is used to establish a use, which according to the zoning code, requires issuance of a conditional use permit, without a conditional use first being obtained, the responsible party may attempt to correct the violation by applying for a conditional use permit for the unauthorized use. The procedure is that upon notification of the violation, the responsible party may apply for a CUP. Upon submittal of the complete application, the application shall be processed as provided in 240-76. So, basically that is where we are, we have the unauthorized removal of trees from the bluffline setback. This is what I had informed the town, that an application for a CUP in Pierce County is required to include a completed Town Recommendation Form, this form is to be used by the town in which the proposed conditional use is to occur to inform the Land Management Committee of any recommended conditions or concerns that the town may have. This mechanism also allows the town to cite relevant guidance from their comprehensive plan. Pichotta stated that he had suggested that the most appropriate way for the Town of Clifton and its planning commission to convey their concerns and present their preferred remedies and/or penalties regarding activities that have taken place on Lot 24 is to participate in the process outlined above. Pichotta noted that he did not believe we can tie these two CUP's together. Some zoning codes have provisions that state if you've got a violation that is open, that you can't issue permits until it is addressed. Our code does not have that provision. He thinks we are forced to do these as two separate things. As you also are aware, there have been some changes as to how CUP's are dealt with in WI in the last few years and so those things need to be taken into consideration also. What we have asked the town of Clifton to do is basically tell us how they would like to see this buttoned up and if they think that some sort of penalties ought to be imposed, to tell us what they think that ought to be and we will dutifully put them in a staff report, discuss the issue with legal counsel and figure out what we have the ability to do and don't have the ability to do and that we would deal with that in this way. These are two very separate things, they are on the same lot, but we have to deal with them separately according to our code. As far as getting the Town Recommendation from Clifton, that's what we have to do. That is the process our code calls for. He understands that the town of Clifton doesn't like after the fact CUP's, but that is what our code says we need to do. Sanden also asked about the last response from Joe Rohl that suggested sending official communication to Clifton's Town Board if Pierce County is awaiting on our guidance regarding enforcement. Further states they are unaware of this need with past violations, but the Clifton Town Board can provide whatever support is needed. Pichotta stated he believed that there is an additional email from Mr. Rohl following that one and in that one, he acknowledges that he had, up until recently, not read the email he sent him and the Town on August 9, 2022. He was not aware that we needed a Town Recommendation to move forward and that they should include those concerns in that recommendation if they see fit. Sanden stated so for the next stage we will get a recommendation from the town of Clifton with some suggestions as far as remedies and so on. Pichotta stated that is how he would anticipate and hope it moves forward. He can't guarantee they will do that but he is hoping they will. Chairperson Fetzer asked Mr. Wegge about the blue hashed area and if there was any clearing of that? Mr. Wegge indicated that there was no tree clearing there. Chairperson Fetzer asked if it was opened field there? Mr. Wegge stated that it was alfalfa. Gulbranson asked so don't we really want to get this erosion control done as soon as we can? Pichotta stated yes, we would want this done as soon as possible to ensure it is buttoned up before winter. Gulbranson asked when would you guess the other issue would come. Pichotta stated he would hope it would come in the next month or two. He noted that we were out on the site with folks from Land Conservation, they have implemented a plan to keep things in place, so there is not a pressing need to do something immediately. We are ok being in a holding pattern for the time being. Mr. Wegge wanted to state he cut down some trees without understanding he needed a permit to do so. He has a long-term plan in place with Prairie Restorations to convert the forest into a native land. Majority of the trees removed were buckthorn, box elder, etc. He left a lot of oak. On the west side of the property there was a clear cut done, that is the sensitive part. All slopes have been stabilized with erosion logs, fence, a cover crop, as well as natives have been planted. Alfalfa strip remains along the perimeter of the wood line and right now he has footings in the ground, piles of dirt and rock, mainly rock, with erosion logs around it per the recommendations in here. So, the forested hillside area is on hold. There is no more cutting done. There is no more mowing of buckthorn, most of it is complete, and he is looking to get back in when the ground freezes. Pichotta stated that the site is for the most part stable at this point. So, what we need to do now is figure out what, if any remediation, is necessary; get a CUP that identifies that, and then also the CUP if he wants to get in there in December to cut some additional trees, that activity would need to be authorized by the CUP. So the

CUP will have a couple components in it; addressing some things that happened in the past and how things will be done moving forward and penalties will also be considered. Pichotta stated hopefully we will get a thoughtful recommendation and he assumes we will from the Town of Clifton. He would hope they don't just recommend denial because that is not helpful, we need to know what conditions they think would be necessary to move forward with this. Chairperson Fetzer asked about the Kinni bluffland if each township has their own rules on this or does that go right with the river. Pichotta stated it goes right with the river, this particular bluffland overlay only exists in the Town of Clifton. Chairperson Fetzer asked if its mainly their rules. Pichotta stated these are our rules, and are in the zoning code, this was adopted a couple years before he got here, but he understands that it was largely generated by folks along the river who were concerned about maintaining what they had. Gulbranson stated he is going to just speak for himself but he thinks that when somebody is cooperating and working with the town and the county and our agents and steps have been taken to really control it, He thinks that means a lot, He's not saying that is going to reflect on what happened on the first issue, but for this moving forward, he thinks that means a lot. Mr. Wegge stated he appreciates that comment and that the first person he called when he got off the phone with Brad Roy was Terry McCade, his realtor. He thinks that the point has driven home, that whoever buys future lots that fall within the bluffland setback or within the bluffland zone. So, education would be critical going forward, He did what he did for a reason because he wanted a view. He left a lot of trees, but clearly there is some sensitivity to it.

No further discussion from committee.

**Gulbranson moved to approve the conditional use permit for Filling and Grading, finding that the proposed use at the proposed location would not be contrary to the public interest nor would it be detrimental or injurious to public health, public safety, or the character of the surrounding area, with the two conditions/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 attend a GIS/LIS consortium in Bemidji, MN on October 12-14, 2022. It's 260 miles away and anything over 200 miles requires Finance and Personal Committee approval. **Gulbranson moved to approve the travel/training request for Kevin Etherton/Aubart seconded. All in favor. Passed.**

**Future agenda items:** Pichotta stated that we have one agenda item for the next meeting. A Public Hearing to discuss and take action on a request for a map amendment to rezone from Primary Agriculture to General Rural for Dale and Sheila Olson on 20 acres in Section 6 in the town of Martell.

**Motion to adjourn at 7:01pm by Puhmann/Sanden seconded. Motion passed.**

Respectfully submitted by A. Anderson





**LAND MANAGEMENT COMMITTEE**

**MEETING AGENDA**

**Wednesday, August 17, 2022 – 6:00 p.m.**

Courthouse Annex/Lower Level – County Board Room: 124 N Oak St. - Ellsworth, WI

**Public attendance is available in person or virtually with the link or phone number provided below.**

<https://us06web.zoom.us/j/81519463306?pwd=SS9JYm9TbTQxSThpVk1WRHNsQ2htUT09>

Meeting ID Number: 815 1946 3306

Password: 314386

United States: + 1 (312) 626-6799

Access Code: 314386

<b>#</b>	<b>Action</b>	<b>Presenter</b>
1	Call to order	Chair
2	Next meeting dates: September 7 <sup>th</sup> & 21 <sup>st</sup> , October 5 <sup>th</sup> & 19 <sup>th</sup> , all in 2022.	Chair
3	Approve minutes of the August 3, 2022 Land Management Committee meeting.	Chair
4	Public hearing to discuss and take action on a request for a conditional use permit for an Orchard, pursuant to Pierce County Code Chapter 240-35C(5), in the General Rural District for Tomasz & Shawn Wisniowski, owners on property located in the SW ¼ of the SE ¼ of Section 6, T26N, R16W, Town of El Paso, Pierce County, WI.	Adank
5	Public hearing to discuss and take action on a request for a conditional use permit for Filling and Grading in the Kinnickinnic River Bluff pursuant to Pierce County Code Chapter 240-45(E), for John Armstrong & Jo Ann Lincoln, owners, by Ross Wegge, agent, on property located in the NE ¼ of the SE ¼, Lot 24 of Hidden Hills of the Kinni Phase 2, in Section 9, T27N, R19W, Town of Clifton, Pierce County, WI.	Roy
6	Discuss take action on Travel/Training Requests.	Pichotta
7	Future agenda items.	Pichotta
8	Adjourn	Members

A quorum of County Board supervisors may be present.

(8/5/22)

**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, 2022, in-person meeting for everyone along with the option of remote attendance.

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

Others: Andy Pichotta, Brad Roy, and Shari Koehler

Absent: Joe Fetzer

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

Next meeting dates: August 17<sup>th</sup>, September 7<sup>th</sup> & 21<sup>st</sup>, all in 2022.

Approve Minutes from the July 20, 2022 Land Management Committee meeting: Gulbranson **moved to approve the Land Management Committee minutes from July 20, 2022/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 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 for nonmetallic mining to expand an existing mining operation in 2014. The expanded area is approximately 22 acres and the area to be mined is approximately 20. The applicant anticipates that it will take many years, up to 50, to extract all of the material in the newly permitted area. The adjoining pre-existing, nonconforming mine has approximately 110 open acres. The property is zoned Industrial and General Rural Flexible. There is no blasting or chemicals used, and extraction will be done with frontend-loaders. The mined materials are 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 takes place in the pre-existing nonconforming mine. Washing will be needed to remove fines and will use an existing high capacity well. Servicing and fueling of equipment will also take place in the pre-existing nonconforming mine.

Extractions will go approximately 40 feet below the existing grade. This will result in the floor of the pit being at an elevation of 712ft, which is 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 consider the feasibility of mining below the water table. The entire site is internally drained. The reclamation plan states that the proposed post-mining land use will be industrial uses, which is consistent with the current zoning. A Groundwater Response Plan has been provided to the County. The last well tests were submitted for 2020. No tests were submitted for 2021. Tests for 2022 are currently being completed. The applicant has questioned the need for annual testing. The LMC and staff have worked to provide consistent water testing requirements for mining operations in regards to blasting. The LMC may want to consider/discuss standardizing requirements for operations where blasting does not occur (*condition #6*). The Town of Trenton chairperson was contacted regarding this renewal, the Town has not received any complaints and does not have concerns about renewing the permit. The existing conditions are listed #1 - #10 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 so, staff recommends the LMC renew this conditional use permit with the following conditions, as well as any additional conditions deemed appropriate: listed #1 - #10 with no changes. The committee should consider whether a change to condition #6 is warranted.



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

Bill Holst stated, at our last renewal, it is possible that he misunderstood our agreement, but he thought that after so many years he didn't have to keep doing the water tests. We have never blasted. We have had very consistent tests. He is having them tested again right now. It's not every year, it's every other year, but it's a few more thousand dollars, to him is a waste. We are not blasting at all, never have in 35 years. It's sand and gravel, no hard rock. Sanden asked staff if there have been any similar situations. Roy stated he doesn't recall any. The concern with this one would its proximity to the water table. Mr. Holst stated they have been mining below the water table for 30 years and never had a problem. Pichotta stated part of the rationale for requiring the testing is to protect you as well as the neighbors - so if folks raised concerns and say that their water is bad, you have the test results. It's the proximity to the water table and the fact that there are a lot of houses on the other side of Cty Rd K. Mr. Holst stated most of those people, when we ask about testing their well, get pissed off. Pichotta stated we would be open to a change if the committee felt it warranted. Sanden asked when it references that it is internally drained is that the surface water? It's not referring to the groundwater, which way it goes, having said that, does the groundwater go directly into the Mississippi which he is assuming it's close to? Rather than the other people's wells? Pichotta stated if you recall years ago we participated in a groundwater study that was done by USGS and we went in with St. Croix County and Polk County. What was determined, if he recalls correctly, that the groundwater didn't necessarily go directly into the river, it kind of went under it. So certainly, it moves in the direction of the river. Does it interact with the river, certainly but it's not directly into it. Sanden asked how many years of this data that we have from this particular site? Has it been 35 years-worth of well testing data? Mr. Holst stated not of well testing data, he has been mining there. Roy stated the well testing requirement wouldn't have come up until the expansion in 2014. Chairperson Aubart stated so we do have seven years of data now, essentially. Roy stated essentially and there has been a few wells that have had high nitrates which has been known in that area that wouldn't have anything to do with this operation. Sanden asked what the impact would be if we say OK, test in two years and we can revisit this if there is no change after the previous seven years, maybe even consider every three years or four years. What is your first reaction to an approach like that? Pichotta stated he doesn't think we would have an issue with that. Basically, what is decided for Mr. Holst here, we should do for others similarly situated so if we can kind of standardize how we deal with this particular type of situation. Gulbranson stated that is something we should look at? Pichotta stated he thinks it makes sense to consider. Sanden asked, change the condition for this and then revisit as far as the code and standardize it that way? Rather than making what we come up with today the standard? Pichotta stated you could simply amend condition #6 and then we could reconsider it again the next time we see him which would be in two years because nonmetallic mines in Pierce County are required by our code to be renewed in front of this committee every two years. Gulbranson asked if you were going to guess, how many other ones would this affect, non-blasting? Pichotta stated most of them blast. Gulbranson stated even the County ones

blast, don't they? Roy stated that we have permits on. Sanden stated testing year right now, he wouldn't have to test again until right before he comes back in front of us. Chairperson Aubart stated in 2024.

**Sanden moved to approve the renewal of the conditional use permit for nonmetallic mining, with conditions #1 - #10, changing condition #6 to read "Testing of the wells on properties within 1,000ft of mining activity shall be comprehensively tested including for suspended solids, nitrates and dissolved solids and chlorides, every two years, unless anomalies are detected. Test results and the base line data tests shall be provided to the Department of Land Management."** He didn't put anything about this being revisited in the future. Pichotta stated that the next time this comes before you guys we will note that in the staff report that there was this discussion. **Gulbranson seconded. All in favor. Passed.**

**Discuss take action to approve updated Land Records Modernization Plan.**

**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 to be utilized to implement the 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. The format of the Land Records Plan is essentially mandated by the State. The changes that we are proposing this year, basically, are directly related to proposed expenditures for next year. Changes include:

Adding the new name of the Board Member on the Council which is Dan

Adding purchase of new Survey Equipment to Project 9, Louie's total station

Adding new project "Scan/Index Property Files/Laserfiche" we have used AppXtender for the last 20 years to, now proposing to use a different software product that can potentially be used by many departments, in addition to LM, ROD and Treasurer.

Updating Budget Numbers

**Staff Recommendation:** Staff recommends the Land Management Committee approve the updated Land Records Modernization Plan as written.

**Puhrmann moved to approve the updated Land Records Modernization Plan as presented/Gulbranson seconded. All in favor. Passed.**

**Discuss take action on proposed 2023 Land Management Department Budget. Staff Report – Andy**

**Pichotta:** Before you is a memo that he generated relating to the different divisions within the department: Planning, Zoning, GIS, Surveying. As a whole the proposed change is 3.3%. The largest is in the GIS budget which is related to a change in health insurance. Of the entire Land Management Budget, approximately 4 ½% is operating cost and the other is personnel. We saw an increase to the Legal Notices due to the number of public hearings, which also includes those held by the Board of Adjustment. Proposed expenditures out of the Land Records Modernization Fund and Grants were briefly discussed and are as follows.

\$ 3,500.00	Parcels Updates/Changes
\$ 15,000.00	GIS/Tax maintenance/Data updates/Database
\$ 1,600.00	Ipad/otter box (replace data collector)
\$ 8,300.00	ArcGIS ESRI Annual Maintenance
\$ 3,485.00	Link (ProWest) Annual Maintenance
\$ 2,213.00	Pictometry License 50 and Public Facing License
\$ 18,500.00	Temp Position for data entry, indexing, etc
\$ 76,250.00	Laserfiche Project
\$ 36,000.00	LiDAR Extra's (2 <sup>nd</sup> year ½ cost) Ayres
\$ 17,000.00	New Survey Equipment
\$ 15,000.00	New Fidler Server, ROD stored property files
\$ 19,577.00	Laserfiche HP Server
\$ 1,000.00	Training (Conferences etc) We actually get a 4 <sup>th</sup> Training Grant in the amount of \$1,000 each year

\$217,425.00 Total Potential Expenditure (Grants and Land Records Modification Fund)

\$ 35,000.00 Base Budget Grant  
\$ 50,000.00 Strategic Initiative Grant  
\$ 1,000.00 Training Grant  
\$ 86,000.00 Total Exp Grants  
\$131,425.00 Total Exp Land Records Fund (current balance is approx. \$284,809)

\$217,425.00 Total Exp Grants and Funds

Pichotta went over the expenditure and revenue budgets for each department (Planning, Zoning, GIS, Surveyor, Land Records) noting any increases. Pichotta also discussed capital improvements/equipment which will be the surveyor's equipment station of \$17,000.00. He stated he doesn't plan on replacing any vehicles in the timeframe identified which is out to 2027.

Gulbranson noted that the State is a little slow in reimbursing some departments. He wondered if we have any problems like that. Pichotta stated we don't have much for reimbursements from the State and noted that his budgets are straight-forward compared to some other departments.

**Gulbranson moved to approve the proposed 2023 Land Management Department Budget and forward a recommendation to Finance and Personnel/Sanden seconded. All in favor. Passed.**

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

#### **Departmental Update and Future Agenda Items**

Pichotta stated for the next meeting we have a request for a conditional use permit for the apple orchard in the Town of El Paso. They were permitted a long time ago as a Farm & Home Business and they looking to do some things above and beyond that. As you recall, a few years back we amended the code to allow for AgriBusiness, AgriTourism, a lot broader uses; one of those categories fits them better so it made sense for them to apply for a new CUP. The next is a public hearing to discuss/take action for Filling and Grading in the Kinnickinnic River Bluff overlay for John Armstrong & JoAnn Lincoln, owners by Ross Wegge, agent on Lot 24, Hidden Hills of the Kinni land division. He noted that there is another issue associated with lot 24 that the LMC will likely see in the next several months. He stated that Mr. Erickson is here regarding that issue and noted that there is an email in your packets from him. There will be a request for a CUP for Tree Cutting in the Kinni Bluff area at some point but that it hasn't been acted on by the Town of Clifton yet. We had an instance where some folks got ahead of themselves and did a lot of cutting of trees. When we heard about it, Brad went out and shut them down, they had a discussion about what was allowable and what was not, which included a discussion about mowing. Our understanding of mowing was different than theirs. There was some miscommunication so now we are playing catch up. Staff went to the site with Rod Webb from Land Conservation and, working with the applicant's agent, came up with a plan to ensure that the site remained stable. We have been told that the Town of Clifton is not going to take action on the request until we have initiated enforcement action that meets their satisfaction. That isn't really how that works. If you recall back in 2013, the LMC adopted a policy that stated if a Town is unwilling or unable to react to or issue a Recommendation Form for a conditionally permitted use, staff is authorized to accept that application without it. In the short term, we are working with Land Conservation to keep an eye on the site and to assure that it is reestablished in a satisfactory way. The Kinni River Bluff overlay is a rather short section in our code and it relates primarily to ensuring that there isn't stormwater sediment and erosion issues. The overlay is more like a larger shoreland area than like the St Croix Riverway ordinance - which is based largely on aesthetics.

**Motion to adjourn at 6:42pm by Puhmann/Sanden seconded. Motion passed.**

Respectfully submitted by S. Koehler

**LAND MANAGEMENT COMMITTEE**

**REVISED MEETING AGENDA**

**Wednesday, August 3, 2022 – 6:00 p.m.**

Courthouse Annex/Lower Level – County Board Room: 124 N Oak St. - Ellsworth, WI

**Public attendance is available in person or virtually with the link or phone number provided below.**

<https://us06web.zoom.us/j/81966824605?pwd=aDU3d28zRGV2ZTQ5RU5GbjY0aE1Zz09>

Meeting ID Number: 819 6682 4605

Password: 772578

United States: + 1 (312) 626-6799

Access Code: 772578

#	Action	Presenter
1	Call to order	Chair
2	Next meeting dates: August 17 <sup>th</sup> , September 7 <sup>th</sup> & 21 <sup>st</sup> , all in 2022.	Chair
3	Approve minutes of the July 20, 2022 Land Management Committee meeting.	Chair
4	<del>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 Motoreycle 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.</del>	Roy
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	<del>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.</del>	Roy
7	Discuss take action to approve the updated Land Records Modernization Plan.	Pichotta
8	Discuss take action on proposed 2023 Land Management Department Budget.	Pichotta
9	Discuss take action on Travel/Training Requests.	Pichotta
10	Future agenda items.	Pichotta
11	Adjourn	Members

A quorum of County Board supervisors may be present.

(7/22/22)

- Revised 7/25/2022 @ 10:21am.
- Revised 7/27/2022 @ 2:05pm

**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 20, 2022, in-person meeting for everyone along with the option of remote attendance.

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

Others: Andy Pichotta, Brad Roy, and Shari Koehler

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

Next meeting dates: August 3<sup>rd</sup> & 17<sup>th</sup>, September 7<sup>th</sup> & 21<sup>st</sup>, all in 2022.

Approve Minutes from the July 6, 2022 Land Management Committee meeting: **Gulbranson moved to approve the Land Management Committee minutes from July 6, 2022/Sanden seconded. All in favor. Passed with Joe Fetzer abstaining because of absence from that meeting.**

**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 of the NW ¼ of the SE ¼ of Section 16, all in T27N, R15W, Town of Spring Lake, Pierce County, WI.**

**Staff Report – Andy Pichotta:** This is a request for modification of a conditional use permit for nonmetallic mining. 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 Material intends to mine approximately 130 of those acres. The original conditional use permit allowed for no more than 30 unreclaimed acres at any given time. In April 2012, the number of allowable unreclaimed acres was increased to 40. In June 2018, the number of allowable unreclaimed acres was increased to 50. The applicant is now requesting to increase the number of allowable unreclaimed acres to 75. The Town of Spring Lake Board of Supervisors has indicated their support for this request. This will be rather brief since we saw these folks a couple meetings ago. The Town of Spring Lake held their monthly town board meeting on July 12, 2022 and unanimously approved County Materials request to have a total of 75 unreclaimed acres open at once. The existing conditions #1 - #29 are listed in the staff report.

**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 the character of the surrounding area. If found to be not contrary to the above, staff recommends the Land Management Committee approve the proposed modification with the following conditions:

1. Applicant shall follow all recommendations and receive all necessary permits from all relevant departments and agencies.
2. Hours of operation shall be 6am to 6pm with nonproduction hours 6pm to 8pm, Monday through Friday and 8am to noon on Saturday. Operation shall be closed on holidays.
3. Blasting shall be completed by a State licensed blaster. Blasting shall take place no more than 4 times per week and blasting times shall be between 11am and 2pm unless extenuating circumstances occur at which time a Town official shall be notified prior to any blasting.
4. Storm water measures shall be implemented and maintained consistent with Land Conservation Department recommendations.
5. Erosion control shall be installed prior to any mining. All erosion control measures shall be submitted to the Zoning Office for review and approval prior to any mining.

6. Road access shall be permitted by WI DOT and a Uniform Address Number shall be obtained from the Zoning Office.
7. Reclamation shall be consistent with submitted plans.
8. **Applicant shall determine if the reclamation plan needs updating and shall submit an updated financial assurance bond based on increased acreage. Updated financial assurance shall be submitted prior to any excavation/stripping on any unreclaimed land in excess of 50 acres.**
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 (tarpred) prior to leaving the site.
22. **The quarry shall have no more than 75 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.

Pichotta noted that the limitation on open acres was put in place at the request of the Town in the first place so the support of the Town is kind of the big thing. Chairperson Fetzer asked if they bumped it up to 75 and that's where they are holding right now. Pichotta stated they are at 50 right now and want to go to 75. Chairperson Fetzer asked Ted Peterson, County Materials, if he had anything he would like to add. Mr. Peterson stated not at this time. Chairperson Fetzer stated it appears all pretty straight forward to him. We just had to go through the right channels.

**Sanden moved to approve the modification to the conditional use permit to expand the amount of unreclaimed acres from 50 to 75, for CMC Spring Valley LLC, owner, with conditions #1 - #29, with the changes to conditions #8 & #22 as presented/Aubart 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 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 is the property owner and American Materials is the operator. The mining site has approximately nine unreclaimed acres. Access is off of US Highway 10. The surrounding land uses are farmland and woodland. In 2020 the applicant increased their financial assurance. 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. The most recent blast occurred in November of 2021. American Materials stated that they offered well testing to all well owners within 1000 feet of the mining operation prior to the November 2021 blast. Only one of the six neighbors within 1000 feet responded that they would like a well test completed. All other owners were not interested in a well test according to American Materials. After the blast, American Materials offered another well test and received no responses to have a well test completed. The most recent blast previous to the November 2021 blast was in 2007. No other 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. There are renewal fees of \$200 + \$20 per acre of expansion. No complaints have been received about this operation. All appropriate information has been submitted to the Zoning Office. Staff spoke with Town of Union Chairperson regarding the renewal of this conditional use permit. Mr. Bechel stated that the town has not received any complaints since the last renewal and has no concerns at this time. The existing conditions #1 - #11 are listed in the staff report.

**Staff Recommendation:** Staff recommends the Land Management Committee consider whether established conditions remain adequate to protect the public interest, public health and safety, and the character of the area. If no additions or modifications are deemed necessary, staff recommends this CUP be renewed with the following conditions (**proposed changes in bold**), changing #5 to our standardized well testing language:

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, **as long as blasting continues. If blasting ceases, tests shall be conducted annually for two years after the most recent blast. Well tests shall be conducted prior to the initial blast, and annually thereafter, when blasting is resumed after a break of more than 1 year. Applicant shall not be required to conduct well tests on properties where owners will not grant access. Well tests shall be made available upon request.** Staff shall be notified prior to any blasting.
6. Hours of operation are 6:00am to 9:00pm, Monday through Friday, and 6:00am to 12:00pm on Saturday.
7. Reclamation shall be according to submitted plans.
8. ~~An updated surety bond shall be submitted within 6 months.~~ **The reclamation financial assurance information shall be kept current and approved by Corporation Counsel.**
9. Applicant agrees that any unforeseen erosion issues shall be addressed to the satisfaction of the county.
10. Applicant shall pay renewal fees.
11. This CUP shall expire in two years.

Chairperson Fetzer stated this is in his area and it's kind of a quiet mine down there, you don't see a lot of action, obviously since the previous blasting was 2007. Is someone from American Materials here, on line? Kaitlynn Peper, American Materials, stated that everything that Brad read is correct, they are just asking for renewal with no changes. Chairperson Fetzer stated OK, does the committee have any questions? Seeing there is none, he will entertain a motion. **Gulbranson moved to approve the renewal of the conditional use permit for Nonmetallic Mining (Gilles Quarry) for American Materials, agent for Muskie Proppant LLC, with conditions #1 - #11 with changes to conditions #5 and #8 as noted/Puhrmann seconded. All in favor. Passed.**

**Discuss take action on a status report for a conditional use permit for Private Outdoor Recreation in the Agriculture Residential District, pursuant to Pierce County Code Chapter 240-39E for Phillip & Cynthia Symes and Cody & Ann Marie Sjoquist, owners on property located in the SE ¼ of the SE ¼ of Section 8, T25N, R18W, Town of Diamond Bluff, Pierce County, WI.**

**Staff Report – Brad Roy:** A Conditional Use Permit was issued last summer to authorize this Private Outdoor Recreational Use. The applicants proposed to construct and operate a Commercial Riding Stable which would also host indoor and outdoor events. Limited camping is to be provided to event participants only. Bedding and feed are to be sold on site. The owners own two adjoining 40-acre parcels, one located in the Town of Diamond Bluff and the other in the Town of Trenton. All activities are proposed to take place in the Town of Diamond Bluff. The applicants intend to construct a duplex and reside on the site. The applicants are here tonight to provide an update on the status of the operation and to answer any questions the LMC may have. The staff report has the information regarding what was proposed and the existing conditions are listed #1 - #11. The only thing to add on our end is that we have not received any complaints.

**Boarding Facility**

- Hours of Operation will be 7am to 10pm, seven days a week for boarders. There will be no tacking after 9pm to assure everyone is off the property by 10pm.
- There will be no more than 50 total boarded horses between pastured and stall boarded horses. Immunizations will be required and kept on file.
- The applicants will ensure adequate parking on the site. There will be no parking on 340<sup>th</sup> Ave.
- There will be composting bunkers for the manure.
- Security lighting will be installed and directed to stay on the property. Electric fencing will be installed.
- The indoor arena will be 70' x 200' with no indoor permanent seating. There will be 5 indoor stalls installed on a concrete pad with a horse wash down area.
- The outdoor arena will be 150' x 220' using continuous fencing.
- Trails will be provided to ensure boarders stay on the property unless agreements are made with neighboring property owners.
- There will always be at least one property owner on the site at all times.

**Events**

- Events will take place at the indoor and outdoor arena which include Barrel Racing, Steer Roping, Pole Bending, Goat Tying, and Penning events.
- Each event will be limited to 150 riders, preregistration will be required. Immunizations will be required for all participants and kept on file.
- Portable toilets will be brought in for events. The applicant's plan to construct bathroom facilities in the future with either a holding tank or septic system.
- The outdoor arena will have lighting along with a sound system for announcing.
- For sanctioned events Ellsworth EMS will be on site, they will be on-call for other events.
- If inclement weather is forecasted, events will be rescheduled.
- All parking will be on site, no parking will be on 340<sup>th</sup> Ave.
- Camping will be available for event participants to reduce road usage. Quiet times will begin at 10:30pm. In the future, the applicants intend to construct gravel hookup sites for participant camping.

**Sales**

- Sales of hemp stem will be offered, which is the same material used for bedding in the stables.
- Horse feed, as well as chicken, dog, cat food and others will be offered.
- The feed will be kept in a grain room and the hemp will be kept in the barn.

The CUP was approved with the following conditions:

1. The operation shall be conducted as described in the application, unless modified by a condition of this permit.
2. 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.
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. Any advertising signs shall comply with the zoning code standards and any necessary permits shall be secured prior to sign installation on property.
6. All lighting shall comply with the Department Lighting Policy.
7. Adequate liability insurance shall be maintained.
8. If camping is allowed for participants and guests, camping shall be limited to day prior and day after the event.
9. A minimum of 17 permanent parking spaces for the stable shall be delineated. Adequate parking area (1 per 4 patrons) shall be delineated for events.
10. The CUP shall expire in 2 years. Renewal may be completed administratively if no complaints or compliance issues arise.
11. A status report shall be completed in one year.

Chairperson Fetzer asked how everything is going? Phil Symes stated really good. Chairperson Fetzer asked if they are expecting to be up and running? Mr. Symes stated they completed their indoor arena, the outdoor arena is functional at this point. Cody and he have a little bit of work to do on the arena and then they will be able to start doing their events; barrel races, stuff like that. In regards to the duplex, COVID has put a stop on their duplex plans right now because material prices are outrageous. They have had one event at the ranch; an outdoor shooting match, they use blanks to shoot at balloons. Then they had a clinic with Tom Kirk two weeks ago that went extremely well. Well received by everybody in the community and they had a really good turnout for it so they were really happy to see that. Chairperson Fetzer asked if they have a lot of events planned this year. Mr. Symes stated they have two more clinics. He isn't sure if everyone is familiar with clinics. Doug Jordan is coming in. He is their cutting clinician. He will be teaching people that want to train their horses with cutting. Jane Melby is coming in and she is a barrel racing professional. The people come in and they learn and that is what our clinician is. The event side of it is where they put a flyer out, people come in, they pay a fee and we pay out their winnings. They do the barrel, pole events, all sorts of different events. They will have some this year. Cody Sjoquist stated there are no current events on the books right now, just a few clinics as of now. We may look for something in the fall when it starts cooling off, maybe outside. We are not going to be totally fired up yet because they don't have outdoor arena lights yet. It's been a slow go. Chairperson Fetzer stated it sounds like everything is going pretty well then. That's all we need then is just an update. He is happy to hear every thing is going well and hope you have continued success with it. Pichotta stated that the CUP has the potential to be renewed administratively so it may be that the committee may not see these guys again. Chairperson Fetzer stated that if we receive complaints, you may have to come back in again. Do we need to do a motion? Pichotta stated no, it's just a status report. No action is necessary.

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

#### **Departmental Update and Future Agenda Items**

Pichotta stated for the next meeting we've got the Dual Sport Event which is the motorcycles on-road and off-road, in the Towns of El Paso, Hartland, Isabelle, Salem, Trenton and Trimbelle. Pichotta stated the other two are renewals for Bill Holst, one is for nonmetallic mining, the other is for a sand processing facility which we are going to find out if he wants to pursue that because he is also pursuing a marina project on the same property. Chairperson Fetzer asked if that is a new one and if that is going where the rail spur was going to be? Pichotta stated yes. Pichotta stated that the proposed 2023 budget would also be on an upcoming agenda.

**Motion to adjourn at 6:18pm by Puhmann/Aubart seconded. Motion passed.**

Respectfully submitted by S. Koehler

**LAND MANAGEMENT COMMITTEE**

**MEETING AGENDA**

**Wednesday, July 20, 2022 – 6:00 p.m.**

Courthouse Annex/Lower Level – County Board Room: 124 N Oak St. - Ellsworth, WI

**Public attendance is available in person or virtually with the link or phone number provided below.**

<https://us06web.zoom.us/j/82305427026?pwd=ai9EQ0ZyeHJZTnJJUWRrN1BZRnBFZz09>

Meeting ID Number: 823 0542 7026

Password: 844120

United States: + 1 (312) 626-6799

Access Code: 844120

#	Action	Presenter
1	Call to order	Chair
2	Next meeting dates: August 3 <sup>rd</sup> & 17 <sup>th</sup> , September 7 <sup>th</sup> & 21 <sup>st</sup> , all in 2022.	Chair
3	Approve minutes of the July 6, 2022 Land Management Committee meeting.	Chair
4	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
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 of Section 23, T25N, R15W, Town of Union, Pierce County, WI.	Adank
6	Discuss take action on a status report for a conditional use permit for Private Outdoor Recreation in the Agriculture Residential District, pursuant to Pierce County Code Chapter 240-39E for Phillip & Cynthia Symes and Cody & Anne Marie Sjoquist, owners on property located in the SE ¼ of the SE ¼ of Section 8, T25N, R18W, 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

A quorum of County Board supervisors may be present.

(7/8/22)

**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 6, 2022, in-person meeting for everyone along with the option of remote attendance.

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

Others: Andy Pichotta, Adam Adank, and Shari Koehler

Excused: Joe Fetzer

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

Next meeting dates: July 20<sup>th</sup>, August 3<sup>rd</sup> & 17<sup>th</sup>, all in 2022.

Approve Minutes from the June 15, 2022 Land Management Committee meeting: **Sanden moved to approve the Land Management Committee minutes from June 15, 2022/Puhmann seconded. All in favor. Passed.**

**Public hearing to consider a request for a conditional use permit for a Utility Facility > 1,000 Sq Ft, pursuant to Pierce County Code Chapter 240-41E, in the General Rural District for Town of Trimbelle, owner, by Xcel Energy, agent, on property located in the SW ¼ of the SW ¼ of Section 14, T26N, R18W, Town of Trimbelle, Pierce County, WI.**

**Staff Report – Adam Adank:** Xcel Energy is planning to replace a transmission line cable running from Ellsworth to Prescott. They would like to use the Town of Trimbelle’s property as a temporary contractor storage area to place materials and equipment for the project. If the CUP is approved, material deliveries are expected to begin mid-July. Preparatory project activities are expected to occur beginning in August and the project is expected to begin in October of 2022. The project schedule may need to be adjusted to later dates in materials get delayed. The project is planned to be completed in December of 2022. The proposed storage area will likely be in use for a total of 4-6 months including restoration activities. Xcel Energy anticipates the storage area will be around 35,000 sq ft. Storage area equipment includes: storage trailers containing tools and materials for work, an office trailer (320 sq ft, 8’ x 40’ connex style trailer), a portable toilet, 7-10 contractor trucks, and personal employee vehicles located onsite during the workday. Xcel has indicated that equipment can be moved as necessary to meet the needs and operations at the town shop/hall for elections, public meetings, etc. The property is zoned General Rural. Surrounding properties are zoned Primary Agriculture, Agriculture-Residential and Commercial. Pierce County Code (PCC) Chapter 240, Attachment 1, Table of Uses lists Utility Facilities (>1,000 sq ft) as being allowed in the General Rural Zoning District with an approved Conditional Use Permit. PCC Ch 240-41E 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. PCC Ch 240-42C states a contractor’s office shall be permitted subject to the following:
  1. Structure shall not exceed 2,000 square feet in floor area.

2. Structure shall be removed within 10 days of completion or ceasing of development activity.
3. Such project office that is to be in place for more than 365 days shall require a conditional use permit.

PCC 240-27H references vision clearance triangle standards, which are shown in the staff report and the vision clearance triangle area can also be seen on the attached map.

The Trimble Town Hall and Town Garage are located onsite. 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." The Town of Trimble recommended approval of this request on 6/14/2022 stating "*the project is to replace a cable on an Xcel Energy transmission line running from Ellsworth to Prescott. This is necessary safety maintenance that directly affects our town and community.*"

**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 with the following conditions:

1. Activities shall be conducted as submitted in the application and as presented to the LMC, unless modified by these conditions.
2. The applicants shall maintain a 10ft setback from all lot lines and the US Hwy 10 and 800<sup>th</sup> Street road right-of-ways to the storage yard.
3. No structures, equipment, or vehicles shall be placed in the vision clearance triangle of US Hwy 10 and 800<sup>th</sup> Street.
4. Applicant shall submit a Land Use Permit application and appropriate fees for a temporary contractor's office if a contractor's office is to be brought onsite.
5. Contractor's office shall not exceed 2,000 square feet in floor area.
6. Applicant shall submit contact information for onsite foreman.
7. The proposed use shall cease in 12 months after CUP approval, unless an extension/renewal is requested and granted.

**Chairperson Aubart opened the public hearing.** Mike Jennings, whose family owns the adjoining property, north of the Trimble Town Hall and his mother received the notice in the mail. It was very vague and that's why they were concerned about it. When he went to the website this morning, he kind of figured it out a little bit better and printed out a map and got the basics about what was being proposed. What they were mainly worried about was when it says a facility that maybe a building was going to be built by Xcel and they didn't want a transfer station there. They have the adjoining property and he uses it a lot for hunting. Cameron Bump, from Xcel Energy, stated that in the application, it shows on the second map shows boxes where we will place the materials and he does believe it gets pretty close or it is inside the vision clearance triangle, as stated in the conditions. He just wanted to note those things can be moved around on the property as per their discussion with the Town shop personnel. They can insure that they don't block that area. The purpose of this is for a project, it's a contractor storage yard. There are no permanent structures being proposed. It's simply temporary materials for their project and equipment. A place for their contractor employees to show up, get in their equipment and go to the project sites. Chairperson Aubart stated he thought this was more of a staging area and activity is going to be away from the site. Mr. Bump stated that is correct. Activity that would be heard, would be in the morning when our employees show up and start the equipment and head out to the job site. We strategically located this site and another site that is in the Village of Ellsworth on the transmission line that they are working on, near highways that make it more efficient and less impact to residences. Being on Highway 10 is advantageous for that. What he will do, in regard to the access, he will work with Adam to make sure that access is not blocked, and the land owner's access is clear at all times. If there are any other questions, he can answer those as well. Chairperson Aubart asked for any other public comment. **Chairperson Aubart closed the public hearing.** Sanden asked if they are planning on putting a contractor's office on the site. Mr. Bump stated they are leaning towards doing that as a place for their foreman to keep things organized. He understands that would be an additional submittal which he will work with Adam on that. If for some reason they decide to not have a contractor office there, again, he will work with Adam on that directly. Puhmann

asked if the transmission lines are all overhead. Are they just adding a line overhead or are you taking a line off and adding one later? Mr. Bump stated yes, what you see on the transmission line that runs along Highway 10, that is the line that they are addressing. It goes further between Ellsworth and Prescott. What you see is, you'll have three conductors and they will be hanging on insulators and there is a wire on the very top pole. That is called the shield wire and it's a ground wire and helps protect the line from objects falling on it, some lightning mitigation. They are replacing that with a fiber optic cable and that fiber optic is going to enable their substations to talk to each other. Their communication gives them a better response and better reliability in service.

**Sanden moved to approve the conditional use permit for a Utility Facility >1,000sq ft for Town of Trimbelle, by Xcel Energy, agent, finding that this use 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/Gulbranson seconded. All in favor. Passed.**

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

#### **Departmental Update and Future Agenda Items**

Pichotta stated he had suggested we try to have one meeting a month and he will continue to try to do that but it looks like we will need to meet the next meeting on July 20<sup>th</sup> and probably two times in August. There are a lot of renewals and then the budget. At the next meeting we will have a request for modification of a CUP by County Materials. We also potentially have the Phil Symes project that was an equine facility in the Town of Diamond Bluff that was accessed through Trenton. We will likely have a status report for that. That was due in August but we are looking to move him up, so we don't have just a single item on the agenda. In August we have a number of mine renewals that are mandated by the ordinance.

**Motion to adjourn at 6:20pm by Puhrmann/Gulbranson seconded. Motion passed.**

Respectfully submitted by S. Koehler

**LAND MANAGEMENT COMMITTEE**

**MEETING AGENDA**

**Wednesday, July 6, 2022 – 6:00 p.m.**

Courthouse Annex/Lower Level – County Board Room: 124 N Oak St. - Ellsworth, WI

**Public attendance is available in person or virtually with the link or phone number provided below.**

<https://us06web.zoom.us/j/83494569857?pwd=YIRWUmtvVDIFVno3dVBJcUZhREl6QT09>

Meeting ID Number: 834 9456 9857

Password: 775871

United States: + 1 (312) 626-6799

Access Code: 775871

#	Action	Presenter
1	Call to order	Chair
2	Next meeting dates: July 20 <sup>th</sup> , August 3 <sup>rd</sup> & 17 <sup>th</sup> , all in 2022.	Chair
3	Approve minutes of the June 15, 2022 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, pursuant to Pierce County Code Chapter 240-41E, in the General Rural District for Town of Trimbelle, owner, by Xcel Energy, agent, on property located in the SW ¼ of the SW ¼ of Section 14, T26N, R18W, Town of Trimbelle, Pierce County, WI.	Adank
5	Discuss take action on Travel/Training Requests.	Pichotta
6	Future agenda items.	Pichotta
7	Adjourn	Members

A quorum of County Board supervisors may be present.

(6/23/22)

**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, June 15, 2022, in-person meeting for everyone along with the option of remote attendance.

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

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

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

Next meeting dates: July 6<sup>th</sup> & 20<sup>th</sup>, August 3<sup>rd</sup> & 17<sup>th</sup>, all in 2022.

Approve Minutes from the May 18, 2022 Land Management Committee meeting: **Sanden moved to approve the Land Management Committee minutes from May 18, 2022/Gulbranson seconded. All in favor. Passed with Joe Fetzer abstaining because of absence at the last meeting.**

**Discuss take action on a request for renewal of a conditional use permit for 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. 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. In June 2018 the number of allowable unreclaimed acres was increased to 50. The applicant has indicated that they may need to increase the amount of allowable unreclaimed acres again. After Adam wrote the staff report, he received an email from Ted Peterson saying they will be asking to expand the open area to 100 acres eventually. The applicant also stated that approximately 6.5 acres has been reclaimed and will likely be ready to be certified as completed soon. The property is located in Section 9, Town of Spring Lake and is zoned General Rural. The original operation plan states that excavation would create a floor elevation of 1050', where all activity would be conducted. The average current floor elevation is 1100' and the processing area has an approximate elevation of 1160'. County Materials has begun to lower the floor to 1060'. The floor expansion area will be no lower than 1040'. Staff asked the applicant in 2020 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." The applicant stated that the reclamation in the North/West part of the quarry to the haul road is almost ready to be certified as completed however, they have been having some trouble with one gully on the north side that will be getting fixed within the next few weeks. This area is approximately 6.5 acres in size. Reclamation activities have now been moved to the quarry floor against the east wall according to the staff report from 2020. The

current surety bond covers the financial assurance for 50 unreclaimed acres. The operation received numerous complaints when it began about noise, dust and appearance. Staff received two complaints since the last renewal. The first complaint was in the fall of 2021 regarding dust. The second complaint was in April of 2022 about banging noises. The banging was from a loader operator cleaning out his bucket after loading wet ag lime. The operator was informed to use a shovel in the future if cleaning out a loader bucket on top of the quarry. The second complainant also stated that dust and track out were a concern at certain times of the year but not at that time. No complaints have been received since. Staff spoke with Town of Spring Lake Chairperson, Richard Johnson, regarding the renewal of this conditional use permit. Mr. Johnson stated that the town has not had any complaints regarding the mine since the last renewal, other than the one Adam talked about, and has no additional comments or concerns. The existing conditions are listed in the staff report #1 - #29.

**Staff Recommendation:** Staff recommends the Land Management Committee consider whether any other additions or modifications to the established conditions are necessary to mitigate any impact on the public health, safety, the public interest and character of the area and renew this conditional use permit for a nonmetallic mining operation with the following conditions:

1. Applicant shall follow all recommendations and receive all necessary permits from all relevant department and agencies.
2. Hours of operations 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 C UP 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 (tarp) 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 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 LM C 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.

Ted Peterson, County Materials, he took a walk today to go up on the reclaim that 6.5 acres and it is growing up really nice. There are a few areas they want to touch up in a few weeks when they bring the off-road crew up in the coming weeks. This is a special excavator guy that will help get some black dirt on it. There is some nice green grass and foliage growing up there and the pictures look great. Just a few spots to touch up and that will be ready soon. With the expansion that they are requesting, just to give some background on it. They provide the rock that goes to Roberts, that big pipe plant that you see on the north side of the road. That plant has expanded 10% every year for production that it is requiring from us. That is putting more pressure on this quarry to produce even more every year. So to keep up with that, we have to open up faster is what's happening. Along with Jim, we have a map we can share with you. We have a plan to reclaim as we are going now. Once we get the east side filled in we can bring a road down there and that 6.5 acres we can fill in and reclaim. There will probably be another 5 to 10 there. He just wanted to reassure the committee that they do have a plan. The reason they have to open up a little more is because of the extra production that they are doing now that Roberts just keeps expanding. They have added another plant there as well. Sanden asked if he could expand on the complaint about dust and what might be modified for that. Mr. Peterson stated when they got the complaint on the dust, we do have a water truck. It was really windy that day, a summer day, he believes. They watered right away and it took care of it. You are going to have some dust in those quarries there is no doubt about it but they do their best if somebody expresses a concern they are right on it. They will do what the committee asks for sure. If they need to be reminded, they do it immediately. Sanden asked staff, can he assume there has been no concerns about the above grade operations. Adank stated none other than the banging from the loader. Gulbranson asked if someone calls in a complaint, do you have a number for a certain person that you get ahold of at County? Adank stated yes, he has their phone numbers and both their emails and they have always been really good about responding right away. Chairperson Fetzer stated we have had a few issues with the mine over the years, staying on top of things is a big deal, as Jim knows. It makes our job easier, it makes your job easier, staying on top of things if there are concerns that come up and if you can stay ahead of them, it's even better yet. Chairperson Fetzer asked Mike and Richard if they would like to add anything. Richard Johnson stated they haven't had any complaints directed to them. Mike Jacobson stated he and Ted talk a lot. They have become a good neighbor for the Town of Spring Lake and immediate neighbors that adjoin the property and even in a radius. They have been good at providing sand, limestone screening, and gravel to the township also.

**Sanden moved to approve the renewal of the conditional use permit for a Nonmetallic Mining Operation for CMC-Spring Valley LLC with conditions #1 - #29/Gulbranson seconded. All in favor. Passed.**

Jim Small asked about a potential increase in allowable open acres. He brought a map, because he feels he was a little naïve when they first started this, about aggregate stockpiles, wash plant, screening plant and crusher. Pichotta stated he doesn't believe that staff or the committee has had enough time to react to the request. We are told that the Town is OK with it but have seen nothing formal. He would prefer that it be addressed on a future agenda.

**Discuss take action on a request for renewal of a conditional use permit for a Nonmetallic Mining Operation in the Primary Agriculture District, pursuant to Pierce County Code Chapter 240-37A, for Rumpca Excavating Inc, agent for John C. Rohl Jr, John C. & Alva-Jeanne Rohl and Mackenze Rohl, owners on property located in the NW ¼ of the SW ¼ of Section 28, T27N, R19W, Town of Clifton, Pierce County, WI.**

**Staff Report – Brad Roy:** Nonmetallic mining had previously been permitted on this parcel. However, the conditional use permit expired and the use ceased for more than 12 months in 2008. In 2015, staff became aware that mining had again begun on the site and notified the applicant that a new conditional use permit was required. 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 applicant and the KRLT have come to an agreement to allow mining for a limited term and then have the site reclaimed. Rumpca Excavating operates a mine on the neighboring property. A policy exception to the 100ft mining setbacks was granted and a road connecting the two mines was constructed. Rumpca Excavating anticipates material extraction will be completed soon and then final reclamation of the site will begin. The property is located in Section 28, Town of Clifton and is zoned Primary Agriculture. The site has a residence and an active agricultural operation. Surrounding land uses are residential, agriculture and nonmetallic mining. The mining site has approximately five unreclaimed acres. Access to the mine is off of County Road MM. The extraction area will be expanded to allow for better reclaimed slopes. The site is relatively flat with 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 are 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. Washing and processing of the material occurs on the adjacent Rumpca property. The average ground water elevation, determined by area wells, is 830 feet. The pit floor is approximately 1000 feet. 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. Staff contacted the Town of Clifton Chairperson regarding this renewal and the Town has no concerns about renewing the permit. Staff has not received any complaints or concerns about the operation since the last renewal. The existing conditions are listed #1 - #10 in the staff report.

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

1. A 100-ft setback shall be maintained from all property lines for all mining activities, unless granted an exemption by the LMC.
2. Applicant shall comply with all requirements of Pierce County Code Chapter 241 Nonmetallic Mining Reclamation.
3. Applicant shall 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.
4. A Fugitive Dust Plan shall be developed and implemented for the mining site and haul roads.
5. Hours of operation shall be 7am to 7pm, Monday through Friday, and 7am to 4:30pm on Saturday.
6. Final reclaimed contours for the Reclamation Plan shall be submitted to the Zoning Office.
7. Applicant agrees that any unforeseen erosion issues shall be addressed to the satisfaction of the county.
8. This CUP renewal shall expire in two years.
9. Any expansion or intensification shall require a new conditional use permit.
10. The applicant shall enter in to a road agreement with the Pierce County Highway Department if deemed necessary by the Highway Commissioner.

John Rohl Jr, stated this will be potentially reclaimed by November and we are leaving an acre open for our own use on the northwest corner of the mine. Does he still have to have a conditional use permit if that cliff is left open for his own use? Roy stated no, personal use is exempt but keep it less than one acre so it doesn't trigger the need for the DNR reclamation stuff but from a use perspective your personal use is fine.

**Aubart moved to approve the renewal of the conditional use permit for a Nonmetallic Mining Operation for Rumpca Excavating Inc, agent for John C. Rohl Jr and John C & Alva-Jeanne Rohl, owners, with conditions #1 - #10/Puhrmann seconded. All in favor. Passed.**

**Discuss take action on a request for renewal of a conditional use permit for Nonmetallic Mining in the General Rural District, pursuant to Pierce County Code Chapter 240-37A and Reclamation Plan hearing, pursuant to Pierce County Code Chapter 241-15A(2)(a), for Wieser Real Estate Partnership Limited**

**Partnership and DAM Investments LLC, owners on property located in Sections 3, 4, 9 & 10, all in T25N, R16W, Town of Salem, Pierce County, WI.**

**Staff Report – Adam Adank:** The request is for three nonmetallic mines (mine #1, #2, and #4) on the Wieser property; mine #3 has been permanently reclaimed. In the past, the mining product was primarily used in the production of concrete products. Volumes of material were dependent on the market needs. In 2014, the material in mine #4 was identified as industrial frac sand and the use of the mine increased. Due to the market conditions the frac sand operator (Total Excavating) has closed operations in mine #4 and has begun to reclaim portions of the mine. Extraction of materials for Wieser Concrete is continuing in mine #4. The mine is located in Section 9, 10, and 4, all in the Town of Salem. The property is zoned General Rural, and Primary Agriculture. Mining operations are located primarily in Primary Agriculture zones. Mine #1 on the hilltop is located in Sections 9 & 10 and is the limestone source. The operation plan identifies normal workdays are Monday through Friday, 7am to 6pm, and in rare cases material may be needed at other times due to project requirements or emergencies and may operate 24 hours per day. Blasting operations are from 8am to 5pm, several days per year. After blasting, the limestone is crushed and transported to the bottom quarry via truck. There are 14 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 9 open acres. Mine #4 operations consist of mining as well as washing and load out of the sand and gravel from all the mines. Equipment used for the mining is front-end loaders, screener, excavator and dump trucks. Materials from this site are sand and rock. Currently there are stockpiles of sand and rock and averages 10-15 loads per day. There are 37 open acres. Typical hours of operation range from 6am to 6pm. 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  $\$200 + (\$20/\text{ac} \times 60 \text{ acres}) = \$1400$ . Staff has contacted the Chairperson of the Town of Salem about this renewal. The Town does not have any concerns regarding the renewal of this permit. The applicant has previously expressed an intention to construct a private access to Hwy 10. This project would require the construction of a bridge over the Rush River. However, these plans to construct the bridge have been put on hold indefinitely due to the market conditions of frac sand and Total Excavating shutting down operations in Mine #4. Staff has not received any complaints about the mining operations. The existing conditions are listed in the staff report #1 - #15.

**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 only change is to condition #1, the fee amount has changed to \$1400.00 instead of \$1300.00.

1. Renewal fee in the amount of \$1,400 shall be submitted to the Land Management Department.
2. A 100-ft setback shall be maintained from all property lines for all mining activities.
3. The applicant shall notify the Zoning Office if groundwater is encountered.
4. Blasting shall be conducted by a state licensed blaster.
5. Blasting shall take place between the hours of 8am and 5pm.
6. Reclamation shall be completed consistent with the submitted plans.
7. Well tests for nitrates, suspended solids, and dissolved solids shall be conducted annually for all wells within 1000 feet of any mine where blasting takes place. All results shall be provided to the Zoning Office.
8. Any unforeseen erosion issues shall be addressed to the satisfaction of the County.
9. Applicant shall comply with Pierce County Code Chapter 241 Nonmetallic Mining Reclamation.
10. Reclamation financial assurance information shall be reviewed and approved by Corporation Counsel and kept current.
11. The conditional use permit shall expire in two years.
12. Road agreements shall be secured from appropriate municipalities for hauling industrial sand.
13. A Fugitive Dust Plan shall be developed and implemented.
14. Operations may not begin prior to 6am from December to April.
15. A Traffic Impact Analysis be completed for any potential access points onto Highway 10.

Chairperson Fetzer asked if there have been no complaints on this at all. He was curious as to whether the Town said anything about that bridge. He knows they were pushing on that before. Adank stated that the only thing

Andy Wieser said they had come to an agreement with the Town now since they weren't going to do the bridge. Chairperson Fetzer stated they work pretty well back and forth with the Town. As long as that stays on track that is good for us too. Gulbranson stated he talked to somebody a while back and Wieser's has a bond for the road. Pichotta stated they have a written agreement relating to the maintenance of the chunk of town road that they use. **Gulbranson moved to approve the renewal of the conditional use permit for a Nonmetallic Mining Operation for Wieser Real Estate Partnership Limited Partnership and DAM Investments LLC with conditions #1 - #15/Sanden seconded. All in favor. Passed.**

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

#### **Departmental Update and Future Agenda Items**

Pichotta stated we likely have a public hearing for the July 6<sup>th</sup> meeting. Xcel Energy is interested in using the Town of Trimble Shop area as a staging area which would be a Utility Facility >1,000 Sq Ft which is a conditionally permitted use.

**Motion to adjourn at 6:28pm by Aubart/Puhrmann seconded. Motion passed.**

Respectfully submitted by S. Koehler

**LAND MANAGEMENT COMMITTEE**

**MEETING AGENDA**

**Wednesday, June 15, 2022 – 6:00 p.m.**

Courthouse Annex/Lower Level – County Board Room: 124 N Oak St. - Ellsworth, WI

**Public attendance is available in person or virtually with the link or phone number provided below.**

<https://us06web.zoom.us/j/89440539570?pwd=QWR1Ri9HTHFRcUlrV0RkeUxZN1dMZz09>

Meeting ID Number: 894 4053 9570

Password: 826172

United States: + 1 (312) 626-6799

Access Code: 826172

#	Action	Presenter
1	Call to order	Chair
2	Next meeting dates: July 6 <sup>th</sup> & 20 <sup>th</sup> , August 3 <sup>rd</sup> & 17 <sup>th</sup> , all in 2022.	Chair
3	Approve minutes of the May 18, 2022 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 a request for renewal of a conditional use permit for a Nonmetallic Mining Operation in the Primary Agriculture District, pursuant to Pierce County Code Chapter 240-37A, for Rumpca Excavating Inc, agent for John C. Rohl Jr, John C. & Alva-Jeanne Rohl and Mackenze Rohl, owners on property located in the NW ¼ of the SW ¼ of Section 28, T27N, R19W, Town of Clifton, Pierce County, WI.	Roy
6	Discuss take action on a request for renewal of a conditional use permit for Nonmetallic Mining in the General Rural District, pursuant to Pierce County Code Chapter 240-37A and Reclamation Plan hearing, pursuant to Pierce County Code Chapter 241-15A(2)(a), for Wieser Real Estate Partnership Limited Partnership and DAM Investments LLC, owners on property located in Sections 3, 4, 9 & 10, all in T25N, R16W, Town of Salem, Pierce County, WI.	Roy
7	Discuss take action on Travel/Training Requests.	Pichotta
8	Future agenda items.	Pichotta
9	Adjourn	Members

A quorum of County Board supervisors may be present.

(6/3/22)

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



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

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

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

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

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

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

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

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

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

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

**Staff Report – Emily Lund:** This is a request for code amendments to Pierce County Code §191-13 Filing requirements for soil and site evaluation reports. This request was previously discussed at the 4/6/2022 LMC meeting. At that time, staff was directed to schedule a public hearing to review the proposed revisions, solicit public comments, and consider adoption. The WI Department of Safety and Professional Services (DSPS) amended Ch. SPS 385 Soil and Site Evaluations. Pierce County Code §191-13 needs to be amended to reflect changes with the state code. SPS 385 previously referenced “Perk Tests.” Perk Tests used to be performed by a Perk Tester that submitted reports on EH 115 Perk Test forms. This process measured the percolation of “perk” rate that the water infiltrated into the ground. The state believes this is good information, but that it doesn’t sufficiently evaluate the site and soils. When designing or evaluating a septic system today, a “Soil Test” is required to meet the standards outlined in SPS 385. Soil Tests are performed by a WI Certified Soil Tester. The site is evaluated for slopes, landscape position, and more. DSPS is allowing supplemental information to be submitted if an EH 115 perk test form was used to design an existing septic system and recommends the following:

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

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

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

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

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

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

**Discuss take action on a request for a rule exception for Valhalla Point LLC, to Pierce County Code §237-26A, Area and dimension of lots shall conform to the requirements of the Pierce County Zoning Ordinance, where applicable. For areas where zoning is not applicable, minimum lot size shall be one acre, exclusive of land in any rights-of-way or easements. Lots 2 & 4, Monte Diamond Addition, Town of Diamond Bluff, Pierce County, WI.**

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

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

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

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

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

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

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

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

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

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

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

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

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



10. Sale of retail items shall be limited to fly fishing supplies and business promotional products.
11. Applicant understands that expansion or intensification of this use will require issuance of a new conditional use permit. If applicant has questions as to what constitutes expansion or intensification, Land Management staff should be contacted.
12. This conditional use permit shall be renewed every 2 years. Permit may be renewed administratively if no compliance issues arise.
13. **Building 2 may be used by school students, instructors, and owner's family.**

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

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

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

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

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

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

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

#### **Departmental Update and Future Agenda Items**

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

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

Respectfully submitted by S. Koehler

**LAND MANAGEMENT COMMITTEE**

**MEETING AGENDA**

**Wednesday, May 18, 2022 – 6:00 p.m.**

Courthouse Annex/Lower Level – County Board Room: 124 N Oak St. - Ellsworth, WI

**Public attendance is available in person or virtually with the link or phone number provided below.**

<https://us06web.zoom.us/j/81982692376?pwd=NHFxNCtzMGFnUjQ3S1J1cnFSTFovZz09>

Meeting ID Number: 819 8269 2376

Password: 668589

United States: + 1 (312) 626-6799

Access Code: 668589

#	Action	Presenter
1	Call to order	Chair
2	Next meeting dates: June 1 <sup>st</sup> & 15 <sup>th</sup> , July 6 <sup>th</sup> & 20 <sup>th</sup> , all in 2022.	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 6, 2022 Land Management Committee meeting.	Chair
7	Public hearing to consider and take action on potential code amendment to Pierce County Code Sec. 191-13 Filing requirements for soil and site evaluation reports.	Lund
8	Discuss take action on a request for a rule exception for Valhalla Point LLC, to Pierce County Code §237-26A, Area and dimension of lots shall conform to the requirements of the Pierce County Zoning Ordinance, where applicable. For areas where zoning is not applicable, minimum lot size shall be one acre, exclusive of land in any rights-of-way or easements. Lots 2 & 4, Monte Diamond Addition, Town of Diamond Bluff, Pierce County, WI.	Lund
9	Discuss take action on potential modification to a Conditional Use Permit/Nature Based Operation for M+L Real Estate Holdings, LLC, Mark Walinske, on property located in the SW ¼ of the SE ¼ of Section 33, T26N, R16W, Town of El Paso, Pierce County, WI.	Roy
10	Discuss take action on renewal of a Conditional Use Permit for Simanski Metals LLC (Transfer Station) pursuant to Pierce County Code Chapter §240-76, in the Commercial District on property located on Lot 2, Certified Survey Map (CSM) V14, P28, in the SW ¼ of the SE ¼ of Section 35, T25N, R18W, Town of Trenton, Pierce County, WI.	Roy
11	Discuss take action on Travel/Training Requests.	Pichotta
12	Future agenda items.	Pichotta
13	Adjourn	Members

A quorum of County Board supervisors may be present.

(5/6/22)



**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, April 6, 2022, in-person meeting for everyone along with the option of remote attendance.

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

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

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

Next meeting dates: April 20<sup>th</sup>, May 4<sup>th</sup> & 18<sup>th</sup>, 2022.

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

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

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

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

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

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

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

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

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

**Public hearing to consider and take action on a request for a Map Amendment (Rezone) from Rural Residential 20 District to General Rural Flexible District, for Island Country-Side Builders Inc, owners on approximately 1.9 acres, located on Outlot 1, Certified Survey Map (CSM), V12, P58, in part of the SE ¼ of the SE ¼ of Section 3, T24N, R18W, Town of Trenton, Pierce County, WI. Staff Report – Emily Lund:** The applicants propose to rezone 1.9 acres from Rural Residential 20 to General Rural Flexible for a proposed campground or resort. The parcel is located in Outlot 1, Section 3, in the Town of Trenton. The parcel is located on the south side of 810<sup>th</sup> St. The parcel is currently in the Rural Residential 20 zoning district. Adjacent zoning districts are Rural Residential 20, Commercial, and General Rural Flexible. Current land use is forested. Neighboring land uses are a campground and forested. Pierce County Code §240-15 Purpose and Intent of Zoning Districts, including Rural Residential 20, General Rural, and General Rural Flexible are listed in the staff report. The Pierce County Comprehensive Plan states, "The County will approve re-zonings or map amendments only when the proposed change is consistent with an adopted or amended town comprehensive plan." In cases where a town has not adopted a comprehensive plan, rezoning will be approved only when consistent with the Pierce County Plan (encouraged vs discouraged). In such cases, Pierce County will solicit a non-binding town recommendation regarding the proposed rezone." The Town of Trenton recommended approval of this request on 3-8-2022. They supported the approval by referencing the *Town of Trenton Comprehensive Plan* and the following goals:

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

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

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

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

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

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

**Staff Report – Emily Lund:** Mr. Shepler is proposing to start a business for the sale, manufacturing, and transferring of suppressors and firearms. He also proposes to sell accessories for the firearms and suppressors. Mr. Shepler owns 15.01 acres with his primary residence. His mom, Karen Schauer, owns adjoining land with a 38ft x 74ft (2,812sq ft) shed. Mr. Shepler proposes to utilize 38ft x 16ft (608sq ft) within the shed for the business office. Mr. Shepler intends to combine the land so the existing shed is on the same parcel as his principal residence. Mr. Shepler is working with Loberg Law Office to establish an LLC business called Shep’s Suppressors LLC. This business is overseen by the Bureau of Alcohol, Tobacco, and Firearms (BATF). Mr. Shepler has applied for a Federal Firearms License, which is necessary for conducting this type of business. Per federal regulations, firearms being transferred must be shipped amongst dealers holding an active FFL dealer’s license to fulfill tracking and backgrounding requirements prior to delivery to the customer. The property is located in Section 36, Town of Union. The property is zoned Agriculture Residential. Pierce County Code §240-36D permits Farm & Home Based Businesses accessory to permitted single-family residences upon issuance of a conditional use permit in agricultural districts, subject to the following:

1. The farm and home based business shall be conducted by the owner of the dwelling unit. No more than eight persons not residing on the site may be employed in the business.
2. If located in the dwelling unit, the farm and home business shall occupy no more than 50% of the dwelling unit. If located in an accessory building, the farm and home business shall not occupy an area greater than 5, 000 square feet.
3. Minimum lot size shall be 5 acres.
4. Such other conditions as specified by the Land Management Committee pursuant to §240-76 shall apply.

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

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

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

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

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

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

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

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

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

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



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

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

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

#### **Departmental Update and Future Agenda Items**

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

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

Respectfully submitted by S. Koehler

**LAND MANAGEMENT COMMITTEE**

**MEETING AGENDA**

**Wednesday, April 6, 2022 – 6:00 p.m.**

Courthouse Annex/Lower Level – County Board Room: 124 N Oak St. - Ellsworth, WI

**Public attendance is available in person or virtually with the link or phone number provided below.**

<https://us06web.zoom.us/j/87686701438?pwd=ZjUxQnl2V3J4RGxBYVVtbkEyK1FrQT09>

Meeting ID Number: 876 8670 1438

Password: 063016

United States: + 1 (312) 626-6799

Access Code: 063016

#	Action	Presenter
1	Call to order	Chair
2	Next meeting dates: April 20 <sup>th</sup> , May 4 <sup>th</sup> & 18 <sup>th</sup> , all in 2022.	Chair
3	Approve minutes of the February 16, 2022 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 Commercial District for Spencer Anderson, agent for Terry & Noreen Falde, owners on approximately 2.2 acres, located in part of the SE ¼ of the NW ¼ of Section 13, T27N, R17W, Town of Martell, Pierce County, WI.	Adank
5	Public hearing to consider and take action on a request for a Map Amendment (Rezone) from Rural Residential 20 District to General Rural Flexible District, for Island Country-Side Builders Inc, owners on approximately 1.9 acres, located on Outlot 1, Certified Survey Map (CSM), V12, P58, in part of the SE ¼ of the SE ¼ of Section 3, T24N, R18W, Town of Trenton, Pierce County, WI.	Lund
6	Public hearing to consider and take action on a request for a Conditional Use Permit for a Farm & Home Based Business (sales & manufacturing of firearms & accessories) pursuant to Pierce County Code §240-36D in the Agriculture Residential District for Karen Schauer Trust, owner by Marty Shepler, agent on property located in the NE ¼ of the NE ¼ of Section 36, T25N, R15W, Town of Union, Pierce County, WI.	Lund
7	Discuss take action on potential code amendments to Pierce County Code Sec. 191-13 Filing requirements for soil and site evaluation reports.	Lund
8	Discuss take action to authorize staff to apply for and receive a Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) Grant to Assist in Farmland Preservation Planning	Pichotta
9	Discuss take action on Travel/Training Requests.	Pichotta
10	Future agenda items.	Pichotta
11	Adjourn	Members

A quorum of County Board supervisors may be present.

(3/25/22)







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



MINUTES - Pierce County Land Management Committee Meeting, February 16, 2022, in-person meeting for committee/staff, remote meeting for applicants/public.

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

Others: Andy Pichotta, Brad Roy, and Shari Koehler

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

Next meeting dates: March 2<sup>nd</sup> & 16<sup>th</sup>, April 6<sup>th</sup> & 20<sup>th</sup>, 2022.

Approve Minutes from the January 5, 2022 Land Management Committee meeting: **Gulbranson moved to approve the Land Management Committee minutes from January 5, 2022/Sanden 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 §240-39G, for Big Dog Daddy's Roadhouse LLC, John Grabrick, 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. Campsite utilities are planned to be installed this spring and the applicant intends to open this summer. There was an issue with the lot line and the applicant bought some property from the DNR. That addressed any issues there. A Bar and Grill and mobile home (applicant's residence) are located on the property. The Bar and Grill was destroyed in a fire. The applicant is in the process of building a new Bar and Grill on the site. The portion of the property containing the Bar and Grill was recently rezoned to Commercial. The definition of Resort is listed in the staff report. 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 to 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 feet. 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. He will need to get commercial plan approval. Pierce County Code 184 regulates campground under the Public Health Department. The applicant is working with the Public Health Department to receive all necessary permits prior to beginning operations. Brad spoke with the Environmental Officer in Public Health and he believes everything is in on their end. They are just waiting for the campground to open to receive final approval. 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. Staff contacted the Town of Isabelle Chairperson regarding the renewal, he had no concerns. A screening plan will need to be completed as required by Condition #4. The existing conditions are listed in the staff report #1 - #9.

**Staff Recommendation:** Staff recommends the Land Management Committee consider whether any additional conditions are necessary to protect public health and safety, or the character of the area. If not, staff

recommends the Land Management Committee renew this conditional use permit for a Resort with the following conditions with no recommended changes:

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. 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.
  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 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 (neighboring residential parcel). In addition, noise levels shall not exceed 70DBs (with the exception of air conditioners) at the property lines of Parcel #-14-01019-0700 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 70DB 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 1<sup>st</sup> through October 31<sup>st</sup>. 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.
8. 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.
9. This permit shall expire in one year.

John Grabrick stated we actually were going to open the campground last year but unfortunately, we had the incident on June 13<sup>th</sup> that took the bar. Actually, the building right now, we got a good start on it. The pavilion was our last anchor building for utilities. Now that that is in and almost finished, the utilities are ready to go in as soon as the frost permits. We have a contract with Hoyer Well Drilling to do the water line and the new well. We have a contractor to do the main feed for the electrical wiring. That portion will take place as soon as the Bar & Grill opens. We want to do one Grand Opening this spring. We are putting up a facility that he thinks will knock everybody's socks off. We want to make sure this thing comes on line the way it should. The screening plan, he did have Brad out here one time and they discussed where he would be putting a fence and they are going to augment that with some vegetation. Not so much to screen the campground from the neighbors to the west but to quiet our campground from the neighbors on the west because they have young children who spend all day outside, screaming and yelling and he wants to block that off from the peace and quiet of their campground. Chairperson Fetzer stated it sounds like you are well on your way, John. Mr.

Grabrick stated they are, they have put a lot of time and effort, a lot of planning, a lot of resources in to it. The plan had always been to rebuild the front part of the bar. Unfortunately, nature and the good lord had a little different plan for us so we are putting a whole new facility up.

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

**Discuss take action on Travel/Training Requests.** Pichotta stated he has no travel/training request this evening.

#### **Departmental Update and Future Agenda Items**

Pichotta stated we have two things coming up. We have to do an update to the Farmland Preservation Plan which we last did in 2013 so we need to have a new plan adopted by the end of 2023. He will be bringing forth a request to authorize staff to apply for a grant to offset the costs of staff doing that. There really is no timeframe associated with that as there is no deadline on applying for funds.

Then the other thing is we have the Outdoor Recreation Plan, we have a draft of it, that was done by Mississippi River Regional Planning Commission. He anticipates we will probably be ready to adopt that within the next few months. He doesn't anticipate that we will be meeting too many times in the next month or two.

**Motion to adjourn at 6:10pm by Aubart/Sanden seconded. Motion passed.**

Respectfully submitted by S. Koehler



**LAND MANAGEMENT COMMITTEE  
MEETING AGENDA**

**Wednesday, February 16, 2022 – 6:00 p.m.**

Courthouse Annex/Lower Level – County Board Room: 124 N Oak St. - Ellsworth, WI

In-person meeting is limited to Committee Members Only

**Public attendance is only available virtually with the link or phone number provided below.**

<https://us06web.zoom.us/j/87489885738?pwd=UTFtR0IkMDJSOWNsYkIkRUJFSUIMZz09>

Meeting ID Number: 874 8988 5738

Password: 859029

United States: + 1 (312) 626-6799

Access Code: 859029

#	Action	Presenter
1	Call to order	Chair
2	Next meeting dates: March 2 <sup>nd</sup> & 16 <sup>th</sup> , April 6 <sup>th</sup> & 20 <sup>th</sup> , all in 2022.	Chair
3	Approve minutes of the January 5, 2022 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 Travel/Training Requests.	Pichotta
6	Future agenda items.	Pichotta
7	Adjourn	Members

A quorum of County Board supervisors may be present.

(2/4/22)

**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, January 5, 2022, in-person meeting for committee/staff, remote meeting for applicants/public.

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

Others: Andy Pichotta, Brad Roy, and Shari Koehler

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

Next meeting dates: January 19, February 2<sup>nd</sup> & 16<sup>th</sup>, 2022.

Approve Minutes from the December 1, 2021 Land Management Committee meeting: **Holst moved to approve the Land Management Committee minutes from December 1, 2021/Sanden seconded. All in favor. Passed with Gulbranson recusing himself due to his absence from the last meeting.**

**Public hearing to consider and take action on a request for a conditional use permit for an Accessory Residence, pursuant to Pierce county Code §240-40A in the Rural Residential 12 District for Richard and Pamela Thorsen, owners, on property located on Lot 4, Certified Survey Map (CSM) V1, P160, in the NE ¼ of the SW ¼ of Section 19, T26N, R19W, Town of Oak Grove, Pierce County, WI.**

**Staff Report – Andy Pichotta:** The applicants are applying for a CUP for an accessory residence. The house on this property was permitted along with a mound septic system in 1994. Then a detached garage with an art/music studio and a bathroom was permitted to connect to the existing mound system in 1998. The Thorsen’s purchased this property in 2019 and are requesting a CUP to convert the studio to an accessory residence. The accessory residence will be used by family members to reside. The parcel is 3 acres and located in Section 19, Town of Oak Grove. This property is zoned Rural Residential 12. Pierce County Code (PCC) §240-40A(2) allows accessory residences which are accessory to single-family residences in the Rural Residential 12 District with the issuance of a CUP. The existing principal house is a one-story dwelling without a basement and a 2-car attached garage. The dwelling is 64ft x 25ft or 1,600 sq ft. The proposed accessory residence is 30ft x 20ft or 600 sq ft. The state sanitary permit was issued in 1998 for a mound septic for a two-bedroom dwelling. The house has one bedroom and the proposed accessory residence has one bedroom, so it meets the sizing requirements. PCC Ch 115 Numbering of Buildings and Roads requires that all principal buildings have an address. The principal dwelling has an address of W12034 497<sup>th</sup> Avenue. The accessory residence would need a separate new address. The Oak Grove Town Board recommended approval of this CUP request on 11/15/2021. The Town, “approved for use as described on the application (i.e. family/guest, not rental or short-term rental), subject to inspection/permit requirements through building inspector.” Renewal of this CUP will not 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 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, All Croix Inspections, to determine whether a permit from the town is needed and to ensure compliance with the Uniform Dwelling Code (UDC) requirements.
2. Applicant shall obtain a new uniform address number for the accessory residence.

**Chairperson Fetzer opened the hearing to the public.** Michelle Boogren lives across the street from the Thorsen's, stated she got the notice in the mail regarding the Adult Daycare and she thought it was the Thorsen's residence. No more public comment. **Chairperson Fetzer closed the public hearing.** **Holst moved to approve the conditional use permit for an accessory residence for Richard and Pamela Thorsen, 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/Gulbranson seconded. All in favor. Passed.**

**Discuss take action on potential code amendments for an Unclassified Use (Adult Daycare) pursuant to Pierce County Code §240-21. Staff Report – Brad Roy:** The Zoning Office recently received an application for an "Adult Daycare." The proposal is for a home to be utilized as an Adult Daycare (Special Needs Adults), five days a week, with meals and snacks provided. There would be no overnight stays. The Zoning Code has Family Daycare (PCC §240-36C) which is a permitted use. "Family Daycare Home" is defined as: "A dwelling unit where supervision and care and/or instruction for not more than eight children under the age of seven is provided for periods of less than 24 hours per day and which is licensed by the Wisconsin Department of Health and Family Services."

There are no other regulations/restrictions on a Family Daycare (e.g. size, employees, etc.) imposed by the zoning code. Since the proposal we received is to care for adults, the "Family Daycare Home" designation did not apply. Pierce County Code §240-21A Uses not listed has an outline for staff for uses that aren't classified. Pursuant to §240-21A Staff has determined that the proposed use cannot be classified as one of the principal uses already listed in the zoning code. Pursuant to §240-21B(1) staff has determined that the proposed use is significantly similar to a "Family Daycare Home" with the only difference is the age of the clients/customers (children vs. adults). Given this, staff intends to proceed by processing the proposed use consistent with the principal use "Family Daycare Home" – which will result in the issuance of a Land Use Permit authorizing the proposed use. §240-21C requires that staff, after making a determination regarding a proposed use, recommend an amendment adding the previously unclassified use to the Table of Uses. Staff believes that, in this case, a change in the definition of "Family Daycare Home" would be more appropriate. Staff proposes the following modified definition:

A dwelling unit where supervision and care and/or instruction ~~for not more than eight children under the age of seven~~ is provided for periods of less than 24 hours per day and which is licensed by the Wisconsin Department of Health and Family Services.

This new definition removes any requirement relating to age and number of children. It would continue to require that the operation be licensed by the Wisconsin Department of Health and Family Services, so staffing requirements of the State would need to be followed.

**Staff Recommendation:** Staff recommends the Land Management Committee consider the above and determine if a code amendment is appropriate. If determined to be appropriate, staff should be directed to formalize ordinance amendments for future LMC consideration. The LMC could also consider whether such determinations regarding unclassified uses should be brought to the LMC for determination.

Aubart asked Brad does the Wisconsin Department of Health and Family Services regulate Adult Daycare or license them? His understanding with talking with staff in Human Services, it comes down to Medicare payments. If they are getting Medicare payments then they have to be licensed with the State but there isn't anything that says if you aren't getting Medicare payments then you have to be licensed. Aubart stated if you aren't licensed, daycares are probably the same way then and they don't need a permit. Aubart stated with the wording "and which is licensed by the Wisconsin Department of Health and Family Services". Whether it be a child daycare or an adult daycare that suggests that if they are not licensed then they aren't required to get a permit. Pichotta stated that we have viewed that as that they need to be licensed through the State in order to get a permit through the department. Holst stated he believes that type of licensing agreement is more the business for across the street than it is for our business here tonight. These are needed facilities. Unless we start seeing a number of them pop up, he doesn't think we need a specific definition for them in our code. He thinks we can address them under this code, like we have been addressing child daycare facilities. Say we reach a number of half a dozen or ten then all of a sudden perhaps we should look at them on a stand-alone basis but at this time, he doesn't feel we have a need for that. They are a needed thing. Sanden stated he would agree with staff, looking at this as a similar use. Whether or not we change the code, he understands Jeffs point, and it is a very

good point. As far as your determination that it is a similar use, he would agree with that because with adults or children with disabilities, age is really not an issue. Michelle Boogren, Town of Oak Grove, stated that she didn't understand what adult daycare was, she is assuming it's for elderly or disabled, is that correct? Chairperson Fetzer stated he would classify it as that, yes. Chairperson Fetzer asked if there was anyone else that would like to comment. No comments. Chairperson Fetzer asked if staff wanted a motion. Pichotta stated what we are looking for is some direction and if that is to carry on and lump similar uses. He stated that he has a running list of things that may at some point require amendments at some point. He will add it to the list and when we've got a package of items, then bring all of those forth at the same time. Holst stated he doesn't think we need a definition of everything that comes before the committee. Holst noted that staff are professionals and are able to use their judgement if it is similar to another use. Pichotta asked if the committee is comfortable with staff making the determinations. Chairperson Fetzer agreed with Holst. Committee consensus to direct staff to continue making such use determinations and to not amend the code at this time.

**Discuss take action on Travel/Training Requests.** Pichotta stated he has one travel/training request for Louie Filkins, the County Surveyor, to attend the Wisconsin Society of Land Surveyors annual conference which is January 26<sup>th</sup> & 27<sup>th</sup> at the Kalahari at Lake Denton. We have money budgeted for this. **Holst moved to approve the travel/training request for Louie Filkins to attend the Wisconsin Society of Land Surveyors Conference in January 2022/Sanden seconded. All in favor. Passed.**

#### **Departmental Update and Future Agenda Items**

Pichotta stated we have no items for the next meeting. We have renewal for Big Dog Daddy's Conditional Use Permit coming up in February so the February 2<sup>nd</sup> meeting will be the earliest we meet. A second meeting in January won't be necessary.

**Motion to adjourn at 6:19pm by Sanden/Aubart seconded. Motion passed.**

Respectfully submitted by S. Koehler

**LAND MANAGEMENT COMMITTEE  
MEETING AGENDA**

**Wednesday, January 5, 2022 – 6:00 p.m.**

Courthouse Annex/Lower Level – County Board Room: 124 N Oak St. - Ellsworth, WI

In-person meeting is limited to Committee Members Only

**Public attendance is only available virtually with the link or phone number provided below.**

<https://us06web.zoom.us/j/83144509361?pwd=Rkc2TzRNdFhKc0l2YjFtSzNCM1BFQT09>

Meeting ID Number: 831 4450 9361

Password: 576193

United States: + 1 (312) 626-6799

Access Code: 576193

#	Action	Presenter
1	Call to order	Chair
2	Next meeting dates: January 19 <sup>th</sup> , February 2 <sup>nd</sup> & 16 <sup>th</sup> , all in 2022.	Chair
3	Approve minutes of the December 1, 2021 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, pursuant to Pierce County Code §240-40A in the Rural Residential 12 District for Richard and Pamela Thorsen, owners, on property located in Lot 4, Certified Survey Map (CSM) V1, P160, in the NE ¼ of the SW ¼ of Section 19, T26N, R19W, Town of Oak Grove, Pierce County, WI.	Lund
5	Discuss take action on potential code amendments for an Unclassified Use (Adult Daycare) pursuant to Pierce County Code 240-21.	Roy
6	Discuss take action on Travel/Training Requests.	Pichotta
7	Future agenda items.	Pichotta
8	Adjourn	Members

A quorum of County Board supervisors may be present.

(12/22/21)



**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 1, 2021, in-person meeting for committee/staff, remote meeting for applicants/public.

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

Excused: Neil Gulbranson

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

Chairperson Joe Fetzer called the Pierce County Land Management Committee meeting to order at 6:13pm in the County Boardroom.

Next meeting dates: December 15<sup>th</sup>, all in 2021.

Set next meeting dates: Pichotta stated he is assuming you will want to continue with the first and third Wednesday's of each month starting at 6:00pm. Committee consensus.

Approve Minutes from the November 17, 2021 Land Management Committee meeting: **Sanden moved to approve the Land Management Committee minutes from November 17, 2021/Aubart seconded. All in favor. Passed with Fetzer recusing himself due to his absence from the last meeting.**

**Public hearing to consider and take action on a request for a Map Amendment (Rezone) for Big Dog Daddy's Roadhouse LLC (John Grabrick), owner, from General Rural District to Commercial District, on part of an approximate 5.45 acre parcel, located in part of the NW ¼ of the NE ¼ of Section 7, T24N, R17W, Town of Isabelle, Pierce County, WI.**

**Staff Report – Emily Lund:** The applicant proposes to rezone 0.831 acres of a developed 5.45-acre parcel from General Rural to Commercial. The property had a commercial bar and grill for many years that was previously known as the Hideaway. The applicant bought the property on 11/16/2012 and renamed the bar and grill to Big Dog Daddy's Roadhouse. After a bad wind and hail storm, the bar and grill caught fire on two separate events and burnt down on 6/13/2021. The applicant would like to rebuild the bar and grill. The portion of the applicant's property that is currently zoned commercial has outdoor volleyball courts and a portion of the neighboring residential property to the west is also zoned commercial. However, the area of the property containing the bar is not zoned commercial. This situation is likely due to a mapping error that occurred in the 1990's. This rezone will address the mapping error on this parcel and allow the rebuilt bar to be located in a compliant zoning district. The parcel is located in part of Government Lot 3 & 4, Section 7, Town of Isabelle. The parcel is both General Rural and Commercial zoning districts. Adjacent zoning districts are General Rural and Commercial. Current land use is commercial. Neighboring land uses are an airport, residential, and wooded. Rezoning the property will allow the reconstructed bar to be considered a compliant structure and use, rather than a nonconformity. This will provide the owner more options when it comes to construction, future expansion, and uses of the structure. The zoning code Purpose and Intent of Zoning Districts are listed in the staff report. The Pierce County Comprehensive Plan states: "The County will approve re-zonings or map amendments only when the proposed change is consistent with an adopted or amended town comprehensive plan. The Town of Isabelle recommended approval of this request on 10/18/2021. The Town referenced their Comprehensive Plan by citing language in Chapter 6, Economic Development on page 62 in Chapter 8, Land Use on page 76 that directly relates to this request.

- Economic Development – Objective 1: "Commercial development should be located in commercially zoned districts at nodes of major intersections."
- Land Use – Objective 4: "To encourage non-residential development to balance the economic base."
- Land Use – Objective 5: "Promote an organized development pattern that will minimize conflicting land uses and provide for a controlled rate of development."

The value of the land for agricultural use according to the USDA Web Soil Survey shows that the property is not in Farmland Preservation.

**Staff Recommendation:** Given that the Town of Isabelle Board of Supervisors recommended approval of this proposed map amendment (rezone) and has found the request to be consistent with the Town's adopted Comprehensive Plan, staff recommends that the LMC approve this map amendment (rezone) of 0.831 acres from General Rural to Commercial and forward a recommendation to the County Board of Supervisors.

**Chairperson Fetzer opened the hearing to the public.** No public comment. **Chairperson Fetzer closed the public hearing.** **Chairperson Fetzer asked Mr. Grabrick if he had any comments.** Mr. Grabrick stated he is just trying to correct an error that they found on their zoning map. The error happened sometime in the 90's. The commercial block was drawn over on the neighboring property and half on his property instead of on the front of his property where it should be. Even though they had a commercial business operating there since the 70's, the zoning did not have the building in the commercial zone. This is just to correct that problem.

Chairperson Fetzer stated it seems pretty straight forward to us.

**Holst stated, given that the Town of Isabelle Board of Supervisors have recommended approval of this proposed map amendment for Big Dog Daddy's Roadhouse and this request is consistent with the Town's Comprehensive Plan, he moved to approve this map amendment of 0.831 acres from General Rural to Commercial and forward a recommendation to the County Board of Supervisors/Sanden seconded.** Holst stated this has happened a few times before where we have had mapping inconsistencies, basically, the townships or the county have goofed up when we did the map, while not common, it has happened before. **All in favor. Passed.**

**Public hearing to consider and take action on a request for a Conditional Use Permit for an Accessory Residence, pursuant to Pierce County Code Chapter §240-40A in the Primary Agriculture District for John and Wanda Yunker, owners on property located in the NW ¼ of the SW ¼ of Section 9, T27N, R17W, Town of Martell, Pierce County, WI.**

**Staff Report – Emily Lund:** The applicants are requesting to have a mobile home brought to the site as an accessory residence. The mobile home hasn't been purchased at this time. The mobile home will be secured to concrete footings and may also have a 10ft x 16ft deck constructed on the east side. The proposed accessory residence is intended for a family member to occupy. The 30-acre parcel is located in Section 9, Town of Martell. This parcel and the surrounding parcels are in the Primary Agriculture zoning district. Existing and adjacent land uses are agriculture, forested, and residential. Pierce County Code (PCC) §240-40A allows accessory residences which are accessory to single-family residences in the Primary Agriculture zoning district with the issuance of a CUP. The definitions for Accessory Residence and Accessory Building are listed in the staff report. The existing principal house is a one-story 36ft x 26ft dwelling with a 36ft x 26ft basement and 100 sq ft entryway that totals 1,972 sq ft. The proposed 2-bedroom accessory residence is 16ft x 80ft or 1,280 sq ft. A state sanitary permit was issued on 5/26/1992 for a replacement mound septic system that is sized for a 5-bedroom dwelling. This size does meet the existing 3-bedroom principal dwelling and the proposed 2-bedroom mobile home. The applicant shall hire a Wisconsin Licensed Plumber to obtain a County Sanitary Permit to allow the reconnection of the existing system to the new 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 existing single-family dwelling has an address of N2973 320<sup>th</sup> Street. The applicants shall obtain a separate uniform address number for the proposed accessory residence. PCC §240-40B 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 of 1976 and its successors.
2. The towing and transportation equipment, including the wheel assembly shall be removed and the manufactured home shall be mounted on and attached to a permanent foundation.
3. Manufactured homes shall be a minimum of 14 feet wide.

The Town of Martell recommended approval of this request on 10/12/2021 without any conditions. Renewal of this CUP will not 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 hire a Wisconsin Licensed Plumber to obtain a County Sanitary permit to allow the reconnection of the existing system to the new accessory residence.
2. The applicant shall obtain a new uniform address number for the accessory residence.
3. The mobile home shall meet the minimum requirements of PCC §240-40B.
4. The applicant shall work with the Town Building Inspector, All Croix Inspections, 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.** Wanda Yunker stated the address listed is not current. Lund apologized and stated the correct address is N8224 650<sup>th</sup> Street. Ms Yunker stated she has already contacted a plumber and he was supposed to have submitted something to show the reconnect is ready to go.

**Chairperson Fetzer closed the public hearing.**

**Sanden moved to approve the accessory residence for John & Wanda Yunker, 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 - #4/Aubart seconded. All in favor. Passed.**

**Discuss take action on Site Plan Review for Asphalt Paving Storage for Lacey Swartz, owner, by Brandon Ferguson, agent, pursuant to Pierce County Code Chapter §240-75, in the Light Industrial District on property located on Lot 8, Certified Survey Map (CSM) V12, P26, in the SE ¼ of the NE ¼ of Section 14, T26N, R19W, Town of Oak Grove, Pierce County, WI. Staff Report – Adam Adank:** The applicants own a blacktop paving company called Community Blacktop LLC based out of Hastings, MN that provides asphalt paving services for highways, county roads, streets, driveways, railroads, and parking lots. Their services include installing, sealing, repairing, and maintaining all types of pavement. The company website is <http://www.communitypavrite.com/>, which is listed in the staff report. The applicants are seeking site plan approval for a new pole shed that will be utilized to store asphalt pavers, asphalt rollers, tractors, and other asphalt paving tools. Pierce County Code §240-75 requires site plan review for new construction for industrial 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 property is 7.51 acres and is zoned Light Industrial. The property is bordered by agricultural, residential, and institutional (Cemetery) land uses. Adjacent properties are zoned Light Industrial and General Rural Flexible 8. The 40ft x 48ft storage shed has been constructed this fall and is 21ft 8in in height. The shed does not have running water or bathroom facilities but the septic system building sewer was stubbed into the pole shed for a possible future bathroom. PCC §240-15J states that the purpose and intent of the light industrial zoning district is “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.” PCC §240-23 states, “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 lists a 40ft side yard and 40ft rear yard setback from residential districts and 10ft side yard and 10ft rear yard setbacks from all other districts when building in a Light Industrial Zoning District. PCC §240-27A regulates structure setbacks from state and federal highways; “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 WI DOT right-of-way along this stretch of highway is 50ft. Therefore, the setback to the centerline of the road shall be no less than 127ft. PCC §240-27C regulates structure setbacks from town highways; “The required setback for all structures fronting on 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 policy regarding Vision Clearance Triangle is stated in the staff report. There is no building in the Vision Clearance Triangle requested. The structure is approximately 105ft from the Hwy 10 road right-of-way according to the submitted survey map, 130ft from the centerline of State Hwy 10 and over 750ft to the centerline of 560<sup>th</sup> Avenue. There are no other structures on the property at this time. The applicants are not

proposing to install any exterior security lighting on the building. No advertising signs are proposed on the property. PCC §240-31 states, “Landscape buffer requirements shall only apply to proposed uses in cases where a commercial or industrial use abuts a residential or agricultural district; or such landscape buffer is required by a provision of this chapter.” PCC §240-31C lists the general requirements of landscape buffers:

1. Landscape buffers shall be located in such a manner that principle buildings and outdoor storage areas associated with the proposed use are screened as viewed from the vantage point of the principle structures on affected adjoining lots.
2. Landscape buffers may be located in an area devoted to meeting minimum or side yard requirements.
3. Landscape buffers, when required, shall be established on a lot at the time of the lot’s development or at the time the use of the lot is changed to a use which requires a landscape buffer.
4. Landscape buffers shall be provided on each lot as required by this section independent of existing landscape buffers on adjoining lots.
5. Installation and maintenance of the required landscape buffers shall be the responsibility of the owner on the lot.
6. Existing woody plants which meet the requirements listed in Subsection D may be used to meet the landscape buffer requirements.

PCC §240-31D states “Landscape buffers, at the time of establishment, shall meet the design specification on file in the Zoning Office as approved and incorporated into this chapter.” The Land Management Department Policy on Minimum Landscaping Requirements 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 applicant has presented a landscape buffer proposal in the application that they feel will meet the minimum landscaping requirements. The proposal includes 6 pine trees to be planted along the Hwy 10 road right-of-way as shown on the site plan survey map. The Committee should review this plan to determine if the proposed landscape buffer satisfies the requirements or if changes are necessary. The committee may also wish to establish size, exact location, and species of trees used in the proposed landscape buffer plan if deemed necessary. The Landscape buffer proposal presented by the applicant does not have any proposed vegetation to screen the neighboring property as required by code. A total of 2 parking spaces are proposed. PCC §240-54A requires two off-street parking spaces for manufacturing/trade or contractor establishments. No customers are anticipated onsite. The applicant proposed limited activity on the site, with equipment leaving and returning to the site. No information regarding the number of employees was provided. The applicant can provide additional details regarding hours of operation and number of employees at the meeting. The property was issued an address number of W10177 560<sup>th</sup> Ave. in June 24, 2021.

**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 locations, 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 with the following conditions:

1. A landscape buffer shall be established consistent with the plans submitted in the application or as specified by the Land Management Committee.
2. Applicants shall obtain a Land Use Permit prior to any constructions, reconstruction, location, relocation, erection, extension, enlargement, conversion or structural alteration of any existing or future buildings/structures.
3. Applicant shall contact the Town Building Inspector, All Croix Inspections, to determine whether or not commercial plan review and approval is required from Department of Safety & Professional Services and receive all necessary permits.
4. One parking space shall be ADA compliant per Pierce County Code §240-54I.

**Chairperson Fetzer invited Brandon Ferguson to comment.** Chairperson Fetzer asked Brandon if the shed that is already up is the shed he is going to use and not build a new shed. Mr. Ferguson stated yes sir, that is correct. He asked if they could review his site plan. To the right of the building, he is going to be putting a modular home up there and that would be the proposed location for the modular home. Chairperson Fetzer asked Andy if Brandon has to come back for anything. Pichotta stated no, the accessory residence is a permitted use associated with a Light Industrial use once it's established. Holst commented, he used to farm that and he is quite familiar with it. His site plan looks like it will do what this committee has intended it to do. Will it shield the public view from those pink trucks? Mr. Ferguson stated yes, it will. Holst stated it takes a lot of guts for a black topper to drive a pink dump truck. Chairperson Fetzer asked how close is the closest house? Also, the landscape buffer proposed by the applicant does not have any proposed vegetation to screen the neighboring property as required by code. Adank stated he knew the number at one time, but based on these dimensions of his site plan, it's on the other side of 560<sup>th</sup> Avenue, it's probably seven or 800ft. Holst stated that is a real number. Chairperson Fetzer said so it's quite a ways away. He asked you are just going to have stuff rolling in and out in the morning and back in at night? Mr. Ferguson stated, "Yes sir, that is correct." Sanden asked Adam on the map, what is the house southeast of the proposed site? Chairperson Fetzer stated there is one right on the corner. Sanden asked if that is the one he is referring too that is 500ft away? Adank stated no, he was referring to the one on 560<sup>th</sup> Ave. which is more to the west. The one to the south, the terrain goes up there and that house would not be able to see Brandon's operation. Holst stated there is a hill there, doc and that guy is on the other side of the hill. If you took where the shed is and drew a line, all are in excess of 600 feet, six to eight hundred away. Sanden stated he was only concerned about that southeast one. Holst stated that's the shed and the house sits here. The house is shielded from it by their own vegetation. Sanden stated he thinks Joe already cleared this up but just for his own information, the plan says we are looking at site plan for a new shed construction and the blueprint shows an existing shed. Is this going to be constructed or is it already constructed? Adank stated it's already constructed. The house on the west is not on the other side of 560<sup>th</sup> Ave. but based on the scale on the map it's at least 500 feet to his property line and probably another 300 to 500 feet to the shed. Sanden stated he was just concerned about the building to the south. As was stated, it's not visible from there so he is fine. Holst stated that squiggly blue line, that is kind of the top of a knoll and then it drops off pretty substantial on the other side. Chairperson Fetzer asked Brandon if he had anything else to add. Mr. Ferguson stated as long as I'm able to put that modular home up, that's pretty much all we're worried about. Aubart asked Joe if they have to determine the kind of trees and the height of them? Chairperson Fetzer stated we typically, a pine tree, is it six or eight feet? Pichotta stated six-foot has been typical, he believes. Chairperson Fetzer stated we are talking about the pine trees that we are looking for, Brandon, typically we are looking for a six-foot pine tree, blue spruce or what was the other kind? Adank stated Norway Spruce was what was required in the last one. Sanden stated we can say conifer tree. Chairperson Fetzer stated we can put that in the conditions and typically they space them eight feet about. Pichotta stated he thinks it's been twenty-five feet apart. Adank stated the committee did Norway Spruce every twenty feet apart for Redeye just a couple months ago. Chairperson Fetzer stated we try to be consistent and his memory isn't what it used to be. We will go with that, twenty feet apart and six-foot trees. Holst stated this is a different circumstance than what we had in Hager. People in Hager seem to want closer with better and all that stuff. He believes along Hwy 10, this farm field has never had a tree in the right-of-way. It's not to make it so you don't see it, it's just to cover it up a little. He thinks if he plants the six trees and does what he says he is going to do, we are OK. You might get some complaints from the people that live all the way to the north but they are going to be pretty quiet. Sanden asked if anyone sees a need for timing schedules, it suggests in the report about imposing time schedules. He personally doesn't see a need but just wondering if anyone else does. Holst stated it's getting kind of late in the fall to get them in now. If he could have them in the spring. Give him a timeframe prior to July 1<sup>st</sup> or something like that. Adank just wants to clarify to Brandon that this site plan approval doesn't permit the proposed house in the future. Just so he knows he will need another permit for that at a later date. Brandon stated OK, will he come into the County Building obtain another building permit or go through All Croix Inspections, how does that work? Adank stated you will have to come through us first and he will email that information this week. **Sanden moved to approve the site plan for an Asphalt Paving Storage and equipment, modifying condition #1 to include "The conifer trees shall be no less than six feet in height, spaced as presented on the site plan document and established by August 1, 2022 and conditions #2 -#4/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 attend the WLIA GIS Conference in Elkhart Lake, at the Osthoff Resort on February 23<sup>rd</sup> through the 25<sup>th</sup>, 2022. He will be taking a county car and we get a grant for him to attend this. **Aubart moved to approve the travel/training request for Kevin Etherton at the WLIA GIS Conference in Elkhart Lake, in February 2022/Sanden seconded. All in favor. Passed.**

#### **Departmental Update and Future Agenda Items**

Pichotta stated we have three items potentially for the January 5<sup>th</sup>, 2022 meeting, the first one is a public hearing to consider a request for another accessory residence, note the first reading at the County Board for accessory residences that language, will be the end of this month, the second reading in January. The second item is request for a rule exception to the requirement that every land division front or abut a public or private street for a distance of at least 66ft, for Bill Holst in the Town of Oak Grove and lastly potentially we have an unclassified use that we may be bringing in front of the committee to get the sense of how you want to handle it. It's Adult Daycare versus Family Daycare, if we classify it and permit it to the closest thing in the code, the code says we need to bring it to you to determine whether or not a code amendment is necessary. Pichotta noted that there won't be a second meeting in December.

**Motion to adjourn at 6:55pm by Sanden/Aubart seconded. Motion passed.**

Respectfully submitted by S. Koehler

**LAND MANAGEMENT COMMITTEE  
MEETING AGENDA**

**Wednesday, December 1, 2021 – 6:00 p.m.**

Courthouse Annex/Lower Level – County Board Room: 124 N Oak St. - Ellsworth, WI

In-person meeting is limited to Committee Members Only

**Public attendance is only available virtually with the link or phone number provided below.**

<https://us06web.zoom.us/j/85204756450?pwd=aTQzbDN4QkE0eURudmdRTkc2T3lzZz09>

Meeting ID Number: 852 0475 6450

Password: 043591

United States: + 1 (312) 626-6799

Access Code: 043591

#	Action	Presenter
1	Call to order	Chair
2	Next meeting dates: December 15 <sup>th</sup> , all in 2021.	Chair
3	Set meeting dates for 2022.	Chair
4	Approve minutes of the November 17, 2021 Land Management Committee meeting.	Chair
5	Public hearing to consider and take action on a request for a Map Amendment (Rezone) for Big Dog Daddy Roadhouse LLC (John Grabrick) owner, from General Rural District to Commercial District, on part of an approximate 5.45 acre parcel, located in part of the NW ¼ of the NE ¼ of Section 7, T24N, R17W, Town of Isabelle, Pierce County, WI.	Lund
6	Public hearing to consider and take action on a request for a conditional use permit for an Accessory Residence, pursuant to Pierce County Code §240-40A in the Primary Agriculture District for John and Wanda Yunker, owners, on property located in the NW ¼ of the SW ¼ of Section 9, T27N, R17W, Town of Martell, Pierce County, WI.	Lund
7	Discuss take action on Site Plan Review for Asphalt Paving Storage for Lacey Swartz, owner, by Brandon Ferguson, agent, pursuant to Pierce County Code Chapter §240-75, in the Light Industrial District on property located on Lot 8, Certified Survey Map (CSM) V12, P26, in the SE ¼ of the NE ¼ of Section 14, T26N, R19W, Town of Oak Grove, Pierce County, WI.	Adank
8	Discuss take action on Travel/Training Requests.	Pichotta
9	Future agenda items.	Pichotta
10	Adjourn	Members

A quorum of County Board supervisors may be present.

(11/19/21)

**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 17, 2021, in-person meeting for committee/staff, remote meeting for applicants/public.

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

Excused: Joe Fetzer

Others: Andy Pichotta, Adam Adank, and Shari Koehler

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

Next meeting dates: December 1<sup>st</sup> & 15<sup>th</sup>, all in 2021.

Approve Minutes from the November 3, 2021 Land Management Committee meeting: **Sanden moved to approve the Land Management Committee minutes from November 3, 2021/Gulbranson seconded. All in favor. Passed with roll call vote: Sanden – Yes, Gulbranson – Yes, Aubart - Yes. Jeff Holst – Yes. Motion carried.**

**Public hearing to consider and take action on a request for a Conditional Use Permit for an Accessory Residence, pursuant to Pierce County Code §240-40A in the General Rural District and Floodplain/Shoreland Area for Philip Kashian and Kay Peterson, owners on property located in the SE ¼ of the SW ¼ of Section 33, T26N, R16W, Town of El Paso, Pierce County, WI.**

**Staff Report – Adam Adank:** The applicants are requesting a CUP to remodel their existing milk house into a 4-season cottage/accessory residence. The accessory residence will be used as a place for family and friends to stay when they visit. The applicants also plan to rent out the accessory residence by advertising it on rental services such as airbnb, etc. The property is 40 acres in size and located in the Town of El Paso. The property is in the General Rural zoning district. Adjacent properties are zoned General Rural and Primary Agriculture. 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 Residence as two types of dwellings. For this proposal only subsection B applies; B. A dwelling unit located in an accessory building located on a residential parcel.

PC C §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

1. Subordinate to and serves a principal structure or a principal use.
2. Located on the same lot as the principal structure or use served.
3. Customarily incidental to the principal structure or use.

No permits are on record for the existing farm house (primary dwelling). The farm house is approximately 2912 sq ft and has 3 bedrooms according to the applicant. There are no records of the original septic system for the farm house. The primary dwelling has an existing address. The accessory residence would need a separate new address. The existing milk house that the applicants propose to convert to the accessory residence is 12ft x 27ft in size (324 sq ft). The applicants plan to add a second story over half of the existing milk house (another 162 sq ft). The total square footage of the finished milk house will be 486 sq ft. The finished milk house will have one bedroom. The applicants intend to install a holding tank for the accessory residence. The El Paso Town Board recommended approval of this CUP request on 10/11/2021. The Town did not have any concerns or suggested conditions. Based on advice from Corporation Counsel, staff is generally not recommending any conditions which require the permitting of, or compliance with, other agencies, organizations, or departments regulations or rules. The applicant is strongly encouraged to comply with relevant local and state ordinances and regulations and secure all necessary permits and licenses (e.g. Department of Safety & Professional Services

(DSPS), Department of Public Health, etc.). 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, All Croix Inspections, 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 accessory residence to ensure compliance with Pierce County Code 191 – Sewage Disposal.
3. Applicant shall obtain a new uniform address number 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 Philip Kashian and Kay Peterson, due to the fact it is determined 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 - #3/Aubart seconded. All in favor. Passed with roll call vote: Sanden – Yes, Gulbranson – Yes, Aubart – Yes, Holst - Yes. Motion carried.**

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

#### **Departmental Update and Future Agenda Items**

Pichotta stated for the December 1<sup>st</sup> meeting, we have two public hearings, one is a request from John Grabrick, Big Dog Daddy’s Roadhouse to rezone from General Rural to Commercial. We also have a request for an Accessory Residence for the Yunker’s in the Town of Martell. Lastly, we have Site Plan Review for Asphalt Paving Storage in the Light Industrial District in Section 14 of the Town of Oak Grove.

**Motion to adjourn at 6:08pm by Gulbranson/Sanden seconded. Motion passed with roll call vote: Sanden – Yes, Gulbranson – Yes, Aubart – Yes, Holst - Yes. Motion carried.**

Respectfully submitted by S. Koehler

**LAND MANAGEMENT COMMITTEE  
MEETING AGENDA**

**Wednesday, November 17, 2021 – 6:00 p.m.**

Courthouse Annex/Lower Level – County Board Room: 124 N Oak St. - Ellsworth, WI

In-person meeting is limited to Committee Members Only

**Public attendance is only available virtually with the link or phone number provided below.**

<https://us06web.zoom.us/j/86904054850?pwd=QzZOenJ2RENwVE9iaFptd0wvMlprZz09>

Meeting ID Number: 869 0405 4850

Password: 582027

United States: + 1 (312) 626-6799

Access Code: 582027

#	Action	Presenter
1	Call to order	Chair
2	Next meeting dates: December 1 <sup>st</sup> & 15 <sup>th</sup> , all in 2021.	Chair
3	Approve minutes of the November 3, 2021 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, pursuant to Pierce County Code §240-40A in the General Rural District and Floodplain/Shoreland Area for Philip Kashian and Kay Peterson, owners on property located in the SE ¼ of the SW ¼ of Section 33, T26N, R16W, Town of El Paso, Pierce County, WI.	Adank
5	Discuss take action on Travel/Training Requests.	Pichotta
6	Future agenda items.	Pichotta
7	Adjourn	Members

A quorum of County Board supervisors may be present.

(11/5/21)



**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 3, 2021, in-person meeting for committee/staff, remote meeting for applicants/public.

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

Excused: Joe Fetzer

Others: Andy Pichotta, Adam Adank, and Shari Koehler

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

Next meeting dates: November 17<sup>th</sup>, December 1<sup>st</sup> & 15<sup>th</sup>, all in 2021.

Approve Minutes from the October 20, 2021 Land Management Committee meeting: **Sanden moved to approve the Land Management Committee minutes from October 20, 2021/Gulbranson seconded. All in favor. Passed with roll call vote: Sanden – Yes, Gulbranson – Yes, Aubart - Yes. Jeff Holst – Yes. Motion carried.**

**Public hearing to consider and take action on a request for a Map Amendment (Rezone) from Agriculture Residential District to Industrial District for Chad & Sarah Stone Trust, owners on property located in part of the SW ¼ of the SW ¼ of Section 18, T25N, R18W, Town of Diamond Bluff, Pierce County, WI.**

**Staff Report – Adam Adank:** The applicants are requesting to rezone their 13.95 acre parcel from Agriculture Residential to Industrial in order to establish a warehouse and storage use on their property. The applicants have not indicated a start time for any future uses. All new Industrial uses require Site Plan Review be conducted by the LMC. The parcel is in Section 18, Town of Diamond Bluff. The parcel is located on the West side of County Road OO and approximately 200 yards from State Highway 35. Current land use is wooded forest. Adjacent land uses are agricultural, residential, and industrial. Steep slopes are present on the northern portion of the property. Adjacent zoning districts are Industrial, Light Industrial and Agriculture Residential. The proposed rezone would expand an existing Industrial District located at the intersection of a County and State Highway. Pierce County Zoning Code §240-15 Purpose and Intent of Zoning Districts states:

Agriculture Residential (AR) 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.

Industrial (I) is established for the purpose of allowing those industrial uses that are more intensive than those uses allowed in the Light Industrial Zoning 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. In such cases, Pierce County will solicit a non-binding town recommendation regarding the proposed rezone.” The Town of Diamond Bluff recommended approval of this request on 9-9-2021. The Town of Diamond Bluff has indicated that they do not have an adopted comprehensive plan. The Pierce County Comprehensive Plan contains the following Land Use planning goals and policies which relate to this request. Land Use Goal: “Provide for a well-balanced mix of land uses within the county that take into consideration the other goals and objectives of the comprehensive plan.” Land Use Policy: “Encourage the concentration of non-agricultural employment, including 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 Use Policy: “Encourage Industrial development in appropriate locations within heavy transportation corridors (e.g. railways, waterway, highways). The value of land for agricultural use according to the USDA Web Soil Survey is shown in the staff report. The vast majority is not Prime Farmland and none of the property is in ag production. The Pierce County Comprehensive Plan contains goal, objective, and policy language relating to the preservation of prime/productive agricultural land; Agricultural Resources Goal: “Maintain the operational efficiency, viability and productivity of the County’s agricultural areas for current and future generations. Agricultural Resources Objectives: “Strive to reduce the conversion of productive farmland to non-agricultural development.” Agricultural Resources Objectives: “Promote the preservation of prime agricultural land and maintenance of the health and productivity of agricultural soils.”

**Staff Recommendation:** Given that the Town of Diamond Bluff has recommended approval of this proposed map amendment (rezone) of 13.95 acres from Agriculture Residential to Industrial and the rezone appears to be consistent with the Pierce County Comprehensive Plan, staff recommends 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 asked if the current owner of this parcel doesn’t happen to also be the owner of the parcels directly south, does it? Adank stated no, he doesn’t believe so. Chairperson Holst stated no he is not. Sanden stated he is just concerned about the proximity of residential, right across the highway. Chairperson Holst noted that there is industrial there directly to the south already.

**Aubart moved to approve the Map Amendment (Rezone) for Chad & Sarah Stone Trust, owners, from Agriculture Residential District to Industrial District, and forward the recommendation to the County Board of Supervisors/Sanden seconded. All in favor. Passed with roll call vote: Sanden – Yes, Gulbranson – Yes, Aubart – Yes, Holst - Yes. Motion carried.**

**Discuss take action on Travel/Training Requests.** Pichotta stated he has no travel/training requests tonight. He noted that some departments are now sending staff to training and asked if the committee would support staff attending training and conferences. Chairperson Holst stated he thinks so. Committee consensus.

#### **Departmental Update and Future Agenda Items**

Pichotta stated we have one agenda item for November 17<sup>th</sup> that is for an Accessory Residence for Philip Kashian in the Town of El Paso. We would have had another public hearing that night but as it turns out if you send multiple requests to the Journal they will only act on the first one so we have been told we have to send each request separately. So the other one was kicked to December 1<sup>st</sup> and it turns out we were going to have to meet anyway. So we have an Accessory Residence for Yunker in the Town of Martell and a request for a rezone from General Rural Flexible to Commercial for Big Dog Daddy’s in the Town of Isabelle. We are hoping not to meet on December 15<sup>th</sup>.

**Motion to adjourn at 6:12pm by Gulbranson/Sanden seconded. Motion passed with roll call vote: Sanden – Yes, Gulbranson – Yes, Aubart – Yes, Holst - Yes. Motion carried.**

Respectfully submitted by S. Koehler

**LAND MANAGEMENT COMMITTEE  
MEETING AGENDA**

**Wednesday, November 3, 2021 – 6:00 p.m.**

Courthouse Annex/Lower Level – County Board Room: 124 N Oak St. - Ellsworth, WI

In-person meeting is limited to Committee Members Only

**Public attendance is only available virtually with the link or phone number provided below.**

<https://us06web.zoom.us/j/89460482367?pwd=VDIUQXRyUUtzbzJ3bkdoOaDZQWENxUT09>

Meeting ID Number: 894 6048 2367

Password: 255705

United States: + 1 (312) 626-6799

Access Code: 255705

#	Action	Presenter
1	Call to order	Chair
2	Next meeting dates: November 17 <sup>th</sup> , December 1 <sup>st</sup> & 15 <sup>th</sup> , all in 2021.	Chair
3	Approve minutes of the October 20, 2021 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for a Map Amendment (Rezone) from Agriculture Residential District to Industrial District, for Chad and Sarah Stone Trust, owners on property located in part of the SW ¼ of the SW ¼ of Section 18, T25N, R18W, Town of Diamond Bluff, Pierce County, WI.	Adank
5	Discuss take action on Travel/Training Requests.	Pichotta
6	Future agenda items.	Pichotta
7	Adjourn	Members

A quorum of County Board supervisors may be present.

(10/22/21)

**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, October 20, 2021, in-person meeting for committee/staff, remote meeting for applicants/public.

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

Excused: Joe Fetzer

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

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

Next meeting dates: November 3<sup>rd</sup> & 17<sup>th</sup>, December 1<sup>st</sup> & 15<sup>th</sup>, all in 2021.

Approve Minutes from the October 6, 2021 Land Management Committee meeting: **Gulbanson moved to approve the Land Management Committee minutes from October 6, 2021/Sanden seconded. All in favor. Passed with roll call vote: Sanden – Yes, Gulbranson – Yes, Aubart - Yes. Jeff Holst recused himself because of absence at the last meeting. Motion carried.**

**Public hearing to consider and take action on a request for a conditional use permit for a Utility Facility >1000 sq ft in the Commercial District for Xcel Energy, Trevor Seely, agent for Daniel & Cheryl Ross, owners on property located in SE ¼ of the SE ¼ of Section 12, T27N, R17W, Town of Martell, Pierce County, WI.**

**Staff Report – Adam Adank:** Over the next 10-15 years Xcel Energy will be working to replace wooden electric transmissions structures with steel structures on a transmission line that is routed from the St Croix River to Eau Claire, WI. The initial focus is replacing priority structures (wooden transmission structures in the worst condition). The applicant is requesting to use the Ross property as a storage yard to replace nine priority structures within the next 12 months. The storage yard will be used to stage steel structures, drilling equipment and material, matting, construction vehicles, worker vehicles, and a job trailer. Excel Energy may seek to extend the use of this storage yard beyond one year, dependent upon how well the parcel fits geographically to planned structure replacements over the next several years. The property is located in Section 12, Town of Martell. The property is zoned Commercial. Surrounding properties are zoned General Rural, Primary Agriculture and Commercial. The property is bordered by agriculture, woods, and Commercial uses (gas station). Pierce County Code PCC Code 240, Attachment 1, Table of Uses lists Utility Facilities (>1,000 sq ft) as being allowed in Commercial Zoning Districts with an approved Conditional Use Permit. PCC Section 240-41E 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.

A 185' Wireless Communication Service Facility (WCSF) and equipment shelter are located on this property. The WCSF and equipment shelter were permitted in 2004. A 3150 sq ft building is also located onsite and

is/was permitted as an interstate truck driving school. A site plan for the driving school was reviewed and approved by the LMC in 2016. 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 Martell recommended approval of this request on 9/14/2021 without any comments or recommended conditions.

**Staff Recommendation:** Staff recommends the Land Management Committee consider the above and determine whether 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 to be not 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 submitted in the application and as presented to the LMC, unless modified by these conditions.
2. The applicants shall maintain a 10-foot setback from all lot lines and the US Hwy 63 road right-of-way to the storage yard.
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 use shall cease in 12 months after CUP approval, unless an extension/renewal is requested and granted. This CUP may be renewed administratively if no expansion or intensification of activities is proposed. Applicant shall request renewal prior to permit expiration.

**Chairperson Holst read the public hearing notice. Chairperson Holst opened the hearing to the public. No public comment. Chairperson Holst closed the public hearing.**

**Gulbranson moved to approve the conditional use permit for a Utility Facility >1,000sq ft for Xcel Energy, Trevor Seely, agent for Daniel & Cheryl Ross, owners, due to the fact that 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 - #4/Sanden seconded. All in favor. Passed with roll call vote: Sanden – Yes, Gulbranson – Yes, Aubart – Yes, Holst - Yes. Motion carried.**

**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 James A. & Vicki S. Langer, owners on property located in part of the NE ¼ of the NE ¼ and the SE ¼ of the NE ¼ of Section 12, T26N, R18W, Town of Trimbelle, Pierce County, WI.**

**Staff Report – Emily Lund:** The Langer's created a 2-Lot CSM in March of 2020 and a 1-Lot CSM in August this year. They are proposing to create the 4<sup>th</sup> parcel within a five-year period, which is considered a Major CSM per Pierce County Code (PCC) §237-9B. Major CSM land divisions are described in PCC §237-11. PCC §237-17A(3)(a) also states, "Accompanying information shall include erosion control plans."

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 12, Town of Trimbelle. The parcel is located within the Ellsworth Extraterritorial Zoning (ETZ) jurisdiction. Therefore, the zoning is regulated by the Village of Ellsworth. However, the PCC Ch 237 Subdivision of Land regulations apply. The existing land use is agricultural. 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 9-2-2021 and noticed the site is stable. The cover crop is soybeans and the road ditches are planted with grass. The proposed lot has road frontage along 740<sup>th</sup> Street.

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

**Sanden moved to approve this request finding it meets the conditions for a rule exception to the requirement that an erosion control plan be submitted for a 1-Lot Major Certified Survey Map (CSM) for James A. & Vicki S. Langer, owners, on property located in part of the NE ¼ of the NE ¼ and the SE ¼ of the NE ¼ of Section 12, T26N, R18W, Town of Trimbelle/Aubart seconded. All in favor. Passed with roll call vote: Sanden – Yes, Gulbranson – Yes, Aubart – Yes, Holst - Yes. Motion carried.**

**Discuss take action on a request for approval of a 1-Lot Major Certified Survey Map (CSM) for James A. & Vicki S. Langer, owners on property located in part of the NE ¼ of the NE ¼ and the SE ¼ of the NE ¼ of Section 12, T26N, R18W, Town of Trimbelle, Pierce County, WI.**

**Staff Report – Emily Lund:** Again, it's the 4<sup>th</sup> lot created within a five-year period, which is considered a Major CSM per Pierce County Code (PCC) §237-9B and requires LMC review per §237-11B. A rule exception to the requirement that an erosion control plan be completed is also part of a Major CSM as requested by the applicant. This property is located in Section 12, Town of Trimbelle. The surrounding land use is agricultural, residential, and forest. The parcel is within the Ellsworth Extraterritorial Zoning (ETZ) jurisdiction. Therefore, the zoning districts and maximum residential density are governed under the auspices of the Village of Ellsworth. However, PCC Ch237 Subdivision of Land regulations apply to this property. The 3/173 acre proposed lots meets the County 1-acre and the Town 2.5-acre minimum lot size requirements. PCC §237-26C, F, & G is regarding the lot configurations. Each lot needs at least 66 feet of road frontage. Then at the building setback line, each lot shall be at least 100 feet wide. The CSM meets these standards. PCC §237-26E requires that each lot "shall contain at least one acre of net area with slopes less than 20%, of which ½ acres shall be less than 12% slopes." The CSM meets the slope requirements. Per PCC §237-17B(3), 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 and recommended a mound septic system. The property is not in any Farmland Preservation Programs per Land Conservation Department. Pierce County Surveyor, Louie Filkins, reviewed and approved the CSM on 9-2-2021. The CSM review fees were paid on 9-2-2021. The Town of Trimbelle issued a shared driveway permit on 8-31-2021 and access is proposed to be shared with the south parcel. A joint driveway easement will be recorded simultaneously with the pending CSM. The Village of Ellsworth is reviewing the CSM on 10-18-2021. Staff has the original CSM signed by the Village President.

**Staff Recommendation:** Since the rule exception has been 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 James A. & Vicki S. Langer/Sanden seconded. All in favor. Passed with roll call vote: Sanden – Yes, Gulbranson – Yes, Aubart – Yes, Holst - Yes. Motion carried.**

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

#### **Departmental Update and Future Agenda Items**

Pichotta stated on November 3<sup>rd</sup> we have one item and that would be a request for a Rezone in the Town of Diamond Bluff, from Agriculture Residential to Industrial for Chad Stone. Then on November 17<sup>th</sup> we have two public hearings, two requests for Accessory Residences one in the Town of El Paso and one in the Town of Martell.

**Motion to adjourn at 6:16pm by Sanden/Gulbranson seconded. Motion passed with roll call vote: Sanden – Yes, Gulbranson – Yes, Aubart – Yes, Holst - Yes. Motion carried.**

Respectfully submitted by S. Koehler

**LAND MANAGEMENT COMMITTEE  
MEETING AGENDA**

**Wednesday, October 20, 2021 – 6:00 p.m.**

Courthouse Annex/Lower Level – County Board Room: 124 N Oak St. - Ellsworth, WI

In-person meeting is limited to Committee Members Only

**Public attendance is only available virtually with the link or phone number provided below.**

<https://us06web.zoom.us/j/89965666037?pwd=VXV3L2FzYlFsQ3pXUENvNVBVQ3Bldz09>

Meeting ID Number: 899 6566 6037

Password: 327268

United States: + 1 (312) 626-6799

Access Code: 327268

#	Action	Presenter
1	Call to order	Chair
2	Next meeting dates: November 3 <sup>rd</sup> & 17 <sup>th</sup> , December 1 <sup>st</sup> & 15 <sup>th</sup> , all in 2021.	Chair
3	Approve minutes of the October 6, 2021 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 sq ft in the Commercial District for Xcel Energy, Trevor Seely, agent for Daniel & 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.	Adank
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 James A. & Vicki S. Langer, owners on property located in part of the NE ¼ of the NE ¼ and the SE ¼ of the NE ¼ of Section 12, T26N, R18W, Town of Trimble, Pierce County, WI.	Lund
6	Discuss take action on a request for approval of a 1-Lot Major Certified Survey Map (CSM) for James A. & Vicki S. Langer, owners on property located in part of the NE ¼ of the NE ¼ and the SE ¼ of the NE ¼ of Section 12, 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

A quorum of County Board supervisors may be present.

(10/8/21)





**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, October 6, 2021, in-person meeting for committee/staff, remote meeting for applicants/public.

Present: Jon Aubart, Neil Gulbranson, and Eric Sanden

Absent: Joe Fetzer & Jeff Holst

Others: Andy Pichotta, Emily Lund, and Shari Koehler

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

Next meeting dates: October 20<sup>th</sup>, November 3<sup>rd</sup> & 17<sup>th</sup>, all in 2021.

Approve Minutes from the August 18, 2021 Land Management Committee meeting: **Sanden moved to approve the Land Management Committee minutes from August 18, 2021/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, pursuant to Pierce County Code Chapter §240-40A in the Primary Agriculture District for Kane Farms, Inc, Michael Kane, owner on property located in SW ¼ of the SW ¼ of Section 14, T25N, R16W, Town of Salem, Pierce County, WI.**

**Staff Report – Emily Lund:** The applicants are requesting to have a 16ft x 80ft mobile home brought to the site as an accessory residence. The mobile home will be secured to concrete footings and a 10ft x 16ft deck will be built. The mobile home was constructed in 1997 and has two bedrooms. The proposed accessory residence is intended for Michael Kane’s son, Scott Kane, to occupy. The 40-acre parcel is located in Section 14, Town of Salem. This parcel and the surrounding parcels are in the Primary Agriculture zoning district. Existing and adjacent land uses are agriculture, forested, and residential. Pierce County Code (PCC) Chapter §240-40A allows accessory residences which are accessory to single-family residences in the Primary Agriculture zoning district with the issuance of a CUP. Pierce County Code definitions for Accessory Residence and Accessory Building are before you and have been read in the past. The existing principal farm house is a two-story dwelling with a basement. The applicants estimate the primary dwelling is ~3,375 sq ft with an unfinished basement. The proposed 2-bedroom accessory residence is 1,280 sq ft. The state sanitary permit was issued on 9/1/2021 for a mound septic system that is sized for a 2-bedroom dwelling. The applicants will need to obtain a separate uniform address number for the proposed accessory residence. There are many other existing farm structures on the property that include a barn, several sheds, ~5 silos, feed bunk, and more. The Town of Salem recommended approval of this request on 9/7/2021 without any conditions. Renewal of this CUP will not 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 work with the Town Building Inspector, All Croix Inspections, to determine whether a permit from the town is needed and to ensure compliance with the Uniform Dwelling Code (UDC) requirements.
2. Applicant shall obtain a new uniform address number for the accessory residence.

**Chairperson Aubart opened the hearing to the public.** No public comment. **Chairperson Aubart closed the public hearing.** Sanden stated it looks very straight forward. Gulbranson stated he doesn’t have any questions.

**Gulbranson moved to approve the conditional use permit for an Accessory Residence for Kane Farms, Inc, Michael Kane, due to the fact that 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/Sanden 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 2-Lot Major Certified Survey Map (CSM) for Brian Furlong, owner on property located in part of the NE ¼ of the NE ¼ of Section 2, T24N, R18W, Town of Trenton, Pierce County, WI.**

**Staff Report – Emily Lund:** Brian Furlong created Lot 1 & 2 CSM Vol 15, Pg 104, on 11-16-2020. He is proposing to create the 3<sup>rd</sup> and 4<sup>th</sup> parcel within a five-year period, which is considered a Major CSM per Pierce County Code (PCC) §237-9B. Major CSM land divisions are described in PCC §237-11. PCC §237-17A(3)(a) also states, “Accompanying information shall include erosion control plans.”

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 2, Town of Trenton. The zoning district is Rural Residential 20. The land use is agricultural and some wooded areas. 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 8-2-2021 and noticed the site is stable. The cover crop is oats and the road ditches have grass and trees. Both lots adjoin 170<sup>th</sup> Avenue to the north side.

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

**Sanden moved to approve this request finding it meets the conditions for a rule exception to the requirement that an erosion control plan be submitted for a 2-Lot Major Certified Survey Map (CSM) for Brian Furlong on property located in part of the NE ¼ of the NE ¼ of Section 2, T24N, R18W, Town of Trenton/Gulbranson seconded. All in favor. Passed.**

**Discuss take action on a request for approval of a 2-Lot Major Certified Survey Map (CSM) for Brian Furlong, owner on property located in part of the NE ¼ of the NE ¼ of Section 2, T24N, R18W, Town of Trenton, Pierce County, WI.**

**Staff Report – Emily Lund:** Brian Furlong created Lot 1 & 2 CSM Vol 15, Page 104 on 11-16-2020. He is proposing to create the 3<sup>rd</sup> and 4<sup>th</sup> parcel within a five-year period, which is considered a Major CSM per Pierce County Code (PCC) §237-9B and requires LMC review per §237-11B. A rule exception to the requirement that an erosion control plan be completed was just approved. The property is located in Section 2, Town of Trenton. The surrounding land use is mainly agricultural and residential, with an industrial area and wooded areas. The parcel’s zoning district is Rural Residential 20. The maximum residential density per PCC §240-25C is calculated as follows: (18.69 ac) x (20 lots/40 ac) = 9.3 lots. Rounding allows 9 lots. The proposed CSM illustrates Lot 3 is proposed to be 2 acres and Lot 4 is proposed to be 1.16 acres. PCC §237-26C, F, & G is regarding the lot configurations. Each lot needs at least 66 feet of road frontage. At the building setback line, each lot shall be at least 100 feet wide. The proposed CSM meets these requirements and the lots have road frontage along 170<sup>th</sup> Avenue. PCC §237-26E requires that each lot “shall contain at least one acre of net area with slopes less than 20%, of which ½ acre shall be less than 12% slopes.” The CSM meets the slope

requirements. Per PCC §237-17B(3), 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 and recommended on each lot and a conventional septic system is recommended for both of them. The property is not in any Farmland Preservation Programs per Land Conservation Department. Pierce County Surveyor, Louie Filkins, reviewed the CSM on 5-24-2021 and approved. The CSM review fees have not been paid. The applicant shall pay the CSM review fees prior to final CSM approval by the Department. Trenton Town Board reviewed and approved the CSM on 9-14-2021. The Town of Trenton's minimum lot size of 1-acre is met. Driveway permits were submitted for each lot and they both will have a shared driveway with the lot that adjoins them, as noted on the CSM.

**Staff Recommendation:** Since the rule exception has been granted for the erosion control plan requirement, staff recommends the Land Management Committee approve this major CSM with the following conditions:

1. The applicant shall pay the CSM review fees in the amount of \$350 prior to the final CSM approval by the Department.

**Gulbranson moved to approve the 2-Lot Major Certified Survey Map (CSM) for Brian Furlong with condition #1/Sanden seconded. All in favor. Passed.**

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

### **Departmental Update and Future Agenda Items**

Pichotta stated we will be having a meeting on October 20<sup>th</sup> as well as November 3<sup>rd</sup>. On the 20<sup>th</sup>, we will have a public hearing to consider a request for Xcel for a Utility Facility in the Town of Martell. Then we have another rule exception on a major CSM as well as approval of a major CSM in the Town of Trimbelle. On the November 3<sup>rd</sup> meeting, we have a request for a Rezone from Agriculture Residential to Industrial in the Town of Diamond Bluff.

**Motion to adjourn at 6:15pm by Gulbranson/Sanden seconded. Motion passed.**

Respectfully submitted by S. Koehler

**LAND MANAGEMENT COMMITTEE  
MEETING AGENDA**

**Wednesday, October 6, 2021 – 6:00 p.m.**

Courthouse Annex/Lower Level – County Board Room: 124 N Oak St. - Ellsworth, WI

In-person meeting is limited to Committee Members Only

**Public attendance is only available virtually with the link or phone number provided below.**

<https://us06web.zoom.us/j/81027680467?pwd=NmF0REdhWTMzaFI4N0VoYUZ2WW9GZz09>

Meeting ID Number: 810 2768 0467      Password: 143314  
United States: + 1 (312) 626-6799      Access Code: 143314

#	Action	Presenter
1	Call to order	Chair
2	Next meeting dates: October 20 <sup>th</sup> , November 3 <sup>rd</sup> & 17 <sup>th</sup> , all in 2021.	Chair
3	Approve minutes of the August 18, 2021 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 pursuant to Pierce County Code §240-40A in the Primary Agriculture District for Kane Farms, Inc, Michael Kane, owner on property located in the SW ¼ of the SW ¼ of Section 14, T25N, R16W, Town of Salem, Pierce County, WI.	Lund
5	Discuss take action on a request for a rule exception to the requirement that an erosion control plan be submitted for a 2-Lot Major Certified Survey Map (CSM) for Brian Furlong, owner on property located in part of the NE ¼ of the NE ¼ of Section 2, T24N, R18W, Town of Trenton, Pierce County, WI.	Lund
6	Discuss take action on a request for approval of a 2-Lot Major Certified Survey Map (CSM) for Brian Furlong, owner on property located in part of the NE ¼ of the NE ¼ of Section 2, T24N, R18W, Town of Trenton, Pierce County, WI.	Lund
7	Discuss take action on Travel/Training Requests.	Pichotta
8	Future agenda items.	Pichotta
9	Adjourn	Members

A quorum of County Board supervisors may be present.

(9/24/21)



**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 18, 2021, in-person meeting for committee/staff, remote meeting for applicants/public.

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

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

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

Next meeting dates: September 1<sup>st</sup> & 15<sup>th</sup>, October 6<sup>th</sup> & 20<sup>th</sup>, all in 2021.

Approve Minutes from the July 21, 2021 Land Management Committee meeting: **Aubart moved to approve the Land Management Committee minutes from July 21, 2021/Sanden seconded. All in favor. Passed with Joe Fetzer abstaining due to his absence from the last meeting.**

**Public hearing to consider and take action on 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 Gregory & Beth Burkhart, owners on property located in SE ¼ of the NE ¼ of Section 9, T24N, R16W, Town of Maiden Rock, Pierce County, WI.**

**Staff Report – Adam Adank:** The applicants are requesting to build a two-story accessory residence on their property. The main floor will include the garage, mechanical room, and a workshop/storage area. The second story will include a living area, kitchen, 2 bedrooms, 2 bathrooms, and a room for the washer and dryer. The accessory residence would also have an 8ft x 26ft deck off the front, with an 8ft x 26ft patio area directly under the deck. The property is approximately 15.01 acres and located in Town of Maiden Rock. The property is zoned Ag Residential and surrounding properties are all zoned Ag Residential. Pierce County Code (PCC) Chapter §240-40A allows accessory residences which are accessory to single-family residences in the Ag Residential zoning district with the issuance of a CUP. Pierce County Code §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.

Pierce County Code §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 two-story dwelling was permitted in 2001. The applicants estimate the primary dwelling is approximately 3630 sq ft and has 4 bedrooms. The proposed accessory residence is 26ft x 40ft. The total square footage is 2080 sq ft. However, the main level (1040 sq ft) will not have any living areas. The existing septic system (mound) was permitted and installed in 2001 and is sized for a 4-bedroom dwelling. The proposed accessory residence will have its own septic system sized for a 2-bedroom dwelling. The existing single-family dwelling has an address of N1119 375<sup>th</sup> Street. The new accessory residence would need its own address. Other existing structures on the property include an inground pool and a screened room for the pool that’s approximately 10ft x 14ft. The Town of Maiden Rock recommended approval of this request on 7/12/2021 stating “the town has no issues with this proposal.” 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 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, All Croix Inspections, 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 new sanitary permit prior to starting construction of the accessory residence.
3. Applicant shall obtain a new uniform address number for the accessory residence.

**Chairperson Fetzer opened the hearing to the public.** No public comment. **Chairperson Fetzer closed the public hearing.** Chairperson Fetzer asked if either of the Burkhart's would like to add anything. Beth Burkhart stated basically the usage would be extra lodging for family and friends when they come and storage for boats and camper. Robey, with Bruce Andrews Seamless Gutters and Construction, he is doing the build. He stated that he understands that they need another address number and believes the sanitary permit has already been submitted. **Holst moved to approve the conditional use permit for an Accessory Residence for Gregory & Beth Burkhart, due to the fact that 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/Gulbranson seconded. All in favor. Passed.**

### **Public hearing to consider and take action on proposed amendments to Pierce County Code Chapter 240-40A Accessory Residences and Pierce County Code Chapter 240-41D(3) Solar Energy Systems.**

**Staff Report – Brad Roy:** Getting into the Accessory Residence first, the Zoning Office has seen an increase in Accessory Residence applications in the last few years. Staff was directed to develop new code language to provide additional permitting options and regulations for accessory residences. Existing regulations are included along with relevant definitions of accessory residences and accessory buildings. What we have proposed would allow for residential properties to have one accessory residence with a land use permit as long as it complies with established limits and regulations.

2. Accessory residences which are accessory to single-family residences shall be permitted in the EA, PA, GR, GRF, AR, RR8, RR12, and RR20 Districts, subject to the following: with the issuance of a conditional use permit.
  - a. There shall be no more than one accessory residence on a parcel or lot.
  - b. The setbacks and minimum yards for such dwelling unit shall be the required setbacks and minimum yards for principal structures.
  - c. Such dwelling unit shall meet all other provisions of this chapter.
  - d. The area of the accessory dwelling shall be no greater than sixty percent (60%) of the square footage of the principal dwelling, and cannot exceed 1,500 square feet in area.
  - e. Adequate, functioning, approved method of sewage disposal shall be provided for all residences. Sewage disposal system(s) shall be sized to accommodate full capacity of the residences.
3. Accessory residences which are accessory to single-family residences in the PA, GR, GRF, AR, RR8, RR12, and RR20 Districts and comply with subsection (2)(a), (b), (c), and (e), but are unable to comply with the requirements of subsection (2)(d), may be permitted with the issuance of a conditional use permit, subject to the following:
  - a. The accessory residence must be smaller than the principal residence and cannot exceed 1,500 square feet in area.

This allows applicants with smaller principal residences that could not satisfy the number 60% size limitation could apply for a Conditional Use Permit. The proposed accessory residence would need to be smaller than the principal residence and cannot exceed 1,500 square feet in area. Since 2010, the Land Management Committee has authorized 24 accessory residences. The average size of an accessory residence is 1,042 square feet and three have exceeded 1,500 square feet. Inability to comply with the other requirements would require a Variance. Chairperson Fetzer asked the three that went over the 1500 square feet, how much over were they? Roy stated we had one that was 1616 square feet, one that was 2788 square feet and one was 2800 square feet.

## Solar Energy Systems-

Through the permitting process for a Large Solar Energy System, it became apparent that the existing code should be updated to provide clarity for applicants and residents regarding limitations established by the LMC. The proposed amendments clearly state that the LMC has the discretion to establish setbacks, height, decommissioning and vegetative requirements for any Large Solar Energy System. While the LMC currently has this discretion, it is not explicitly spelled out in the code which has caused some confusion. We are proposing to amend the standard section of the Solar Energy System of the code which has 1. Setbacks, Small Energy System,

a. Standards.

1. ~~Setbacks. Any portion of the SES shall not encroach within 10 feet of any property line or road right-of-way.~~
  - (a) Small SES. Any portion of the SES shall not encroach within 10 feet of any property line or road right-of-way.
  - (b) Large SES, Setbacks shall be established by the Land Management Committee based on purpose and intent of this chapter.
2. ~~Height restrictions. A SES shall not exceed 35 feet in height. Building mounted SES may extend up to eight feet above the allowable building height. Exemptions may be granted by the Land Management Committee.~~
  - (a) Small SES. Height shall not exceed 35 feet in height. Building-mounted SES may extend up to eight feet above the allowable building height. Exemptions may be granted by the Land Management Committee.
  - (b) Large SES. Height shall be established by the Land Management Committee based on purpose and intent of this chapter. Then going down to number 9.
9. Vegetative Buffer. Vegetative buffers for a Large SES shall be established by the Land Management Committee based on the purpose and intent of this chapter.
10. A decommissioning plan and associated financial assurances may be required by the Land Management Committee for a Large SES.

**Staff Recommendation:** Staff recommends the Land Management Committee review the proposed revisions and consider any public comments, 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 Fetzer opened the hearing to the public for the Accessory Residences and Solar Energy Systems.** Brian Berg, Trenton Chairperson, he has a concern about the solar energy code. Maybe he misunderstood in talking with Andy, but there was some talk about a 100-foot setback from roads or adjoining property. Was he mistaken on that? Pichotta stated that in their discussion he relayed to him what was done for the Ranger Power conditional use permit. That is not a hard and fast setback, that was what was determined to be appropriate based on that particular set of circumstances. Mr. Berg, he had some concerns about a 100-foot setback and he did a little calculation, he owns a 40 that is a half mile long. If he was to have a 100-foot setback around the whole property he would lose 35% of that property to setback, 13 acres total. If he had an 80 that was twice as wide, he would lose 21%, 17 acres, if he had 160, four times as wide, he would lose 23 acres or 14.5%. It's eating up a lot of land. He did some calculations on the potential for solar energy and its ability to propel cars. One acre of corn grown for ethanol will probably drive a car for a year whereas one acre of solar panels could drive 100 cars per year and that really adds up over time. **Chairperson Fetzer closed the public hearing.** Gulbranson stated he thought the accessory definitions covered what they had discussed in the past and thought staff nailed it pretty good. Sanden asked regarding solar, staff has done their due diligence and run this past counsel and they are okay with it? Conditions, for the large solar array, setbacks set by the committee, given again our recent conversations about the recent changes in the law with respect to passing CUP's, is it okay to be kind of ambiguous like that. Pichotta stated there have been some discussions with legal counsel, there will certainly be additional. To get this on the next F & P meeting, he would have to act on it in the next week. He doesn't anticipate that happening. He would anticipate that he will have a little over a month and we will hash any of those issues out. Holst stated he likes the ability to look at each application on its own merits because depending on where it's at in the County there are a lot of different circumstances and he likes the ability for this committee to rationalize and come up with something that makes sense. Chairperson Fetzer



stated he likes the way Jeff stated that and he thinks we are getting honed in pretty well and it will take a little bit of tweaking. Gulbranson asked about the solar, on the concern with the 100-foot setback, the committee would have the ability to put a higher buffer and narrow that down a bit. Pichotta stated yes, you would. Each conditional use permit is unique onto itself and there is really not a precedence set when you establish conditions because each is to be considered on its own merits based on where it is located. **Sanden moved to approve the proposed code amendments to Pierce County Code Chapter 240-40A Accessory Residences and Pierce County Code Chapter 240-41D(3) Solar Energy Systems and forward a recommendation to the Finance and Personnel Committee and the County Board of Supervisors for approval and adoption/Gulbranson seconded. All in favor. Passed.**

**Discuss take action on a screening plan for Redeye Express LLC (Simanski Transfer Station) in the Commercial District on property located on Lot 2, Certified Survey Map (CSM) V14, P28, in the SW ¼ of the SE ¼ of Section 35, T25N, R18W, Town of Trenton, Pierce County, WI.**

**Staff Report – Brad Roy:** A conditional use permit for a Light Industrial use for a transfer station was modified on July 21, 2021. The modification was a result of Simanski Metals purchasing the property and taking over the permit from Redeye Express. Simanski Metals provides containers (roll-offs or trailers) to customers primarily for scrap metal and some demolition material. The containers are delivered to the customers site. When the containers are filled they are removed and delivered to an appropriate disposal site. It was determined that the use of the property is consistent with the previous operation and that the use as a transfer station can continue. The modification was to address any issues with the new operation. The LMC modified the CUP and required that the applicants present a Screening Plan to the LMC within 30 days. At the transfer station site, there is an existing building which will be used for an office, storage and truck storage/maintenance. The outside area is to be used to store containers and trailers. Rarely a full container will be brought to the property to be stored for a day or two, until it can be delivered to a disposal site. The site is not open to the public or customers. The applicants intend to construct an additional structure for combining of partial loads indoors. There are 4 roll-off trucks and 2 semi tractors. Trucks leave the site around 6am each work day and return later in the afternoon. The applicants estimate that there will be approximately 10 assorted trailers and 30 to 40 roll-off containers on the site. Amounts will vary depending on the season and market. There is existing vegetation in the right-of-way along the southwest portion of the property. The original plan was to park the trailers on the southwest area of the existing gravel. The applicants were proposing to extend the gravel to the south and use this area for the roll-off containers. The applicants had indicated that they believe the existing vegetation is adequate to screen the site. The LMC reacted to this plan and requested that the applicants present a screening plan. The applicants have submitted a plan with two options. Option 1 - being to not plant anything additional. Option 2 – Store the roll-off containers and trailers in the existing gravel area and plant 6 Norway Spruce trees, 6ft – 7ft tall. The trees will be spaced 25ft apart along the right-of-way.

The Land Management Minimum Landscaping Policy addresses screening for nonresidential development. 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 LMC can require vegetation or other screening to the extent necessary to make the operation unobtrusive.

**Staff Recommendation:** Staff recommends the Land Management Committee review the proposed Screening Plans and determine the amount of screening that is needed to render the use “visually unobtrusive”.

Roy stated a diagram of their plan is included in your packet. Chairperson Fetzer asked what is the distance on their proposal for trees? Roy stated they are proposing 6 trees 25 feet apart. Measuring the property there is 350 feet that borders Highway 63. Holst asked is this just using the trees that are existing in the road right-of-way? The trees are Box Elder or soft Maple or something with a relatively limited life span. They tend to lose their leaves. This site would be better suited if it were screened with Blue Spruce or Norway Spruce, planted every 20 feet along the whole length and that would come to 18 trees, 6 foot high trees, they will fill in, not to totally cover the property but to screen the property. Gulbranson stated he agrees with Jeff. We told them to come back with a screening plan and their one option is to do nothing. He thinks we should have trees all along Hwy 63. Chairperson Fetzer asked if we typically have a screening plan playbook per say. Pichotta stated not per say, it has varied depending on the use. As you recall with some industrial uses such as mining, we have done berms

as well as two rows of trees, staggered. It's like a CUP, it's really dependent on the situation and location. Chairperson Fetzer stated he is OK with the 20 feet between trees for the whole distance. Pichotta stated all we have for guidance is that policy that suggests different methods through which one might achieve visual unobtrusiveness. Holst stated he doesn't believe this site renders itself for a berm. It would be cost prohibitive and there is no need to put one there where we have staggered trees in the past. He thinks this would be a good compromise. Mr. & Mrs. Simanski joined the meeting, the tree planting plan was done by a professional, they do this for a living. They are the ones that said 20 Norway Spruce. The trees that are there aren't Box Elder, they are nice existing, probably 30-foot trees. Are you recommending we take them out to plant some seven footers? Holst stated no, we are recommending you plant behind them on your own property. You can't rely on the State to leave trees in the right-of-way. The State will take those trees down at their discretion. Mr. Simanski stated then at a certain point, you are asking us to use a lot of our valuable land, just like one of the other guys commented earlier. He thought this property was approved and the previous owners had the CUP and were doing basically everything they are doing and they didn't have to spend \$7500.00 worth of trees. Chairperson Fetzer asked how many years ago was the previous owner? Ms Simanski stated six. Pichotta stated both of the uses are transfer stations, they are different in their outdoor presence. Your particular use has a lot more outdoor presence than the prior did. With CUP's each use is acted upon based on the characteristics of it. What made sense for them may or may not make sense for you folks. Mr. Simanski asked what is the difference between a roll-off box and a trailer, either one of them is a container. Roy stated he believes the volume of the containers is significantly different. The number, that is one reason that the committee might have a different decision. Mr. Simanski asked how much time do they have to do something like this. It's a major expense that you don't expect. We spent a lot of time working with Pierce County and trying to get this approved before we ever purchased the property. We thought we had everything covered. Holst stated with the drought conditions going on he wouldn't try to plant a tree this fall. He would hope to get some moisture over the winter and plant your trees in the spring. He would condition this that the trees need to be planted by October of 2022. That gives you adequate time to get your trees transplanted and watered to keep them alive. They will look nice. You will have a really nice-looking place here. Mr. Simanski stated there isn't much more to discuss. It's a major cost. Aubart stated if the nursery is telling them 25 feet, do you have an issue with that. Holst stated he feels it should be 20 feet. Those trees will grow up and in about 10 years, you will have probably 60% coverage. Those trees will live 40, 50 60 years. You will obtain 100% coverage but if he chooses to trim the back side, plant them right on the property line or close to it, he will still have the use of most of his lot. Mr. Simanski stated he thinks the trees we are talking about are not in the right-of-way. He thinks they are on the property line. Holst stated they are in the right-of-way according to our diagrams, by a substantial amount. Gulbranson stated at the last time this was approved, it was noted in the minutes, and he remembers this, that the Town of Trenton indicated that they had recently received numerous complaints and the trees will help screen that. He knows we don't have to go by what Trenton says but it is being a good neighbor. Mr. Simanski stated that they have talked to every neighbor, every business, somebody brought up that there are restaurants around here and every commercial business in the area has no problem with what we are doing. Chairperson Fetzer stated we are getting some complaints. We try to mediate between businesses and neighbors and we do the best we can. Mr. Simanski stated no matter what happens there is always going to be someone complaining. **Holst moved to require that the applicant plant a Blue Spruce or Norway Spruce every 20 feet, on the 350 feet of frontage, total of 18 trees and to have them established by the end of October 2022.** Sanden asked if there is a height requirement. Holst stated 6 feet. **Sanden seconded. All in favor. Passed.**

**Chairperson Fetzer stated agenda items #8 and #9 have been taken off the agenda.**

**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 James A. & Vicki S. Langer, owners on property located in part of the NE ¼ of the NE ¼, of Section 12, all in T26N, R18W, Town of Trimelle, Pierce County, WI.**

**Pichotta stated that surveyor Larry Murphy had planned to join the meeting but a family emergency had come up and he will be available by phone should we need him.**

**Staff Report – Emily Lund:** The Langer's created a 2-Lot CSM Vol 15, Pg 76, on 3-19-2020. They are proposing to create the 3<sup>rd</sup> parcel within a five-year period, which is considered a Major CSM per Pierce County

Code (PCC) §237-9B. Major CSM land divisions are described in PCC §237-11. PC C §237-17A(3)(a) also states, “Accompanying information shall include erosion control plans.”

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 in Section 12, Town of Trimbelle. The parcel is within the Ellsworth Extraterritorial Zoning (ETZ) jurisdiction. Therefore, the zoning is regulated by the Village of Ellsworth. However, the Pierce County Code Chapter 237 Subdivision of land regulations apply. The existing land use is agricultural. 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 8-2-2020 and noticed the site is stable. The cover crop is soybeans and the road ditches are planted with grass. The proposed lot has road frontage along 740<sup>th</sup> Street.

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

Sanden asked if there is a typo, did you visit the site in 2020 or 2021? Lund stated yes, there is a typo, she visited the site in 2021. Thank you.

**Holst stated it appears this request meets the conditions for a rule exception and he moved to approve the rule exception to the requirement that an erosion control plan be submitted for a 1-Lot Major Certified Survey Map (CSM) for James A. & Vicki S. Langer on property located in part of the NE ¼ of the NE ¼ of Section 12, T26N, R18W, Town of Trimbelle/Aubart seconded. All in favor. Passed.**

**Discuss take action on a request for approval of a 1-Lot Major Certified Survey Map (CSM) for James A. & Vicki S. Langer, owners on property located in part of the NE ¼ of the NE ¼ of Section 12, T26N, R18W, Town of Trimbelle, Pierce County, WI.**

**Staff Report – Emily Lund:** The Langer’s created a 2-Lot CSM Vol 15, Page 76 on 3-19-2020. They are proposing to create their third parcel within a five-year period, which is considered a Major CSM per Pierce County Code (PCC) §237-9B and requires LMC review per §237-11B. A rule exception to the requirement that an erosion control plan be completed is also part of a Major CSM as requested by the applicant. The property is located in Section 12, Town of Trimbelle. The surrounding land use is agricultural, residential, and forest. The parcel is within the Ellsworth Extraterritorial Zoning (ETZ) jurisdiction. Therefore, the zoning districts and maximum residential density are governed under the auspices of the Village of Ellsworth. However, PCC Chapter 237 Subdivision of Land regulations apply to this property. The 2.82 acre proposed lot meets the County 1-acre and the Town 2.5-acre minimum lot size requirements. PCC §237-26C, F, & G is regarding the lot configurations. Each lot needs at least 66 feet of road frontage. Then at the building setback line, each lot shall be at least 100 feet wide. The CSM meets these standards. PCC §237-26E requires that each lot “shall contain at least one acre of net area with slopes less than 20%, of which ½ acre shall be less than 12% slopes.” The CSM meets the slope requirements. Per PCC §237-17B(3), 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 and recommended a mound septic system. The property is not in any Farmland Preservation Programs per Land Conservation Department. Pierce County Surveyor, Louie Filkins, reviewed and approved the CSM on 7-13-2021. The CSM review fees were paid on 7-14-2021. The Town of Trimbelle issued a shared driveway permit on 1-20-2020 and access is proposed to be shared with the north parcel. A joint driveway easement was recorded on Doc#591516

on 3-19-2020. The Village of Ellsworth reviewed and approved the CSM on 7-13-2021. Since the rule exception was granted for the erosion control requirement, staff recommend the LMC approve this CSM. **Gulbranson moved to approve the 1-Lot Major Certified Survey Map (CSM) for James A. & Vicki S. Langer/Sanden seconded. All in favor. Passed.**

**Discuss take action on a request for 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 of Section 22, all in T26N, R15W, Town of Rock Elm, Pierce County, WI. Staff Report – Adam Adank:** BS Construction/Steve Schoeder Properties owns a mine which was expanded in 2006. In 2006, 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 for the blasts. The peak particle velocity was raised from .35 to .50 in order to conduct a full-face blast and produce a better product. 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 blaster at the time stated that the higher peak particle velocity would 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. The previous operator never conducted a full-face blast after the PPV was raised to 0.5 inches per second. A partial face blast was conducted on June 14, 2019. 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. On September 4, 2019, the CUP was renewed with modifications. Due to the high PPV at the Sylla residence, conditions were modified to require a signature hole prior to any further production blasts and results needed to be presented to the LMC to determine if any further modifications were necessary. The maximum PPV was also changed back to .35 inches per second. On August 20, 2020, a signature blast was conducted. A status report was presented to the LMC on September 2, 2020, to discuss the signature hole blast results. The blaster (Terry Johnson, Quick Supply Co.) stated he felt they should be able to keep all future blasts under a .35 PPV based on the signature hole. Production blasts have been allowed since. On September 14, 2020, two full-face production blasts were conducted and all three seismograph stations had readings under the .35 PPV threshold. No blasts have taken place since that time. The property is located in Rock Elm and zoned Ag Residential. The mining site has approximately 10 unreclaimed acres. Access to the mine is off 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. BS Construction intends to mine one additional acre towards Cty Rd S and then close and reclaim the mine. Well tests were conducted in 2019 and the operator stated he will be testing the wells again before the end of this year. The LMC has recently been updating nonmetallic mining conditions relating to well testing in effort to standardize well testing conditions across most nonmetallic mines in the county. Staff recommends modifying condition #7 to be consistent with other nonmetallic mine well testing requirements. The applicant is working on submitting an updated financial assurance. No complaints have been received since the status report in September of 2020. Staff contacted the Town of Rock Elm regarding this renewal. The township has not received any complaints since the last modification. The existing conditions are listed #1 - #12 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 CUP with the following conditions (**proposed changes in bold**):

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 (7 days) 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.~~

**Well tests for nitrates, suspended solids, and dissolved solids shall be conducted for all existing wells within 1000 feet of the proposed mining operation, prior to any blasting and after the initial blast. Tests shall be conducted annually thereafter, as long as blasting continues. If blasting ceases, tests shall be conducted annually for two years after the most recent blast. Well tests shall be conducted prior to the initial blast, and annually thereafter, when blasting is resumed after a break of more than one year.**

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 maintained to screen adjacent residences.
12. Operator shall ensure that fly-rock does not negatively impact adjacent properties.

Bill Sylla Jr, from New Hampshire, thanked the committee for all the work on this. It continues on, although your report says there haven't been any complaints, Pa has talked directly with Bechels and they have been pretty good about watering but sometimes they weren't watering and there was some dust. With his conversations with the Bechels, they stated they aren't really the only ones operating out of there. There are other folks hauling out of there too and we don't really think it should just be upon us to do the dust mitigation. With conversations with his dad, the dust mitigation should fall on the quarry owners to make sure all parties operating are actually doing it. He understands there weren't any complaints made to the board but Pa has talked to the Bechels over the last couple years specifically about dust mitigation. William Sylla Sr stated in regards to the mining may be sporadic, Bechels have been quite busy. Along with that, they have been warehousing electrical equipment and trucks and supplies for an electrical construction company which is changing out poles and lines in the area. Between the two, it's been quite busy there. When he talked to Greg Bechel about dust control, he was willing to do it but on the other hand, the electrical company is going in and out of there too, quite often. At that point he failed to do anything more about it. When this meeting came up and he realized he should have been on the ball about it. Somehow or other when you get to be past 80 years old, you just forget like when you walk to the next room and you wonder what you are doing there. That's kind of where he was with this. They do need the dust control and he thinks it would be a good thing to have them put some chemical on in the spring. County Materials did it and they were pretty good for the year after that. Chairperson Fetzer stated he is just fifty couple years old and he does the same thing. We should all be so lucky to get to the 80 some year-old range. In his opinion, the CUP comes down on Greg Bechel because he is running it now. If someone else is running stuff in and out of there, like Bill said, either you spray a one-time deal that really suppresses it for the year or you stay on top of your dust suppression. He is going to have to communicate to the people that are also using that or he is going to have to start doing it. Pichotta stated we became aware today that other folks are coming in and out of there. We certainly are going to look into that. Chairperson Fetzer stated which is fine, correct? Pichotta stated it may be, we have to look into what exactly they are up to. If those folks are generating dust, well that's an issue too. That's going to have to be addressed. William Sylla Sr, stated Schoeder's themselves do haul materials out of there. Roy stated he doesn't know how the lease agreement works. He knows in the past, once County Materials was out of there, he doesn't think it was an exclusive lease with any operator. He does think more than one mine operator goes in and out of there. Holst stated that is quite common for people to sell product to another operation and they just haul the stuff in and out. But the guy that applies for the permit is the one that has to provide the dust suppression in his mind. You don't sublease to somebody else and shirk that responsibility. If you would have some verbiage to add dust suppression. Roy stated he thinks we can do a modification to condition #8 Dust control measures shall be implemented when necessary. The property owner/mine operator will water when necessary.

So then that goes back to the property owner if they are leasing it out or allowing someone else in there they also have responsibility. Holst asked who decides when its necessary? Mr. Sylla stated that's a good question.

Someone else stated it's very vague. Holst stated he thinks we need to up that. They are happy with the spring suppressant on it to hold the dust down once a year, he thinks we should go that route. Chairperson Fetzer stated that would be smarter when numerous people are rolling through there. Then it takes care of it. Gulbranson asked about condition #7, that's our standard language we are putting in everything now on mines? Holst stated everything that shoots rock. Bill Jr asked the question about the warehousing of the poles and electrical equipment, he doesn't know what is a permitted use or not a permitted use for a mine, that's not really mining to him. He has to ask if that is a use allowed? He is way out of his depth here, just curious, this is the first he has heard of it, that they are using it as something to him wouldn't necessarily be a mining operation but as more of a construction operation. Does the permit really allow that? Roy stated we recently became aware of this and we are going to look into if permits are necessary. He doesn't have an answer for him right now. Bill Jr stated that's fair enough and it sounds like some of the dust is being caused by an unpermitted activity so that is something to look into. Chairperson Fetzer stated we will be checking into that. He asked if everyone was OK with adjusting condition #7 and adding a dust suppression condition in there. He thinks that is something we need to stay on top of. Pichotta stated he does also. Holst stated he believes if they spray it with calcium chloride in the spring it generally takes care of the dust for the year, sometimes two or three. Chairperson Fetzer stated it sometimes holds the rock in place better from what he has seen. Bill Jr asked if maybe they do the stuff in the spring and it starts to fail throughout the year they could give it another blast, is that the way to go? Chairperson Fetzer stated we will get some verbiage in our conditions to address that. Pichotta suggested "A calcium chloride treatment shall be applied each spring to limit dust and as necessary thereafter." **Aubart moved to approve the renewal of the conditional use permit for nonmetallic mining for BS Construction and Steve Schoeder Properties with conditions #1 - #12, amending condition #7 as written in the staff report and adding to condition #8 to read "Dust control measures shall be implemented when necessary. The property owner/operator will water when necessary. A calcium chloride treatment shall be applied each spring to limit dust and as necessary thereafter/Holst seconded. All in favor. Passed.**

**Discuss take action on a request for final plat approval for Hidden Hills of the Kinni, Phase 2, for Cory & Gena Huppert, owners, by Dan Kugel, agent, on property zoned General Rural Flexible 8 located in the NE ¼ of the SE ¼, the E ½ of the NE ¼ and the SW ¼ of the NE ¼, all in Section 9, T27N, R19W, Town of Clifton, Pierce County, WI.**

**Staff Report – Emily Lund:** The applicants are requesting final plat approval of a 20-lot platted subdivision. This is Phase 2 of a multi-phased subdivision. The LMC granted concept plan approval on 1/2/2019 and preliminary plat approval on 8/5/2020. The property is all in Section 9, Town of Clifton. The Huppert's own 165.05 acres that are in the General Rural Flexible 8 zoning district that allows for the creation of 33 lots. Phase 1 created 13 lots and Phase 2 proposes to create the remaining 20 lots. The LMC preliminary plat conditions have been met. On 8/5/2020, the LMC approved preliminary plat with the following conditions:

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

7. The irrevocable letter of credit in the amount of 200% (or \$61,300) of the estimated cost of installing and maintaining erosion control measures that was submitted shall be reviewed and approved by Corporation Counsel. The letter shall be renewed if the erosion control measures are not completed.
8. The review fees in the amount of \$3,000 shall be paid to the Land Management Department.
9. Traffic control signs and uniform road numbering signs shall be installed at the intersections of 817<sup>th</sup> Ave & 1100<sup>th</sup> St.
10. Applicant shall obtain all necessary sign permits (i.e. temporary new development signs; on-site construction signs; on-premises residential neighborhood signs).

The Land Conservation Committee (LCC) met on 6/17/2021 and approved the as-built storm water and erosion control plans with the following conditions:

1. The stone creek in the grass swale (Outlot 1, between Lots 14 & 15) must be installed per design. The large rocks placed in the grass swale are diverting the runoff water in the channel and causing a gully to form alongside the grass swale. The contractor should work with Ogden Engineering to properly install the stone checks.
2. Some overburden piles do not have silt fence surrounding the entire stockpile. Additional silt fence should be installed, and the overburden piles should be seeded if they are to remain.

The Land Conservation Department staff completed a site inspection on 6/29/2021 and said that the conditions for LCC approval have been satisfied. The site is stable and as-built engineering plans have been received. The plat states on Sheet 1 & 2, Note #3, “No land disturbance is allowed on Lots 15, 16, and 17 (west of the drainage easement of said lots) without approval from the Pierce County Land Conservation Department.” This notation satisfies LCC preliminary plat condition 3 from the 6/20/2019 approval of the Storm Water & Erosion Control Plan conditions. On 4/7/2021, the Clifton Town Board approved the “Third Amended Developer’s Agreement” that is between the Huppert’s and the Town of Clifton. The Agreement discusses Town Road construction plans and standards, paving schedule, road maintenance and snow plowing, cost estimates and letters of credit, and more. The document was signed and recorded in the Register of Deeds Office on 7/21/2021 as Doc #604125. The “Third Amended Developer’s Agreement” declares the Town of Clifton’s final plat approval on page 2 of 5, number 3, that states, “Subject to the terms of this Third Amended Developer’s Agreement, the Town Board hereby issues its recommendation for approval of the preliminary (and final) Plat of Hidden Hills of the Kinni Phase 2.” The Wisconsin Department of Administration – Plat Review does not object to the final plat and certified that it complies with §236.15, §236.16, §236.20, and §236.21, Wisconsin Statutes as stated in their letter dated 7/30/2021. Plat Review has no conditions for this plat. Corporation Counsel reviewed and approved the covenants during Phase 1. The covenants were recorded on 1/28/2020 as Document No. 590485 and are for Phase 1 & 2 of the plat. Staff visited the site on 6/21/2021 and noticed the road number sign for 1100<sup>th</sup> Street needed to be corrected. The sign was later corrected and verified on 7/7/2021. The Department plat review fees were paid on 8/5/2020.

**Staff Recommendation:** Staff recommends the Land Management Committee approve this request for final plat for Hidden Hills of the Kinni Phase 2.

**Holst moved to approve the final plat for Hidden Hills of the Kinni, Phase 2, for Cory & Gena Huppert/Aubart seconded.** Chairperson Fetzer asked if Cory & Gena Huppert joined the meeting. Lund stated Dan Kugel is on. He had nothing to add. **All in favor. Passed.**

**Discuss take action to approve the updated Land Records Modernization Plan.** Pichotta stated you have in your packet a copy of the plan itself, which he won’t go through, he will just highlight what the changes were. As you recall the Land Records Modernization Plan is the plan through which expenditures of the Land Records Modernization fund and Land Records Modernization grant program are identified. Basically, it establishes the County’s priorities and the State requires that we update it every three years and we have actually done it more often than that, as it’s been needed to adjust for upcoming projects. Projects that were included on this particular revision are:

1. **QL2 LiDAR (USGS) & Enhancements/Derivatives** – If you recall, a few months back, he brought a request to the committee to authorize staff to enter into an agreement stating we would fund the LiDar flight in our 2022 budget. There is a variety of enhancements available, for example culvert location, flows

as well as one-foot contours for the whole county. Things that will be very valuable to not only Land Conservation but also the Highway Department.

2. **Next Generation 911 Data Conversion** – In the next couple years we have to convert a variety of data to meet the Next Generation requirements. You will see the dollar figure associated with that on the back of the first page.
3. **Conversion to ArcGIS Pro** – Need to upgrade by 2025.
4. **GCS/LandNav Upgrade (Treasurer)** – This is in the Treasurer's Office. There is a mandated update of her software which is relatively expensive. Again, these are all allowable uses of these dollars and in fact what they are intended for.
5. **Register of Deeds (ROD) Digitize/Scan Lien Documents** – Digitized Scanned Lien Documents: Another thing that needs to happen and an eligible expense. We presented these to the Land Information Council a few weeks back and they approved it and recommended approval by Land Management Committee.

**Gulbranson moved to approve the updated Land Records Modernization Plan/Sanden seconded. All in favor. Passed.**

**Discuss take action on proposed Land Management Department 2022 Budget. Staff Report – Andy Pichotta:** You can see by the summary sheet basically the proposed change is 1 ½%. All of the increase is due to personnel costs. As we go through, you will see if he had a line item that came in higher than last year, he adjusted another line item down to accommodate, so there was a zero increase in operating.

Land Records Modernization funded grants, this is on the back page of that summary he just went through. This is the proposed expenditures out of the Land Records Modernization Fund and Grant Program. Basically, we get \$100,000.00 a year from the State through Land Records Grants and we have a Land Records Modernization Fund which is a non-lapsing account that has about \$250,000.00 in there right now. We will likely not spend all of the money but it is better to identify potential costs that might come forth rather than have to bring them forward during the year. Here is what we are proposing \$5,000 for Parcel Updates/Changes, 15,000 for GIS Maintenance/Data Updates/Database Updates, 8,300 for ArcGIS ESRI Annual Maintenance, 3,485 for Link (ProWest) Annual Maintenance, 2,213 for Pictometry License for 50 Public facing Licenses, 17,100 for Temp Position in ROD (Land Records fund) or a consultant – to help scan and index. It may be that they will have trouble finding someone so it might be that those dollars go to a consultant that does the same thing. 29,800 for LiDAR Flight (DOA), 36,000 for LiDAR Extra's (1<sup>st</sup> year ½ costs) Ayres, 40,000 for Next Generation 911 Conversion, 20,924 for GCS/LandNav Upgrade this is for the Treasurer's Office, 1,000 toward Training – we get a grant to send Kevin to the annual workshop. Potential expenditures are \$178,822.00, not likely we will actually spend quite that much. Revenues, he is anticipating that revenues for 2022 will be fairly similar to those projected for this year. Quickly working through the budget worksheets, if anything jumps out at you that you want him to talk about, please speak up. The first one is the Land Management/Planner expenditure budget. You can see that the proposed increase is 1%. Nothing particularly interesting, there was a 5% increase in Sundry Repair & Maintenance Service but that is due to our copier. Next is the Zoning budget, also an expenditure budget, the only meaningful change is the telephone budget which he bumped up from \$1,000 to \$1,500 and in order to do that he bumped down the Unleaded Gasoline from \$3,000 to \$2500 so hopefully gas doesn't get too high. Moving on to the Surveyor budget, not much for changes here, 1% increase. Life Insurance went up a bit about 47% but it is still only \$15.00, nothing else particularly notable. GIS Budget, this went up 2%, this is basically Kevin's position and a little bit for supplies and travel, printing and duplication, all personnel costs. The next is Revenue, fairly close to the 2020 actual budget. He is anticipating revenues to be about the same for next year although it's fairly uncertain. Basically, Admin would like them to be a little bit careful and not too optimistic. Under Land Records Fees - the 2020 actual amount was \$14,417.22 whereas last year it was \$3500.00. The Town of Spring Lake bought all new double-sided signs for all everyone that didn't have them. They bought poles and put them in for them. That was a one-time deal, kind of an anomaly. Surveyor revenue, last year \$7100, basically this is the fee associated with review of CSM and Plats. This plat tonight was the first one that we have seen in a long time. The proposed expenditures out of Land Information Grant and Fund, he already went through those. Land Records Modernization Fund expenditure budget which contains a portion of those expenditures that were on the prior page. Land Records Grants in 2020, we got about \$100,804.00 in grant revenues. We are actually getting a little less in our Base Budget Grant because we are seeing a little more activity in the Register of Deeds Office. The more fees we retain that go into our fund, the less the State gives us as a grant. Land Records Grants expenditure



is just the budget associated with the expenditures he went through. Wisconsin Fund which you may recall is the program through which they used to assist folks who met certain income requirements with replacing sanitary systems. That program was intended to sunset however, legislation was introduced this year, he understands that it passed, that made it so it didn't go away, however there is no money associated with it so it's not clear as to whether or not it's going to come back in what kind of form or what kind of dollars will be available so he thought we should keep it as a budget because we may get some more dollars. That is the revenue side of things. Typically, we got about \$15,000 that we would pass along to folks and we expended that same amount. The last page is our Capital Improvements Plan where we've got our vehicles on there as well as the total station for the surveyor. This goes out to 2025, he doesn't intend to replace anything in that timeframe. Admin has stuck replacement in at 2025 and we will probably keep kicking that out a few years. We have relatively new vehicles and there is no reason to replace them. When we do replace survey equipment that is an eligible expense out of the Land Records Fund. As long as we still have those dollars that's where they would come from. Otherwise, the others would be general fund expenditures. Gulbranson asked if you can charge expenses for vehicles to the Land Records fund? Pichotta stated no, that's not really an eligible expense. Its more to create records, more access to land records for people. **Aubart moved to approve the proposed 2022 Land Management Department Budget/Holst seconded. All in favor. Passed.**

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

#### **Departmental Update and Future Agenda Items**

Pichotta stated there is nothing for the first meeting in September. It's possible we will have something for September 15<sup>th</sup> but it's also possible that we won't. One of the things that we will need to do is take action on the fee schedule relating to accessory residences. Until we do so, the fee is going to be \$100. It's also possible we will see another application for an accessory residence for the Town of El Paso.

**Motion to adjourn at 7:33pm by Gulbranson/Sanden seconded. Motion passed.**

Respectfully submitted by S. Koehler

**LAND MANAGEMENT COMMITTEE  
MEETING REVISED AGENDA**

**Wednesday, August 18, 2021 – 6:00 p.m.**

Courthouse Annex/Lower Level – County Board Room: 124 N Oak St. - Ellsworth, WI

In-person meeting is limited to Committee Members Only

**Public attendance is only available virtually with the link or phone number provided below.**

<https://us06web.zoom.us/j/89989275354?pwd=NEFuREpnUERQMUFZ2Jlb0p3N0pldz09>

Meeting ID Number: 899 8927 5354

Password: 436494

United States: + 1 (312) 626-6799

Access Code: 436494

#	Action	Presenter
1	Call to order	Chair
2	Next meeting dates: September 1 <sup>st</sup> & 15 <sup>th</sup> , October 6 <sup>th</sup> & 20 <sup>th</sup> , all in 2021.	Chair
3	Approve minutes of the July 21, 2021 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 pursuant to Pierce County Code §240-40A in the Agriculture Residential District for Gregory & Beth Burkhart, owners on property located in the SE ¼ of the NE ¼ of Section 9, T24N, R16W, Town of Maiden Rock, Pierce County, WI.	Adank
5	Public hearing to consider and take action on proposed amendments to Pierce County Code Chapter 240-40A Accessory Residences and Pierce County Code Chapter 240-41D(3) Solar Energy Systems.	Roy
6	Discuss take action on a screening plan for Redeye Express LLC (Simanski Transfer Station) in the Commercial District on property located on Lot 2, Certified Survey Map (CSM), V14, P28, in the SW ¼ of the SE ¼ of Section 35, T25N, R18W, Town of Trenton, Pierce County, WI.	Roy
7	<del>Discuss take action on a request for a rule exception to the requirement that an erosion control plan be submitted for a 2-Lot Major Certified Survey Map (CSM) for Brian Furlong, owner on property located in part of the NE ¼ of the NE ¼ of Section 2, T24N, R18W, Town of Trenton, Pierce County, WI.</del>	Lund
8	<del>Discuss take action on a request for approval of a 2-Lot Major Certified Survey Map (CSM) for Brian Furlong, owner on property located in part of the NE ¼ of the NE ¼ of Section 2, T24N, R18W, Town of Trenton, Pierce County, WI.</del>	Lund
9	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 James A. & Vicki S.	Lund

	Langer, owners on property located in part of the NE ¼ of the NE ¼ of Section 12, T26N, R18W, Town of Trimbelle, Pierce County, WI.	
10	Discuss take action on request for approval of a 1-Lot Major Certified Survey Map (CSM) for James A. & Vicki S. Langer, owners on property located in part of the NE ¼ of the NE ¼ of Section 12, T26N, R18W, Town of Trimbelle, Pierce County, WI.	Lund
11	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.	Adank
12	Discuss take action on a request for final plat approval for Hidden Hills of the Kinni Phase 2, for Cory & Gena Huppert, owners, by Dan Kugel, agent, on property zoned General Rural Flexible 8 Located in the NE ¼ of the SE ¼, the E ½ of the NE ¼ and the SW ¼ of the NE ¼, all in Section 9, T27N, R19W, Town of Clifton, Pierce County, WI.	Lund
13	Discuss take action to approve the updated Land Records Modernization Plan.	Pichotta
14	Discuss take action on proposed Land Management Department 2022 Budget.	Pichotta
15	Discuss take action on Travel/Training Requests.	Pichotta
16	Future agenda items.	Pichotta
17	Adjourn	Members

A quorum of County Board supervisors may be present.

(8/6/21)

- **Revised 8-11-2021 @ 9:36AM**



**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**



PLEASE PUBLISH  
Date 07-29-21 & Date 08-05-21  
AND POST, THANK YOU

**Notice of Public Hearing**

State of Wisconsin) )  
County of Pierce ) ss.

Public notice is hereby given to all persons in Pierce County, Wisconsin, that a public hearing will be held on the 18<sup>th</sup> day of August, 2021, 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 proposed amendments to Pierce County Code Chapter 240-40A Accessory Residences and Pierce County Code Chapter 240-41D(3) Solar Energy Systems, Pierce County, WI.

**In person meeting is limited to Committee members only.**

**Public attendance is only available virtually with the link or phone number provided below:**

<https://us06web.zoom.us/j/89989275354?pwd=NEFuREpnUERQMUFpZ2Jlb0p3N0pldz09>

Meeting ID Number: 899 8927 5354  
United States: + 1 (312) 626-6799

Password: 436494  
Access Code: 436494

All persons interested are invited to said hearing and to be heard.

BRAD ROY  
Zoning Administrator  
Pierce County, Wisconsin

**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 21, 2021, in-person meeting for committee/staff, remote meeting for applicants/public.

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

Absent: Joe Fetzer

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

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

Next meeting dates: August 4<sup>th</sup> & 18<sup>th</sup>, September 1<sup>st</sup> & 15<sup>th</sup>, all in 2021.

Approve Minutes from the June 16, 2021 Land Management Committee meeting: **Sanden moved to approve the Land Management Committee minutes from June 16, 2021/Gulbranson seconded. All in favor. Passed.**

**Public hearing to consider and take action on a request for a conditional use permit for an Expansion of a Nonconforming Structure, pursuant to Pierce County Code Chapter §240-67A(2) in the General Rural Flexible 8 District and Kinnickinnic River Bluffland Overlay District for Russell & Sheila Loucks, owners on property located in SE ¼ of the NE ¼ of Section 8, T27N, R19W, Town of Clifton, Pierce County, WI. Chairperson Holst invited Mr. Loucks to speak.** Mr. Loucks stated the house was built in 1998 and they purchased it from the original owners in December 2019. The basement is unfinished with two patio doors on the east end. They would like to put a deck, 8ft x 20ft deck with 4ft stairs going down to the land. He believes the proposal includes a Three-D render of the deck as well.

**Staff Report – Emily Lund:** The previous land owner obtained Land Use Permits on 5/30/1997 and 6/19/1998 that allowed the construction of the existing dwelling. On 9/29/1998, Pierce County Zoning Code amendments were adopted by Ordinance #98-07 relating to the Kinnickinnic River Blufflands. The code amendments established a new bluffline setback for structures. The dwelling doesn't meet the setbacks to the new bluffline slopes and the dwelling is considered a nonconforming structure. The applicants are requesting to expand the existing 40ft x 60ft nonconforming structure by adding 8ft x 20ft deck to the east side of the house. The deck ledger board is ~2.5ft above grade and ~4 stairs are needed to access ground level. The parcel is located in Section 8, Town of Clifton. The property and surrounding properties are zoned General Rural Flexible 8. Adjacent land uses of surrounding property are residential, forested, and recreational. The existing topography slopes toward the east. The existing septic system is located north of the house and meets the required setbacks from the proposed addition. The existing well is located northwest of the house and also meets setbacks. 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 §240-45C states, "All structures shall be set a minimum of 15ft behind the bluffline, which is defined as a line connecting points at which a slope along the river and the first 1,320ft of adjacent ravines in excess of 20% decreases to a slope of less than 12%." PCC §240-45D states, "Site plan approval. All applications for structures along Kinnickinnic River Blufflands shall require site plan approval to assure compliance with the provisions of this chapter and to address erosion control during construction and afterward." Site plan review and approval was completed administratively. Applicants will need to address any erosion control issues that arise during and after the

construction of the deck. No permit renewal is needed for this request. The Town of Clifton recommended approval of this request on 6-1-2021.

**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, 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 with the following conditions:

1. Activities shall be conducted as submitted in the application and as presented to the LMC.
2. Applicants shall address any erosion control issues during and after the construction of the deck.
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 Holst opened the hearing to the public.** No public comment. **Chairperson Holst closed the public hearing.** Sanden asked if this encroaches any closer on the setback violation. He knows the location for the Kinnickinnic River but it states also the ravines so does this technically encroach further on the setback or is it in a different direction? Roy stated it would encroach closer, extending out over the ravine. **Gulbranson moved to approve the conditional use permit for an Expansion of a Nonconforming Structure for Russell & Sheila Loucks, due to the fact that 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/Sanden seconded. All in favor. Passed.**

**Discuss take action on a request for potential modification of a conditional use permit for Redeye Express LLC (Simanski Transfer Station) pursuant to Pierce County Code Chapter 240-76, in the Commercial District on property located on Lot 2, Certified Survey Map (CSM) V14, P28, in the SW ¼ of the SE ¼ of Section 35, T25N, R18W, Town of Trenton, Pierce County, WI.**

**Staff Report – Brad Roy:** Redeye Express LLC, a freight shipping company, constructed a transfer station on this site in the Town of Trenton. The CUP and Site Plan were approved in 2016. They used flatbed trailers to pick-up and deliver products (electrical poles). The development included a truck transfer station that has an office, storage area, enclosed truck wash, bathroom and outside parking lot. Their trailers were stored outside. Redeye Express has ceased operation, but the site was rented and has continued to be used as a transfer station, albeit on a smaller scale. Given this, the conditional use permit, which runs with the property, has remained active. Simanski Metals is now purchasing the property and is seeking to utilize the existing CUP for a “transfer station.” The proposed operation is similar to the prior operation but is different enough that the review and potential modification of established conditions by the LMC is necessary. According to the submitted narrative, dated June 17, 2021, Simanski Metals is a transportation company that provides containers (roll-offs or trailers) to customers for scrap metal and demolition materials. The containers are delivered to the customers site. When the containers are full they are removed and emptied at an appropriate disposal site. The existing building will be used for an office, storage and truck storage/maintenance. The outside area is to be used to store containers and trailers. In rare cases, a full container will be brought to the property to be stored for a day or two, until it can be delivered to an appropriate disposal site. The site is not open to the public or to customers. The applicants have indicated that they intend to construct an additional structure to enable the combining of partial loads indoors. The property is three acres and zoned Commercial. Pierce County Code §240-88 defines Light Industry and is listed in the staff report. Pierce County Code Table of Uses allows Light Industrial Uses in the Commercial zoning district with the issuance of a CUP. Surrounding Zoning Districts include Industrial to the east and Commercial to the south, west, and north. The northeast point of the property does adjoin the General Rural Flexible District. Surrounding land uses include agriculture to the north, east, and south, and commercial uses to the southwest and west. The existing building is 56ft x 89ft and would be used for storage. It also has an attached 30ft x 18ft entry that will be used as an office, break room, kitchenette, restrooms, and mechanical room. No changes are proposed to the existing building. The applicants do not intend for customers or for the general public to visit or utilize the facility. Only staff will be utilizing the facility. Days of operation are Monday thru Saturday (Saturdays are occasional). Hours are generally 6am-6pm. There are 4 roll-off trucks and

2 semi tractors. Trucks leave the site around 6am each work day and return later in the afternoon. Some days trucks may need to pick up empty boxes from the site to deliver midday, but generally they are gone for the day. The trucks are started and allowed to idle inside the building before leaving the site. Currently there are 5 employees. The applicants are planning construction of a 60ft x 44ft accessory building for combining of partial loads. This will allow all of that activity to be conducted indoors. Any issues with dust would be corrected with chloride application. Access to the site is north of 170<sup>th</sup> Avenue through a shared driveway easement. The applicants estimate that there will be approximately 10 assorted trailers and 30 to 40 roll-off containers on the site. Amounts will vary depending on the season and market. There is existing vegetation in the right-of-way along the southwest portion of the property. The applicants are proposing to park the trailers on the southwest area of the existing gravel. They are proposing to extend the gravel to the south and use this area for the roll-off containers. The applicants have indicated that they believe the existing vegetation is adequate to screen the site. The Land Management Minimum Landscaping Policy addresses screening for nonresidential development. 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 LMC can require additional vegetation or other screening to the extent necessary to make the operation unobtrusive. The existing Conditional Use Permit expires on June 1, 2022. Given that this agenda item is to review the adequacy of existing conditions, and does not result in a "new" permit being issued, the expiration date will remain the same. The Town of Trenton recommended approval of the original request on 5-10-2016 with the suggested condition 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, at that time, indicated that the use fit their Comprehensive Plan. The Town was notified of this request. The Town of Trenton Chairman indicated that he has recently received numerous complaints/concerns over the appearance of the property. The existing conditions are listed in the staff report #1 - #6. Legal counsel has advised staff to remove any condition that requires the Land Management Department and Committee to enforce local and/or state ordinances and regulations.

**Staff Recommendation:** Staff recommends the Land Management Committee determine if the following conditions are adequate to protect the public health, safety, and character of the area. If found to be sufficient, staff recommends the Land Management Committee approve the modified Light Industrial Use with the following conditions:

1. Activities shall be conducted as submitted in the narrative provided and as presented to the LMC, unless modified by another condition of this CUP.
2. The days of operation shall be Monday through Saturday.
3. Combining of partial loads shall be conducted indoors.
4. Screening shall be as proposed or as specified by the LMC.
5. The applicant shall provide proof of insurance (dec page).
6. Applicant understands that expansion or intensification of this use will require modification to this permit or potentially, issuance of a new conditional use permit.
7. This CUP will expire on June 1, 2022. The owner/operator is responsible for requesting renewal.

Sanden asked if the Town of Trenton mentioned anything about the desire to include screening? Pichotta stated that was alluded to. He basically spoke of the trailers and the different colors and shapes of the roll-offs and that folks were finding that to be an issue and were calling him expressing concerns about the appearance.

Chairperson Holst stated it appears the screening that is there is in the right-of-way. Is that correct? Roy stated that is correct. Chairperson Holst stated we all know how the State takes care of their right-of-way and he is sure those trees and bushes will grow up relatively quick but that still leaves somewhat of a gap there. Perhaps a few spruce trees planted indiscriminately would help the screening. Gulbranson asked what if the State would decide every six years or so to go back and cut the trees down? Gulbranson stated that he agrees that there should be some more screening along Hwy 63. Sanden stated at least along the area proposed for the face of the roll-off/parking. Do we have a standard, planting 4-foot trees, 6 feet apart or something? Roy stated nothing has been standardized. It has been based on each operation. He can recall 6-foot spruce trees have been used, 8-foot spruce trees, sometimes staggered rows. Roy stated really it is up to your discretion. Chairperson Holst asked is it about 300 feet of frontage there, approximately, along Hwy 63? Pichotta stated if you use the scale at the bottom of the map that was provided - it is about 300 feet. Chairperson Holst asked approximately how much is



covered now with trees in the right-of-way? Sanden stated it looks like just those three. Roy estimated approximately 100 feet. Chairperson Holst stated screening should be more of a buffer as opposed to a solid screen just because of the district and what we are talking about. He thinks somewhere in the neighborhood of 6 – 8 trees spaced out over the length of that should suffice. Blue Spruce seem to do pretty good if they are watered. They will grow pretty fast. Sanden stated it would be about the same distance if we required it rather than all along the frontage, just along the frontage where the roll-offs are and then just along the northeast. Pichotta noted that in leaf-off condition, the existing trees will not provide nearly the visual buffer that they are providing currently. Chairperson Holst stated perhaps we want to run them the whole length of the project. Gulbranson stated that sounds good. Aubart asked can we approve it with the condition they bring back a screening plan so we're not doing it? Chairperson Holst stated it will come back to committee and then we can see it and reach some sort of agreement with the property owner.

**Aubart moved to approve the modification of the conditional use permit for Light Industrial Uses (Transfer Station) for Redeye Express LLC, Simanski Metals, agent, with conditions #1 - #7 adding condition #8 Applicant shall submit a screening plan to the LMC for review within 30 days/Sanden seconded. All in favor. Passed.**

**Discuss take action on renewal of a conditional use permit for a Nonmetallic Mining Operation in the Agriculture Residential District, pursuant to Pierce County Code Chapter 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 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. 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 of 2016 but started back up in January of 2017. The mine shut down again in May of 2019 and has been shut down since. 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, WISC staff is required to visit the site on a routine basis to maintain the grounds and building, inspect escapeways, perform SPCC (Spill Prevention, Control, and Countermeasure Plan) and SWPPP (Storm Water Pollution and Prevention Plan) inspections, sample wells, analyze slope stability, perform quarterly MSHA inspections and storm water discharge inspections, 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. The properties are located in Sections 3, 10, 11, 13, and 14, in the Town of Maiden Rock. The property is 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 currently four 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. Recent mining activity is taking place at approximately 800-830 ft MSL; the water table elevation in this area is mapped at approximately 750 ft MSL. When the mine is operating, 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 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 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.

Staff contacted the Town of Maiden Rock Chairman regarding this renewal request; staff did hear back from the town this afternoon. They have not received any complaints but stated they are having a hard time contacting anyone from WISC. They stated they would like a representative from WISC at their next Town meeting to answer questions. The existing conditions are listed in the staff report #1 - #17.

**Staff Recommendations:** Staff recommends the Land Management Committee determine whether any additions or modifications are necessary, if none, 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 5am 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 1000ft 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 feet 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 31<sup>st</sup> 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 exists from such emissions.
  14. A Fugitive Dust Plan shall be implemented and adhered to 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 Holst directed WISC to get ahold of the Town of Maiden Rock. Reid Gronski stated he isn't immediately aware of any contact that has been attempted with them. He emailed Adam back today giving him a mailing address if he needs to contact us. He also stated that Adam covered everything very well since the facility has been idle as far as sand production in May of 2019. They continued a lot of items pertaining to their conditional use there. They have been through some ups and downs in their industry but they want to reassure folks and the Township of Maiden Rock that they are still here. They are very hopeful that they can recommission the operation as soon as possible. They might not have as many local folks, just four folks working between the sites that they have in Hager City and Maiden Rock. He can reassure that the Township of Maiden Rock can reach out to him and he can give them a couple other names with WISC as well. Chairperson Holst stated very good because WISC has had a history of being good neighbors and being very responsible to the community and he would hate to see that tarnished or blemished by a change in habits. Mike Melton with WISC, he is zooming in from Illinois and stated he will get with Reid and they'll reach out to the Village to make sure they have a proper contact information. Aubart asked about condition #16, we talk about consistent with DNR permitting. That is contrary to what we have been permitting. Pichotta stated that is contrary to what we have been doing with conditions relating to other folk's rules. The flocculants and polyacrylamides were a very large concern for a lot of folks, how it was handled. We thought it may be appropriate to leave it in there so folks know there is, in fact, standards in place. Aubart stated we just can't enforce them. Chairperson Holst stated he believes if they go against the DNR wishes, the DNR will enforce them and probably in a very timely manner.

**Sanden moved to approve the renewal of the conditional use permit for Wisconsin Industrial Sand Co. for a Nonmetallic Mining Operation with conditions #1 - #17/Gulbranson seconded. All in favor. Passed.**

**Discuss take action on potential code amendments to Pierce County Code Chapter 240-40A Accessory Residences. Staff Report – Brad Roy:** We have discussed this a few times recently. It wasn't until the last LMC meeting that staff realized there might be an issue. There was an accessory residence proposal which was 50 or maybe 100sq ft smaller than the principal residence and the committee had questions as to whether this fit the definition of an accessory residence since it was almost the exact same size as the principal. We realize now, with our language, somebody could propose an accessory residence that would require a CUP to come to the committee which would again be that case where it could be almost the same size as the existing principal residence. With the state regulations that we have with approving CUP's, we wouldn't really be able to deny that unless there is a size limitation established in the code. We are bringing it here tonight to see if a size limitation for an accessory residence that needs a CUP should be established. What we have for size limitations for a land use permit accessory residence is "the area of the accessory residence shall be no greater than 60% of the square footage of the principal dwelling and cannot exceed 1500 square feet." There is no such language

like that for someone that wants to exceed that. We could put something in there now which could be a percentage, 60, 75 or 80% of the principal dwelling or we could do a square footage cap on it, 2000, 2500 square feet, something like that or a combination of the two. We just want to get the committees thoughts before we get to a public hearing. Chairperson Holst stated he thinks the very concept of an accessory residence to him, means probably not very big. He thinks staff is headed in the right direction. As times change here, we are going to see smaller houses probably, not larger ones. Gulbranson likes the idea. It kind of gives you some flexibility. Sanden asked what the difference between #2 and #3? Would #3 require a Conditional Use Permit or is he misreading something? Roy stated yes. Sanden stated #2 is a Land Use Permit and #3 is a Conditional Use Permit? Roy stated yes, and that only is triggered if they want more than one or want something larger than the limited size of #2. Pichotta stated it's important to remember too, with the changes that took place in 2018 regarding conditional use permits, it is very difficult to turn down a conditionally permitted use now if an applicant is willing to abide by whatever conditions are established in the code or by the committee. If someone came in and proposed something quite large, unless there was a parameter in the code, the committee would be in a position, unless there was a public health and safety consideration, to have to approve it. Sanden asked, by being in the land use code, that covers it then? Good. Did you have any reference to go on, the 60% sounds like a good number. Does that number come from somewhere or was it just kind of a common-sense determination? Roy stated more common sense. We looked at the sizes of accessory residences that have been permitted within the last handful of years. Most of them would have been okay at 60%, with the 1500 square foot limit too. Gulbranson asked about the letter e, the sewage disposal? He likes how it is written in that it has to be figured for the maximum. It prevents any monkey business saying there is only one person living in this three-bedroom house. Roy stated he believes the way it is written, adequate-sized sewers will be needed on all sites. Chairperson Holst questions "there shall be no more than two accessory residences on a parcel or lot". He understands this will trigger a CUP but some of these districts you are getting down to relatively small lots anyway. You have a two-acre lot on one, pretty quick it will be down to minimum standards. Pichotta stated that, as written, the parcel would have to have an available density point. You would, in theory, have to be able to split that piece to qualify for a second accessory residence. Chairperson Holst asked you would have to be able to split it? Pichotta stated yes, so the smaller parcels simply would not qualify nor would a ten-acre piece of Primary Agriculture. Chairperson Holst stated very good. Aubart stated back to the 60%, the houses built today are a lot bigger. He looks at his house, 1800 square feet, 60% of that is pretty small. That would limit it to less than 800 square feet. That is pretty tiny. On older properties the houses were smaller versus the 3,000 or 4,000 square feet new houses are. Roy stated that is why we wanted to build in the Conditional Use Permit option so that if you couldn't meet the 60% and the 1500 square foot caps, you could come for a CUP to get something bigger but now what we are trying to avoid is an 1800 square foot house is coming in and asking for a 1750 square foot home. Then you are in the situation of, is it really accessory to that one or do we basically just have two homes? Aubart stated the other issue is, one of the last ones that we approved, they said it was nearly the same size but then they said it was a one-bedroom. How do we deal with that? Roy stated he thinks between our permitting process and the town building inspector, we would find out if there is more. Some questions could get raised with the plumbers, why are you putting in a big system on a one-bedroom home. Really when it comes to bedrooms, the septic system would be the main concern. Gulbranson asked if someone has a 1500 square foot house and they want to put an accessory of 1450 square foot, the 60% would knock that out, wouldn't it? But it wouldn't be that unreasonable either, 1500 square foot, could you put and/or in there. Roy stated the way it is written now, that would trigger a CUP and it would come to the committee. That would be at your discretion. You might find it's reasonable in this case, however, nothing would stop the person with a 5000 square foot home coming to you with a 4500 square foot accessory residence and really you would be tied to the same thing. You would almost have to approve it due to state regulations. Chairperson Holst stated then we almost need to cap the square footage size as an accessory residence. He stated he doesn't think an accessory residence should be an 8500 square foot home. Sanden asked if they have a 5000 square foot home and want to put in a 4500 square foot home, they say no, it doesn't meet the land use permit requirement and kick it down to us, then we would have to approve it. So we haven't really gained anything. Gulbranson asked couldn't we put a buffer on that too, couldn't we do both? Pichotta stated yes. He thinks we should. The question is, is the cap 60% or should we put a hard figure for the cap? Aubart stated he would rather have a hard number. Pichotta asked in addition to 60%? Aubart stated no, not in addition. Chairperson Holst stated just a hard number. Aubart stated 1200 or 1500. He thinks that would be better.

Pichotta asked if you are still comfortable on the one that would be possible to be permitted through a land use permit with the 60% or 1500 square feet? Aubart stated he doesn't have an issue with that. Pichotta asked with the CUP, no 60% and just 1500 square feet? With the proposed new language, if someone were to come in and have a density point available to them because their lot was such a size that it could be split, they would be able to put in a second accessory residence as long as it wasn't bigger than their house. Chairperson Holst asked why don't we have them split the lot, it's the cleanest? Pichotta stated that would be the other option - to simply not to allow more than one accessory residence. Chairperson Holst stated that if you have the ability to split the lot, you split the lot. Roy stated the rationale for allowing greater use of accessory residences was based on our comprehensive plan which encourages diverse housing options and to seek to limit the fragmentation of land/farm land. Chairperson Holst stated what he sees is where we are going to start getting into trouble is, if we allow two accessory residences on a lot. Roy stated that is an easy fix, we just strike that option away and you get one accessory residence and now we are dealing with the size issue. One criteria being an over-the-counter permit and the other criteria being coming to the committee for a size. Another option is to strike that too and if you are going to have an accessory residence in Pierce County, you are limited to 60% of your home or 1500 square feet. Lund asked if there was a principal home of 1800 square feet and they get a land use permit to do this and in the future they want to add on to that accessory residence with a deck. Do we need to have a building restriction? Pichotta stated according to our code, a deck is an expansion of your house. Lund stated do we have to have a restriction on building then if they are limited to 60%? Roy stated the size limitation would still hold. You can't come in two years later and just get an addition that would exceed these limits. Pichotta asked if we are leaning toward eliminating the CUP option or are we looking at a percentage cap as well as a square footage cap? Gulbranson stated he thought square footage for sure. Percentage, he is 50/50 on that. Pichotta stated if there is not a percentage associated, you could have someone do the very thing we've been talking about, have a 2500 square foot house existing and come in and get a 2400 square foot accessory residence if we don't have some sort of scale associated. If you want to make that carry through not only on the land use option but on the conditional use option, that would need to be there too. Aubart stated unless you had a hard number, a square footage number. Pichotta stated that if you had a hard number, you would basically be in a position that if someone had something slightly larger than that, you would have to allow up to that number. Aubart stated right, but you are picking your winners and losers, if you happen to have a 4000 square foot house then you can build your 1500 square foot accessory residence. People that don't have that, that's not even an option. Chairperson Holst stated no but with just the 1500 square foot hard number, if you had a 1200 square foot house you could build up to that or do you want it under that? Aubart stated you could say, not to exceed the original size. Chairperson Holst stated that would still allow the person with the primary structure to add on or increase the size of that house. Gulbranson stated what helped him, not too long ago, there was opposition to somebody's accessory home that was pretty small, if he recalls 800 square foot, he doesn't think it was even addressed how big the main house was. To him, because of how small the house was, that was a pretty easy decision. Even though the neighbors were opposed to it at a public hearing. Gulbranson stated to him the size really does make a difference. It helps blend into the neighborhood. Roy stated we have the 1500 square foot limit. Gulbranson stated what is that, three bedrooms? Chairperson Holst stated three small bedrooms in 1500 square feet. Then you could get a divorced child in there with a couple of kids, three kids, four kids, six kids for that matter. An accessory residence, in his mind, is a temporary fix to a tough situation. Gulbranson asked if an attached garage counts toward the square footage? Roy stated no, it would not. Gulbranson stated then somebody wanted to build a small house with a 4-car garage on it, now we're talking, that doesn't go toward the square footage? Roy stated no because that would not be living space. Chairperson Holst stated then you get back into the septic systems. Gulbranson stated we had some games with that so we actually put a size limit on the attached garage so it couldn't exceed so much of the square footage of the home. Chairperson Holst stated let's say you want to build an accessory residence that had an 800 square foot living area and a 10,000 square foot shop on it. Sanden stated that was one of his questions, there is no way we are going to be able to cover sneaky issues. That was something he was going to bring up, we have seen it before where there is this large structure and oh, we're only going to live in this small little corner of it. There is no way of us enforcing that or even knowing if that's the case. Again, to your point, there is no way we are going to be able to cover all those contingencies in a code. The opposition then with the 60% is if someone has a really small home. They may not be able to build a very big accessory residence. Well, then maybe a 1500 square foot hard limit is the way to go. Roy asked and one option for size? Sanden stated he doesn't mind the 60%. He doesn't know if we have a lot of

people with small homes that want to build an accessory residence. But he also doesn't oppose just limiting it to the square footage either. Pichotta stated that if they have available density they always have the option to split off a piece and build a large house on it. It's not that those folks wouldn't have other options. There would be a mechanism for them to build a second large house, it just wouldn't be under the mechanism of being accessory to the first. Chairperson Holst asked if we have ever entertained the idea of flip flopping which one is the primary and which one is the accessory. Roy stated that has come up and after the structure was built we have re-established the principal use is on the new one and designate the accessory use is on the previous one. Chairperson Holst stated as long as they are under 1500 square feet. Roy stated now that would have to be a consideration. Aubart asked if Brad could go back over the last five years, he doesn't know how good the data base is as well, to see how big the accessory residences were. Roy stated he doesn't have that with him but that he would find out. Aubart stated 1500 is a pretty good size home. Sanden stated he would be comfortable with putting the 1500 square feet in part 3 as well and if you are more comfortable getting rid of the 60%, that is fine with him as well. Pichotta asked how about 10% instead of 60%. Sanden stated what about less than the principal residence not to exceed 1500 square feet. Pichotta stated that seems to be committee consensus. Okay, that is what we will do. Chairperson Holst asked if the committee will get to see it again. Pichotta stated yes, at a public hearing. If you are comfortable with this - we will schedule it for August 18<sup>th</sup>, not only for this but for the language we had proposed earlier for Utility Sized Solar. Pichotta asked the committee is comfortable with what has been discussed. Committee consensus to move forward with a public hearing.

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

#### **Departmental Update and Future Agenda Items**

Pichotta stated that we won't have a meeting on the first Wednesday of August. Pichotta stated for 18<sup>th</sup> we have a public hearing for an accessory residence in the Town of Maiden Rock and we will have a public hearing to consider potential code amendments relating to Accessory Residences and Solar Energy Systems. We will have a request for a rule exception to the requirement that an erosion control plan be submitted for a CSM in the Town of Trimbelle and then a 1-Lot Major CSM for the same folks in the Town of Trimbelle. Then we will have a renewal of a CUP for nonmetallic mining for BS Construction in the Town of Rock Elm. There will likely be more items as well.

**Motion to adjourn at 7:16pm by Aubart/Sanden seconded. Motion passed.**

Respectfully submitted by S. Koehler

**LAND MANAGEMENT COMMITTEE  
MEETING AGENDA**

**Wednesday, July 21, 2021 – 6:00 p.m.**

Courthouse Annex/Lower Level – County Board Room: 124 N Oak St. - Ellsworth, WI

In-person meeting is limited to Committee Members Only

**Public attendance is only available virtually with the link or phone number provided below.**

<https://us06web.zoom.us/j/85274204441?pwd=RzdsaEIIU0FuNjIyaHorVkfOdfVFTdz09>

Meeting ID Number: 852 7420 4441

Password: 213992

United States: + 1 (312) 626-6799

Access Code: 213992

#	Action	Presenter
1	Call to order	Chair
2	Next meeting dates: August 4 <sup>th</sup> & 18 <sup>th</sup> , September 1 <sup>st</sup> & 15 <sup>th</sup> , all in 2021.	Chair
3	Approve minutes of the June 16, 2021 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 pursuant to Pierce County Code §240-67A(2) in the General Rural Flexible 8 District and Kinnickinnic River Bluffland Overlay District for Russell & Sheila Loucks, owners on property located in the SE ¼ of the NE ¼ of Section 8, T27N, R19W, Town of Clifton, Pierce County, WI.	Lund
5	Discuss take action on potential modification of a conditional use permit for Redeye Express LLC (Simanski Transfer Station) pursuant to Pierce County Code Chapter §240-76, in the Commercial District on property located on Lot 2, Certified Survey Map (CSM) V14, P28, in the SW ¼ of the SE ¼ of Section 35, T25N, R18W, Town of Trenton, Pierce County, WI.	Roy
6	Discuss take action on Site Plan Review for Lacey Swartz & Brandon Ferguson pursuant to Pierce County Code Chapter §240-75, in the Light Industrial District on property located on Lot 8, Certified Survey Map (CSM) V12, P26, in the SE ¼ of the NE ¼ of Section 14, T26N, R19W, Town of Oak Grove, Pierce County, WI.	Adank
7	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,	Adank

	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.	
8	Discuss take action on a request for renewal of a conditional use permit for a Heavy Industrial Use (Sand Processing Facility) located in an Industrial District 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.	Adank
9	Discuss take action on potential code amendments to Pierce County Code Chapter 240-40A Accessory Residences.	Roy
10	Discuss take action on Travel/Training Requests.	Pichotta
11	Future agenda items.	Pichotta
12	Adjourn	Members

A quorum of County Board supervisors may be present.

(7/9/21)







**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, June 16, 2021, in-person meeting for committee/staff, remote meeting for applicants/public.

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

Absent: Joe Fetzer

Others: Andy Pichotta, Brad Roy, Emily Lund, 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 Boardroom.

Next meeting dates: July 7<sup>th</sup> & 21<sup>st</sup>, August 4<sup>th</sup> & 18<sup>th</sup>, all in 2021.

Approve Minutes from the May 19, 2021 Land Management Committee meeting: **Sanden moved to approve the Land Management Committee minutes from May 19, 2021/Gulbranson seconded. All in favor. Passed with Jeff Holst abstaining because of absence at the last meeting.**

**Public hearing to consider and take action on a request for a conditional use permit for an Accessory Residence in the Primary Agriculture District, pursuant to Pierce County Code Chapter §240-40A for Jason Vance, owner on property located in NE ¼ of the NE ¼ of Section 5, T27N, R16W, Town of Gilman, Pierce County, WI.**

**Staff Report – Emily Lund:** The applicants purchased this property from Patsy Vance on 1/23/2019. In September 2020, a sanitary permit was obtained and a system installed. In March 2021, a land use permit was obtained to authorize the construction of a principal structure/residence. The proposed accessory residence is intended for Jason’s mother, Patsy Vance, to occupy. The 17.85 acre property is located in Section 5, the Town of Gilman. The property is zoned Primary Agriculture. Adjacent properties are zoned General Rural and Primary Agriculture. Pierce County Code (PCC) Chapter §240-40A(2) allows accessory residences that are accessory to single-family residences in the Primary Agriculture zoning district with the issuance of a CUP. There are two definitions in the Pierce County Code for Accessory Residence and Accessory Building, listed in the staff report. PCC §240-32C states, “An accessory structure shall not be permitted until its associated principal structure is present or under construction.” The principal structure/residence will need to be under construction before the accessory residence may commence construction. The sanitary permit for a 5-bedroom mound was obtained on 9/14/2020 and a system install on 9/15/2020. The land use permit was obtained on 3/5/2021 for a 2,720 sq ft principal structure/residence that includes 3 bedrooms, 1 office with a closet, and a 2-car attached garage. The proposed accessory residence is 600 sq ft and includes 1 bedroom and a 1-car attached garage. The principal structure/residence has an address of N8829 410<sup>th</sup> St. The applicants will need to obtain a separate uniform address number for the proposed accessory residence. The Gilman Town Board recommended approval of this CUP request stating, “It is consistent with all aspects of the Housing Section of the Gilman Town Comprehensive Plan.” They suggested that “all construction including septic design, should meet all necessary county requirements for these structures.” Renewal of this CUP will not 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 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, All Croix Inspections, to determine whether a permit from the town is needed and to ensure compliance with the Uniform Dwelling Code (UDC) requirements.
2. The principal structure/residence shall be under construction before construction of the accessory residence may commence.
3. Applicant shall obtain a new uniform address number for the accessory residence.

**Chairperson Holst opened the hearing to the public.** Samantha LeTourneau, W4199 890<sup>th</sup> Ave, right next to the proposed structures on the Vance property. She just heard about this due to the public hearing notice. These are large structures and she is already being screwed on one side by your solar panels. That is taking up one side of her property and this is directly the other side of her property which is two large structures. It's just never ending, seems like the County will just approve anything. Wayne LeTourneau, Samantha's father. Samantha and her significant other are new land owners to beautiful rural landscape of the County. She grew up in his home in Woodbury where she is this evening monitoring this proceeding. We are battling Ranger Power now with all the issues, through an attorney, to at least provide some compensation for Samantha and Samuel. Chairperson Holst asked Mr. LeTourneau to limit his comments to the CUP in front of the board. Mr. LeTourneau stated there is context here and that is that his daughter feels now that there is encroachment on both sides of what was to be a pastoral, rural, place to live and raise a family and grow. He speaks as a concerned father for his 22-year-old daughter. This is now some significant encroachment. She left the grip of the met council to get away from this. There is more encroachment here than he has seen living 26 years in Woodbury. **Chairperson Holst closed the public hearing.** Gulbranson stated this is a 600 sq ft accessory building with one bedroom and a one car garage. It's pretty small. Ms LeTourneau stated that is after the 5-Bedroom home that is built, it's not just 600 sq ft, that is also 2,720 sq ft residence going up. Roy stated that single-family residences are permitted in the zoning district so the 2700 sq ft principal residence isn't up for debate, that is a permitted use. The question tonight is the 600 sq ft accessory residence. Ms LeTourneau asked how long the 600 sq ft residence would be present, is that permanent? Roy stated yes, this would not be a termination permit where they would have to remove it after a certain amount of time. **Gulbranson moved to approve the conditional use permit for an Accessory Residence for Jason Vance, due to the fact that 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/Sanden seconded. Roll call vote, Aubart-Yes, Gulbranson-Yes, Sanden-Yes, Holst-Yes. 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 Richard & Sheila Eggen, owners on property located in the NW ¼ of the NW ¼ of Section 17, T27N, R17W, Town of Martell, Pierce County, WI.**

**Staff Report – Adam Adank:** The applicants have an existing 1654 sq ft house already located on the property. Recently, they poured a foundation for a 60ft x 68ft pole shed with a 20ft x 68ft lean-to off the north side of the building. The applicants are now proposing a 1616 sq ft accessory residence that will be connected to the south and east side of the pole shed building. A 22ft x 48ft office/game room/storage room/bathroom for the pole shed is also proposed to be built off the south side of the pole shed building. The property 41.26 acres in size and is in Section 17, Town of Martell. The property is in the Primary Agriculture zoning district. Surrounding land uses are residential, woodland, and farmland. Pierce County Code (PCC) §240-40A allows accessory residences which are accessory to single-family residences in the Primary Agriculture zoning district with the issuance of a CUP. PCC §240-88 defines Accessory Residences and Accessory Buildings as shown in the staff report.

The original home is a 3-bedroom slab on grade home approximately 1654 sq ft in size. The accessory residence is proposed to have a floor area of 1616 sq ft and will have one bedroom. The existing At-Grade septic system was permitted and installed in 2009 and is sized for a 4-bedroom house. The applicant plans to submit a sanitary reconnect permit to connect the proposed 1-bedroom accessory residence to the existing At-grade system. The existing system is sized large enough to accommodate the increase in wastewater flow from the proposed 1-bedroom accessory residence. The existing single-family dwelling has an address of N8072 690<sup>th</sup> St. The new dwelling would need its own address. The Martell Town Board recommended approval of the

CUP request on 5/11/2021 without any concerns or suggested 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 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. Applicant shall obtain a new uniform address number and sign for the second residence on the property.
2. Applicant shall obtain a sanitary reconnect permit prior to the start of construction of the accessory residence.
3. Applicant shall contact the Town Building Inspector, All Croix Inspections, to determine whether a permit from the town is needed and to ensure compliance with Uniform Dwelling Code (UDC) requirements.

**Chairperson Holst opened the hearing to the public.** No public comment. **Chairperson Holst closed the public hearing.** Chairperson Holst asked about access and whether there is an easement. Adank stated for their property there is no easement. Sanden asked staff about accessory uses and what demonstrates incidental to the primary structure. Correct him if he is wrong but square footage does have a part to play in it, he would assume. He thinks the question they were discussing last meeting was if they had a pole shed that was much larger than the home but they only dedicated a small portion as a living facility that would be all that was considered as far as comparison of square footage. This one is almost as large as the primary residence, so how does that all play out in this scenario? Roy stated he thinks we have to look at what they designate for the residential unit. He has been in garages and sheds where there is no residence in there, but there is a back room and it's pretty nice but that doesn't make that whole structure residential. Sanden stated theoretically if he were to build a home twice as large as his primary residence and just tell you that we are only going to count this front half because the back half is going to be a bedroom/bathroom/storage/office but it's not considered part of my residence. How do we determine whether or not it's arbitrary as far as what they declare to be the residence? Pichotta stated this is part of the reason we are seeking to do some amendments to the portion of our code relating to accessory residences. Customarily subordinate and incidental to, we have used the square footage but that is not currently listed in our code as a consideration. Basically, what we are looking at is a dwelling unit located in an accessory building located on residential parcel. That certainly fits the bill in this particular case. We have, as you suggest, looked at square footage in that the accessory residence has to be smaller than the house. This is barely smaller but it does meet what we have done in the past. We are looking at changes to the language simply for reasons just like this. Adank stated for clarification, it might be important to note that there is no access to this game room from what they are designating as residence. They would have to access that through the pole shed. Sanden stated that is something and that's good. **Sanden moved to approve the conditional use permit for an Accessory Residence for Richard & Sheila Eggen, 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 - #3/Aubart seconded. Roll call vote. Aubart-Yes, Gulbranson-Yes, Sanden-Yes, Holst-Yes. All in favor. Passed.**

**Public hearing to consider and take action on a request for a conditional use permit for Private Outdoor Recreation in the Agriculture Residential District, pursuant to Pierce County Code Chapter 240-39E for Phillip & Cynthia Symes and Cody & Anne Marie Sjoquist, owners on property located in the SE ¼ of the SE ¼ of Section 8, T25N, R18W, Town of Diamond Bluff, Pierce County, WI. Staff Report – Brad Roy:** The applicants are proposing to construct and operate a Commercial Riding Stable which will also host indoor and outdoor events. Limited camping would also be provided to event participants only. Bedding and feed will also be sold on the site. The owners own two adjoining 40-acre parcels, one in the Town of Diamond Bluff and the other in the Town of Trenton. All activities will take place in the Town of Diamond Bluff. The applicants intend to construct a duplex and reside on the site. The following CUP request will address the duplex. The property is located in section 8, Town of Diamond Bluff and zoned Agriculture Residential. Surrounding land uses are primarily agriculture and undeveloped land. There are a limited number of residences in the area as well as a permitted nursery. Private Outdoor Recreational Uses are conditionally permitted in the Agriculture Residential zoning district. Private Outdoor Recreation is defined as: Land uses which offer

recreation activities primarily outdoors, including such uses as private parks, sportsman's clubs, campgrounds, 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 property is accessed from 340<sup>th</sup> Ave, which is entirely in the Town of Trenton. The Trenton Chairperson was contacted about this request. Staff was informed that the Town has no issues with the request and the necessary improvements to 340<sup>th</sup> Ave have been completed.

### **Boarding Facility**

- \* Hours of operation will be 7am to 10pm, seven days a week for boarders. There will be no tacking after 9pm to assure everyone is off the property by 10pm.
- \* There will be no more than 50 total boarded horses between pastured and stall boarded horses. Immunizations will be required and kept on file.
- \* The applicants will ensure adequate parking on the site. There will be no parking on 340<sup>th</sup> Ave.
- \* There will be composting bunkers for the manure.
- \* Security lighting will be installed and directed to stay on the property. Electric fencing will be installed.
- \* The indoor arena will be 70ft x 200ft with no indoor permanent seating. There will be five indoor stalls installed on a concrete pad with a horse wash down area.
- \* The outdoor arena will be 150ft x 220ft using continuous fencing.
- \* Trails will be provided to ensure boarders stay on the property unless agreements are made with neighboring property owners. There will always be at least one property owner on the site at all times.

### **Events**

- \* Events will take place at the indoor and outdoor arena which include Barrel Racing, Steer Roping, Pole Bending, Goat Tying, and Penning events.
- \* Each event will be limited to 150 riders, preregistration will be required. Immunizations will be required for all participants and kept on file.
- \* Portable toilets will be brought in for events. The applicant's plan to construct bathroom facilities in the future with either a holding tank or septic system.
- \* The outdoor arena will have lighting along with a sound system for announcing.
- \* For sanctioned events Ellsworth EMS will be on site, they will be on-call for other events.
- \* If inclement weather is forecasted, events will be rescheduled.
- \* All parking will be on site, no parking will be on 340<sup>th</sup> Ave.
- \* Camping will be available for event participants to reduce road usage. Quiet times will begin at 10:30pm. In the future the applicants intend to construct gravel hookup sites for participant camping.

### **Sales**

- \* Sales of hemp stem will be offered, which is the same material used for bedding in the stables.
- \* Horse feed as well as chicken, dog, cat food and others will be offered.
- \* The feed will be kept in a grain room and the hemp will be kept in the barn.

PCC 240-39B Riding Stables, states:

- (1) Minimum lot size for riding stables shall be 10 acres for commercial riding stables and three acres for private riding stables.
- (2) There shall be at least one acre of open space provided on the lot for each horse kept on the lot.
- (3) All stables shall be located at least 100 feet from the ordinary high-water mark of navigable water and shall be located such that manure will not drain into navigable water.

PCC 240-54 Off-street parking requires one space per 3 horses (17 spaces) for commercial riding stables and one space per 4 patrons (participants plus guests) for commercial recreation. The Department Lighting Policy states, Power and orientation of light fixture: 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. No limitations on noise (sound system) or the number of events were presented or recommended by the Town. If the LMC has concerns, additional conditions could address the issues. Applicant should work with other relevant local and state departments and agencies and secure all necessary permits and licenses (e.g. Pierce County Public Health, Department of Safety and Professional Services (DSPS), DNR, Town Building Inspector etc.). The applicant presented this request to the Town of Diamond Bluff on May 13, 2021. The Town recommended approval of this request with no reference to its Comprehensive Plan or concerns/suggested 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 to be not contrary to the above, staff recommends the Land Management Committee approve this conditional use permit for a Private Outdoor Recreational Use with the following conditions:

1. The operation shall be conducted as described in the application, unless modified by a condition of this permit.
2. 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.
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. Any advertising signs shall comply with the zoning code standards and any necessary permits shall be secured prior to sign installation on property.
6. All lighting shall comply with the Department Lighting Policy.
7. Adequate liability insurance shall be maintained.
8. If camping is allowed for participants and guests, camping shall be limited to day prior and day after the event.
9. A minimum of 17 permanent parking spaces for the stable shall be delineated. Adequate parking area (1 per 4 patrons) shall be delineated for events.
10. The CUP shall expire in 2 years. Renewal may be completed administratively if no complaints or compliance issues arise.

Adding a number 11:

11. A status report shall be completed in one year.

**Chairperson Holst opened the hearing to the public.** Jane Braddock, N3247 845<sup>th</sup> St, her property adjoins the SE corner of the Diamond Bluff property. What is the projected number of events on the property per year? Mr. Symes stated they are planning on an average of three events a week throughout the year. Outdoor arena, obviously, in the spring/summer and fall and then indoor event in the winter time. Ms Braddock, what would be the additional number of horses beyond the 50 horses boarded that you would expect to be arriving. Mr. Symes stated as they put in their CUP application they would aim for 150 horses as the maximum at this time. Ms Braddock asked if all the trailers and activity be taking place on the Diamond Bluff 40 acres? Mr. Symes stated the events will, yes, parking will be in fields and paddocks as space allows. Ms Braddock stated so both properties. Mr. Symes stated yes, he doesn't think he needs a CUP for parking. Ms Braddock asked if the horses will be tied to trailers on both properties and leaving manure on both properties? Mr. Symes stated they are purchasing a tow/sweep and collect system, so any manure that is left out in the fields would be picked up and bunkered. As you know, being a horse person, people typically pick up for themselves but we will have bunkers and buckets for everybody wherever their horses are at. Ms Braddock stated good and asked about the announcing system, will it be projecting across all 80 acres or just localized to the arena areas. Mr. Symes stated it will be localized kind of like what the St Croix Riders outside of Baldwin has. It will be a small system, not like Treasure Island going to have 50,000 watts of power going out there. Ms Braddock stated so it's not something that will be mounted on top of poles, it's just a smaller portable system. Mr. Symes stated it will be up but it will be shot down towards the arena. He doesn't want to blare it out to Reuver's, Amundson's and all around. He wants everyone that is there to hear but he doesn't want to advertise it out around the County. We will respect you. Ms Braddock asked if there is any concerns on that dirt road of potentially 70 horse trailers three times a week figuring two horses per trailer on the dirt road, the wash-boarding and pot-holing on that road, are there any concerns about maintenance costs? Roy stated he spoke with the Town of Trenton Chairperson and they did not have any concerns about the road. Ms Braddock said OK and good luck.

**Chairperson Holst closed the public hearing.** Sanden has a question and he brings this up only because it is an Ag Residential zone not an Ag zone. Lighting has been addressed within the conditions and he thinks the neighbors brought up some good points. He asked if there is any precedent in a similar situation, do you think it would be prudent to address sound or wait to see if there are any complaints? It sounds like the applicant gets along with the neighbors and respects the neighbors so I'm just wondering what your general thoughts are and if there was a past example. Pichotta stated as far as the Ag Residential district, that is in fact an agriculture zone.

When the current zoning scheme came into play in the late 90's this district was offered to towns that were hesitant to come under County zoning and it was basically a catch-all agricultural district that recognized residential would also be allowed, but it is an agricultural zone. As far as a condition relating to noise, certainly a condition could be crafted but the truth is the applicants answer to that is probably adequate. If they do what they said they were going to do, he doesn't imagine we will have an issue but when they do the status report, that is an opportunity to hear if there are any issues that have popped up. There would be the potential to modify conditions at that point and if in two years there was anything unexpected or unforeseen, that is also an opportunity to adjust and mitigate at that point. Sanden stated that lends a lot of clarity, so it's an ag zone first and residential secondary. Gulbranson stated at the end of this road there is a public nursery that's Reuver's that's fairly busy. He has been there many times and it's open to the public. That's a gravel road back there. Pichotta stated yes, the LMC actually issued a CUP for that use some years ago. **Gulbranson moved to approve the conditional use permit for Private Outdoor Recreation, 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 - #11/Sanden seconded. Roll call vote. Aubart-Yes, Gulbranson-Yes, Sanden-Yes, Holst-Yes. All in favor. Passed.**

**Public hearing to consider and take action on a conditional use permit request for a Duplex in the Agriculture Residential District, for Phillip & Cynthia Symes and Cody & Anne Marie Sjoquist, owners on property located in the SE ¼ of the SE ¼ of Section 8, T25N, R18W, Town of Diamond Bluff, Pierce County, WI. Staff Report – Emily Lund:** The applicants purchased 80 acres from Gerald Kaneen on 4/20/21. They propose to build a 60ft x 150ft pole barn/duplex that has a 50ft x 60ft residence on each end and a 50ft x 60ft shop in the center. Mr. Kaneen will continue to live in the existing farm house and the co-owners intend to live in each side of the proposed duplex. Also, if this CUP is approved, they will subdivide the land so the existing farm house and proposed duplex are located on their own separate parcels of land. The property is located in Section 8, Town of Diamond Bluff. This parcel is in the Agriculture Residential zoning district. Existing and adjacent land uses are agriculture, forested, and residential. Pierce County Code (PCC) Chapter 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." The applicants will need to subdivide the land so the existing farm house and proposed duplex are located on their own separate parcels of land. PCC Table of Uses allows Duplexes in the Agriculture Residential zoning district with the issuance of a CUP and does not reference any code provisions. The Wisconsin Historical Society recorded a cataloged Native American Burial Site that appears to be located southwest of the proposed duplex location. The applicants shall maintain the 10ft minimum setback from the Native American burial site cataloged area per WI Statutes Chapter 157. 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 principal structure/residence has an address of W8913 340<sup>th</sup> Ave. The applicants shall obtain separate uniform address numbers for each residences of the duplex. The Diamond Bluff Town Board recommended approval of this request on 5-13-2021 with the suggested condition stating, "Maintain 20ft driveway up to County Road Standards. Owner has to live in at least one side of the duplex." This CUP shall expire 12 months from the date of issuance if no action has commenced to establish the use.

**Staff Recommendation:** Staff recommends that 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. Within 12 months of the CUP approval, the applicants shall subdivide the land so the existing farm house and duplex are on their own separate parcels of land.
3. The applicants shall maintain the 10ft minimum setback from the Native American burial site cataloged area.



4. The applicant shall obtain separate Uniform Address numbers for each unit of the duplex. **Chairperson Holst opened the hearing to the public.** No public comment. **Chairperson Holst closed the public hearing. Aubart moved to approve the conditional use permit for a Duplex for Phillip & Cynthia Symes and Cody & Anne Marie Sjoquist 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 - #4/Sanden seconded. Roll call vote, Aubart–Yes, Gulbranson –Yes, Sanden–Yes, Holst–Yes. All in favor. Passed.**

**Discuss take action on a request for a Height Exemption for a Radio Communication Tower in the Primary Agriculture District, pursuant to Pierce County Code Chapter 240-37A, for Wisconsin Department of Transportation, owner by Edge Consulting Engineers, agent on property located in the NW ¼ of the NE ¼ of Section 36, T25N, R17W, Town of Hartland, Pierce County, WI.**

**Staff Report – Emily Lund:** In 2018, WisDOT Division of State Patrol acquired the Bay City Tower, 4.4 acres, and an access easement from the Army Corps of Engineers (ACOE) through a Public Benefit Conveyance provided it would be used for public safety communications. This replacement radio communication tower will fill a large radio coverage gap throughout Pierce County, enhance radio communications with the State Patrol and DNR, and improve voice communication with public safety users of the Wisconsin Interoperable System of Communications (WISCOM). The existing 260ft guyed tower and radio support building were built in the mid-1960s for the ACOE, are beyond their product useful service life, and is not sufficient to accommodate the WisDOT needs. The applicants are seeking a height exemption pursuant to Pierce County Code (PCC) §240-29D to construct a replacement Wireless Communication Service Facility (WCSF) that is 280ft tall self-supported tower because it exceeds 35ft in height. The proposed WCSF is located in Section 36, Town of Hartland. This and the surrounding property are in the Primary Agriculture zoning district. Adjacent land uses are residential, agricultural, and forested. Access is through a 30ft easement off of 510<sup>th</sup> Street. The proposed structure is a self-supported tower with a height of 280 feet. There will be 20ft antennas placed on top of the tower that makes the overall height of the structure 300 feet. PCC Attachment 1 – Table of Uses allows Wireless Communication Service Facilities (WCSF) in the Primary Agricultural zoning district with the issuance of a Land Use Permit. The applicants shall obtain a Land Use Permit for this structure and pay associated permit fees. PCC §240-23 refers to Attachment 2 – Table of Dimensional Requirements, and in the Primary Agricultural zoning district, the minimum setback requirement is 10 foot from the side and rear yard. 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 §240-27C is regarding Town roads and states, “Except as provided in Subsection E, the required setback for all structures fronting on 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.” WI Stats §16.85 requires certain public entities to participate in competitive bidding and contracts when the estimated projects costs exceed \$50,000. The applicants need the height exemption approval before they can submit the project for public bids. After the applicants award the project to a contractor, the applicants will submit the tower design plans and fall zone certification letter to the department and ensure it will meet setbacks and fall zone requirements. The 297ft tower will be designed to collapse within a fall radius of 172 feet. Overall, the proposed design will meet setbacks: the calculations are listed in the staff report. 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 applicants shall obtain uniform address numbers for the tower. Staff will verify appropriate setbacks prior to issuing a Land Use Permit for the structures. PCC §240-88 Definitions are provided for fall zone, support structure, yard, rear yard and side yard.

**Staff Recommendations:** 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 conditions:

1. After the applicants award the project to a contractor, the applicants shall submit the tower design plans and fall zone certification letter to the Department and ensure the tower continues to meet setbacks and fall zone requirements.
2. The applicants shall obtain Uniform Address Number for the tower and pay \$75 fees.

3. The applicants shall obtain a Land Use Permit for the replacement WCSF and pay \$3000 fees. Sanden asked so the setbacks are 147 feet as proposed? Lund stated the tower is 147 feet from the side and rear lot line but it won't be any closer than 182 feet. It's going to be further away. Chairperson Holst stated if it replaces the one that's there it will be better because the one that's there is a little questionable. Gulbranson asked if we have anything to say about lighting? Is that all set up by the state? Pichotta stated our ability to regulate cellphone towers was substantially curtailed a few years ago.

**Sanden moved to approve the Height Exemption for Wisconsin Department of Transportation with conditions #1 - #3/Gulbranson seconded. Roll call vote, Aubart-Yes, Gulbranson-Yes, Sanden-Yes, Holst-Yes. All in favor. Passed.**

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

#### **Departmental Update and Future Agenda Items**

Pichotta stated the next meeting will be July 21<sup>st</sup>. We have a public hearing to consider code amendments relating to Accessory Residence as well as code relating to Solar, also a nonmetallic mine renewal for WISC in Maiden Rock. We may have other things that come up.

**Motion to adjourn at 6:52pm by Aubart/Sanden seconded. Roll call vote, Aubart-Yes, Gulbranson-Yes, Sanden-Yes, Holst-Yes. All in favor. Motion passed.**

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE  
MEETING AGENDA**

**Wednesday, June 16, 2021 – 6:00 p.m.**

Courthouse Annex/Lower Level – County Board Room: 124 N Oak St. - Ellsworth, WI

In-person meeting is limited to Committee Members Only

**Public attendance is only available virtually with the link or phone number provided below.**

<https://zoom.us/j/96183811302?pwd=c2lDZUdQcTVXQW5LRzdWRzVW5yVUT09>

Meeting ID Number: 961 8381 1302

Password: 298383

United States: + 1 (312) 626-6799

Access Code: 298383

#	Action	Presenter
1	Call to order	Chair
2	Next meeting dates: July 7 <sup>th</sup> & 21 <sup>st</sup> , August 4 <sup>th</sup> & 18 <sup>th</sup> , all in 2021.	Chair
3	Approve minutes of the May 19, 2021 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 Jason Vance, owner on property located in the NE ¼ of the NE ¼ of Section 5, 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 an Accessory Residence in the Primary Agriculture District, pursuant to Pierce County Code Chapter 240-40A for Richard & Sheila Eggen, owners on property located in the NW ¼ of the NW ¼ of Section 17, T27N, R17W, Town of Martell, Pierce County, WI.	Adank
6	Public hearing to consider and take action on a request for a conditional use permit for Private Outdoor Recreation in the Agriculture Residential District, pursuant to Pierce County Code Chapter 240-39E for Phillip & Cynthia Symes and Cody & Anne Marie Sjoquist, owners on property located in the SE ¼ of the SE ¼ of Section 8, T25N, R18W, Town of Diamond Bluff, Pierce County, WI.	Roy
7	Public hearing to consider and take action on a request for a conditional use permit for a Duplex in the Agriculture Residential District, pursuant to Pierce County Code Chapter 240-39E for Phillip & Cynthia Symes and Cody & Anne Marie Sjoquist, owners on property located in the SE ¼ of the SE ¼ of Section 8, T25N, R18W, Town of Diamond Bluff, Pierce County, WI.	Lund
8	Discuss take action on a request for a Height Exemption for a Radio Communication Tower in the Primary Agriculture District, pursuant to Pierce County Code Chapter 240-37A, for Wisconsin	Lund

	Department of Transportation, owner by Edge Consulting Engineers, agent on property located in the NW ¼ of the NE ¼ of Section 36, T25N, R17W, Town of Hartland, Pierce County, WI.	
9	Discuss take action on Travel/Training Requests.	Pichotta
10	Future agenda items.	Pichotta
11	Adjourn	Members

A quorum of County Board supervisors may be present.

(6/4/21)











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



MINUTES - Pierce County Land Management Committee Meeting, May 19, 2021, in-person meeting for committee/staff, remote meeting for applicants/public.

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

Absent: Jeff Holst

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 Boardroom.

Next meeting dates: June 2<sup>nd</sup> & 16<sup>th</sup>, July 7<sup>th</sup> & 21<sup>st</sup>, all in 2021.

Approve Minutes from the April 21, 2021 Land Management Committee meeting: **Sanden moved to approve the Land Management Committee minutes from April 21, 2021/Gulbranson 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 Auto Repair and Sales, in the Rural Residential 8 District and Floodplain Area, pursuant to Pierce County Code Chapter §240-36D, for Julie & Keith Peterson, owners on property located in SE ¼ of the SW ¼ of Section 18, T27N, R19W, Town of Clifton, Pierce County, WI.**

**Staff Report – Adam Adank:** The applicants are requesting a Conditional Use Permit to operate an automobile restoration and sales shop at their residence in the Town of Clifton. The applicants built a new pole shed in 2019 which they plan to use for the business. The pole shed is 48' x 72'. This equals 3,456sq ft. The applicants estimate they will restore approximately 20 – 25 cars a year, most of which will be classic cars. The property is located in the Town of Clifton, is 5.07 acres in size and is zoned Rural Residential 8. Adjacent properties are zoned Rural Residential 8 and General Rural Flexible 8. Adjacent land uses are agriculture and residential. Section 240-36E allows farm and home based businesses as accessory to single family residential uses subject to the following:

1. The farm and home based business shall be conducted by the owner of the dwelling unit. No more than eight persons not residing on the site may be employed in the business.
2. If located in the dwelling unit, the farm and home business shall occupy no more than 50% of the dwelling unit. If located in an accessory building, the farm and home based 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. Peterson anticipates having one full-time employee and one to three part-time employees. 778<sup>th</sup> Ave is a private dead-end road that connects to County Road F. There are two other driveways on 778<sup>th</sup> Ave with the Peterson's residence located at the end of 778<sup>th</sup> Ave. Equipment operated for this business include two auto lifts, pneumatic tools, painting equipment, and general use tools. Mr. Peterson anticipates very little hazardous waste will be generated and stated that he plans to properly dispose of any paint, paint thinner, cleaning solvents, etc. at the Pierce County Solid Waste/Recycling Center. Off-street parking per Pierce County Zoning Code Chapter 240-54A requires three spaces per service bay for auto repair. Mr. Peterson anticipates UPS, Fed Ex, or semi deliveries only a couple times a week for the business. Proposed hours of operation are 9am to 5pm. Monday thru Saturday, any customers on site will be by invitation only. Mr. Peterson stated that outside storage will be limited but at times may require 1-3 vehicles to be parked outside. No bathroom facilities are located in the pole shed at this time. The building was plumbed in for a future bathroom and the Peterson's understand

proper permits will need to be obtained before any sanitary system can be installed. Employees would use the house bathroom until a bathroom is installed. No advertising signs for his business are proposed. Mr. Peterson eventually plans to create a website for the business. The Clifton Town Board recommended approval of this request on 4-7-2021. The Town did not suggest any conditions or state any concerns.

**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 unless modified by a condition of this permit.
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. Applicants understand that expansion or intensification of this use will require modification to this conditional use permit.
4. There shall be a minimum of 6 parking spaces established. One of these spaces shall meet standards of, and be designated for, handicap parking.
5. Applicants shall work with Todd Dolan, Clifton 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.
6. The entire business area shall not exceed 5,000 square feet.
7. No more than 8 persons not residing on-site shall be employed at the site at any given time.
8. The business shall be conducted by the owner of the dwelling unit.

**Chairperson Fetzer opened the hearing to the public.** No public comment. **Chairperson Fetzer closed the public hearing.** Mr. Peterson stated he has no other information to add. Chairperson Fetzer stated it looks pretty straight forward and looks like a nice shed. Aubart stated you will be pretty busy if you are doing 20 – 25 cars a year. Mr. Peterson stated that’s being very optimistic. He is getting older so it probably won’t be that many. **Gulbranson moved to approve the conditional use permit for a Farm & Home Based Business for Auto Repair and Sales for Julie & Keith Peterson, 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, with conditions #1 - #8/Sanden seconded. All in favor. Passed.**

**Discuss take action on a request for renewal of a conditional use permit for Nonmetallic Mining in the Agriculture Residential District, pursuant to Pierce County Code Chapter 240-37A, for Greg Bechel Trucking, agent for Robert & Juliane Redding, owners on property located in the SW ¼ of the SE ¼ of Section 27, T25N, R15W, Town of Union, Pierce County, WI.**

**Staff Report – Brad Roy:** The applicants operate a sand mine which encompasses approximately 4 acres. It was first permitted in 2019 and prior to that it was used for personal/agricultural use. It is estimated that 90,000-95,000 cubic yards of material will be removed. 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 off County Road U. Material is removed 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 is extracted utilizing excavating equipment and trucks. Sand screening equipment is placed on the site when necessary. No other processing would take place onsite. Hours of operation are proposed to be daylight hours, with an occasional Saturday. 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. Agreements were made between the mine operator and the Pierce County Highway Commissioner regarding the use of County Highway U. Staff contacted the Town of Union Chairperson regarding this request. They had no concerns about renewing the permit. Based on advice from Corporation Counsel, staff in not recommending any conditions which require the permitting or compliance

with other agencies, organizations, or departments regulations or rules. The existing conditions #1 - #16 are listed in the staff report.

**Staff Recommendations:** Staff recommends the Land Management Committee determine whether the proposed conditions are adequate to protect the public health, safety and character of the area. If no changes or additions are necessary, staff recommends the LMC renew this CUP with the following conditions: (conditions #3, 12, 15, and 16 were removed):

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 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.
4. A Fugitive Dust Plan shall be developed and implemented for the mining site and haul roads.
5. Hours of operation shall remain consistent with daylight hours Monday through Saturday.
6. A map displaying the proposed final reclaimed contours for the Reclamation Plan shall be submitted to the Zoning Office.
7. Applicant agrees that any unforeseen erosion issues shall be addressed to the satisfaction of the County.
8. The reclamation financial assurance information shall be reviewed and approved by Corporation Counsel.
9. A 100ft setback shall be maintained from all property lines for all mining activities, which includes stockpiling and equipment placement.
10. Reclamation shall be according to submitted plans and shall be completed within one year of ceasing mining operations.
11. Any expansion or intensification shall require a new conditional use permit.
12. This CUP renewal shall expire in two years.

**Aubart moved to renew the conditional use permit for Nonmetallic Mining for Greg Bechel Trucking, agent for Robert & Juliane Redding, owners, with amended conditions #1 - #12/Sanden seconded. All in favor. Passed.**

### **Discuss take action on potential code amendments to Pierce County Code Chapter 240-40A Accessory Residences and Pierce County Code Chapter 240-41D(3) Solar Energy Systems.**

**Staff Report – Brad Roy:** Overall dynamics in housing have been changing and more families are looking to have multi-generations sharing properties. The Zoning Office has seen an increase in Accessory Residence applications in the last few years. Staff first presented this item in March, 2021 and was directed to develop new code language to provide additional permitting options and regulations for accessory residences. Existing regulations for 240-40A accessory residences are listed and pretty straight forward. Pierce County Code §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 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:

1. Subordinate to and serves a principal structure or a principal use.
2. Located on the same lot as the principal structure or use served.
3. Customarily incidental to the principal structure or use.

Looking at all of that, staff developed the following proposed language would allow for all residential properties to have one accessory residence permitted with a Land Use Permit as long as it complies with the established limits and regulations:

(2) Accessory residences which are accessory to single-family residences shall be permitted in the EA, PA, GR, GRF, AR, RR8, RR12, and RR20 Districts, subject to the following: ~~with the issuance of a conditional use permit.~~

- a. There shall be no more than one accessory residence on a parcel or lot.

- b. The setbacks and minimum yards for such dwelling unit shall be the required setbacks and minimum yards for principal structures.
  - c. Such dwelling unit shall meet all other provisions of this chapter.
  - d. The area of the accessory dwelling shall be no greater than sixty percent (60%) of the square footage of the principal dwelling, and cannot exceed 1,500 square feet in area.
  - e. Adequate, functioning, approved method of sewage disposal shall be provided for all residences, Sewage disposal system(s) shall be sized to accommodate full capacity of the residences.
- (3) Accessory residences which are accessory to single-family residences in the PA, GR, GRF, AR, RR8, RR12 and RR20 Districts, and are unable to comply with the requirements of subsection (2)(a) and (d), which are the number limiting to one and the size limitation, may be permitted with the issuance of a conditional use permit, subject to the following:
- a. There shall be no more than two accessory residences on a parcel or lot.
  - b. Only lots with the adequate residential density to create a new residential lot, per Pierce County Code §240-25, are eligible for a second accessory residence.

Applicants that could not satisfy the number of accessory residences or the size requirements could apply for a Conditional Use Permit and would need to get a recommendation from the applicable Town, as well as approval from the LMC. Inability to comply with the other requirements would require a Variance. The proposed language would allow for each property to have no more than two accessory residences, but to be able to have a second accessory residence permitted, the property must have enough density to create an additional lot. The goal of this is to ensure that small lots are not being overdeveloped.

Discussion: Are the proposed size limitations (60% of the principal residence and no more than 1,500 square feet) appropriate? Should more than one accessory residence be permitted? Is the property density requirement appropriate?

Chairperson Fetzer stated the property density requirement is a good thing to have. With the 60% and no more than 1,500 square feet? It's not either or, correct? Roy stated yes, so the biggest they will ever get is 1,500 square feet. But if you have a smaller principal residence then the 60% would make it a smaller accessory residence. The whole point of that is to stay in compliance with the definition of an incidental and customarily subordinate accessory residence. Aubart asked about the farm housing for hired help. Chairperson Fetzer stated what they have are trailer houses, do they come in under the same code? Roy stated no, those are permitted under Second Farm Residence and that has its own section in the code. Unfortunately, he doesn't have all the requirements of that one off the top of his head. We wouldn't permit something like that for farm workers as an accessory residence. It's an easier permit to get. Chairperson Fetzer stated that hasn't been an issue for them. They have the main house and then three trailer houses, currently. Yes, they had to set up a whole septic system to handle all of that. Aubart stated he just doesn't want to handcuff the farmers, just thinking about what we have. The flip side is the guy with the yurt and other stuff on two acres. Roy stated he doesn't foresee there being an issue with the agricultural housing by making these changes. Gulbranson stated he has a question about the size, the 60% of the principal residence, if they have a two-car attached garage, is that included in the square footage? Roy stated no. Roy stated when doing all of our residential permitting we look at the living space. We are seeing more of the shed houses, a giant pole shed with living quarters in it. When permitting that, the residence is just the living quarters, not the whole shed. Sanden so in that scenario they could have a large shed and if they only dedicate a corner of it to living quarters, the entire shed could exceed that 1,500 square feet. Roy stated yes. Sanden asked, In your experience, how many of these have we gotten in the last ten years that would have been limited by that part "d"? Is it common to see the some of these accessory residences exceeding the 60% or that 1,500 square foot. Roy stated we didn't look at that 60% side. That would have been harder to calculate. We did look at the square footage and he would say that 90% would have complied with the 1,500 square feet. There were only a few that went over that. Gulbranson stated he likes the part about an accessory having their own septic system, instead of that Per Capita Flow statement. He doesn't understand that. Roy stated, basically a per capita flow statement is a recorded document that says, for example, they've got a three bedroom house with a three bedroom system and we are only using one bedroom of the main house so the system can accommodate the accessory residence too. It gets recorded so any future buyers should know about it. The language of letter "e", he believes will eliminate that. Basically, if you are going to do an accessory residence, the septic system has to be sized for your house as well as the accessory residence at full capacity. Chairperson Fetzer asked where do we go from here? Roy stated it comes down to, do you like what

we are presenting? Are there changes you want to see? He wasn't sure if anyone wanted a second accessory residence option on there, is there even a need for number three? Chairperson Fetzer stated you have the language in there to address that. He thinks with that, you could leave it in and then we're covered. He asked if the committee agreed. He doesn't see it happening a lot but at least we're covered then. Sanden asked, at the last meeting again, the person put up two and basically, they were using them as rental units. Nothing is addressed here as far as the intent of the use, not that we would be able to police that at all, but he thinks you did a good job at stating one, at most two. Just to get around making an AirB&B kind of a setup. Was that your thoughts too, that we didn't really need to specify the intended use of those accessory residences? Roy stated yes, our code is all about the uses, if somebody is going to stay in a residence for a year or a week, the use is essentially the same. At this point we have stayed out of the rental issue. This language is consistent with that approach. Hopefully, we always get to stay out of the rental. He doesn't know how we could ever watch it to enforce it adequately. Maybe in the future we have to. If we had to, we would be amending the code probably in multiple ways. Pichotta stated it seems to him a more appropriate way to address a rental ordinance would be a licensing ordinance. Whether it be adopted by the County or a Town, versus doing it through zoning. Our thought with this is given that we don't know what will be done with these once they are created, there is always the potential that they will end up on AirB&B and end up with eight guys staying there. That's why you have to have an adequate septic system because we don't know and people that rent on AirB&B are not going to pay attention to per capita flow statements. If the committee is comfortable with two of them, tying it to the residential density is going to essentially dictate that if you were to create that second one, you would have the potential to separate it off and sell it as a separate parcel because that capability would have to be there in order to put that in place. We see the potential for abuse. The last time we met, that was bordering on not what it was intended for and potentially abuse. We recognize that something greater than that could happen and we likely wouldn't have the ability to say "no" to. Gulbranson stated to him, the accessory residence is more for the farm and the hired man or the adult children that are married and this doesn't hurt any of that. Pichotta, no it shouldn't. In fact it would be a permitted use in most cases and would actually make things easier for folks. Gulbranson stated so you guys can approve that stuff without coming here. Pichotta stated that on the next agenda we have two accessory residences on it, they are pretty common and both of those would likely qualify for an over-the-counter permit. Gulbranson asked, in this language, in the future if someone comes in and it looks a little bit like a little monkey business is going on, could that come to the committee? Pichotta stated with the changes to conditional use permits in 2018, the Jarchow and Tiffany language, the committee's ability to turn down a CUP is much more limited prior to that point. If they comply with the code, it's pretty hard to deny it so why not just do it as an over-the-counter permit. Chairperson Fetzer asked if staff will just draw everything up and it will come back and then to the County Board. Pichotta stated if the committee is comfortable with the language as it's proposed, we would ask you to direct us to schedule a public hearing, we will put it all into the proper formats, we will send out notifications to the towns, we will start the wheels rolling as far as getting this in place as a code amendment. Chairperson Fetzer stated he likes the way things are looking here. Going back a few years, El Paso Township had that one on Hwy 72, obviously in this place it would fall into place here but what if a town says we don't want that in our town. Pichotta stated the mechanism for towns, in that particular instance the town actually recommended denial of the original accessory residence and the committee basically honored their request. With the new language now that's in place, that denial couldn't have taken place because there is no basis ultimately for that so what he did was run a common roof line and that made it a duplex. If, one more than half of the towns that this proposed language would affect are against it and they notify the clerk of such, we couldn't approve this amendment. The towns that are under County zoning do have a mechanism if they don't like these proposed changes, they could make them not happen. Chairperson Fetzer stated he would say move forward, if the committee agrees.

### **Solar Energy Systems**

Roy stated after administering the Large Solar Energy System ordinance, it became apparent that the existing code should be updated to provide clarity for applicants and residents regarding limitations established by the LMC. The proposed amendments clearly state that the LMC will have the discretion to establish setbacks, height decommissioning and vegetative requirements for any Large Solar Energy System.

b. Standards.

[1] ~~Setbacks. Any portion of the SES shall not encroach within 10 feet of any property line or road right of way.~~

[a] Small SES. Any portion of the SES shall not encroach within 10 feet of any property line or road right of way.

[b] Large SES. Setbacks shall be established by the Land Management Committee based on purpose and intent of this chapter.

[2] ~~Height restrictions. A SES shall not exceed 35 feet in height. Building mounted SES may extend up to eight feet above the allowable building height. Exemptions may be granted by the Land Management Committee.~~

[a] Small SES. Height shall not exceed 35 feet in height. Building-mounted SES may extend up to eight feet above the allowable building height. Exemptions may be granted by the Land Management Committee.

[b] Large SES. Height shall be established by the Land Management Committee based on purpose and intent of this chapter.

[9] Vegetative Buffer. Vegetative buffers for a Large SES shall be established by the Land Management Committee based on the purpose and intent of this chapter.

[10] A decommissioning plan and associated financial assurances may be required by the Land Management Committee for a Large SES.

No other changes, this is to make it clear to applicants and land owners what may be established by the LMC. Aubart asked how do we define small and large. Roy stated small is when it stays on site. Large is defined as for energy use off site. Pichotta stated basically utility size like the one we saw. Sanden asked, even the small ones, can't they sell power back to the grid. Roy stated they do, yes. Sanden asked can't that be considered off site use? Roy read the types which is on page 2 of the staff report.

(3) Solar energy systems (SES).

a. Types.

1. Small: equipment which directly converts and then transfers or stores solar energy into usable forms of thermal or electrical energy which is incidental and subordinate to a permitted use on the same parcel or on a contiguous parcel of common ownership and is intended to supply thermal energy or electrical power solely for on-site use, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

Roy stated that we borrowed the language, somebody else came up with it. Sanden asked do these fall under some FCC or how we have radio towers that we are limited to what we can or can't do, given that this is kind of a public utility use, are our hands tied in some way? Pichotta stated there is another approval required if it is of a certain size then it goes to the Public Utilities Commission as well as to us. They get to dictate. Sanden asked if anything in here would contradict. Pichotta stated he thinks we would run our process and then they would have the ability to probably tweak what we did a bit. Sanden stated he is thinking of a recent example we had, if this were in place, because there was a lot of discussion about setbacks and vegetative screening, that's hypothetical, this would be intended to stop some of those debates and then again couldn't they go back to a higher authority and tweak it. Roy stated his understanding, through Western Mustang, is the Public Service Commission, they stay out of it when it goes to a jurisdiction. If it's not in their hands, it's all up to the municipality to handle it. Pichotta asked what the threshold was. Roy stated not much bigger than Western Mustang. When they first showed up, the threshold to go to them wasn't far off from what they were proposing. He did ask if they scaled it down not to go to them and just to deal with us. They said no. In cases in Wisconsin that we've seen where it is all handled by the State, they do ask for input from the municipality in the approval. Even though it wouldn't be your decision, in a situation like that, it does appear that the State would want to hear from the County what it would like to see. Pichotta stated he would see us having to run a similar process just to come up with a recommendation from the County to provide to the Public Utilities Commission. Sanden stated and having it in writing like you are proposing would eliminate the perception of being arbitrary. It does put us on a firmer footing in that respect. Pichotta stated the recommended changes are based in partly on Western Mustang's response to our proposed conditions. They said, wait a minute, you say 10 foot setbacks in your code, just to clarify so that expectations match reality. The expectation is that the committee is going to set

them, it's not going to be 10 feet. Gulbranson asked so what we did on Western Mustang, it doesn't necessarily tie our hands that we have to do it like that for any other one? Pichotta noted that each CUP is considered to be unique and non-precedential. Chairperson Fetzer asked if there is anything further. Pichotta stated this is as a discuss take action, but direction is adequate we will start the wheels and we are probably looking at a public hearing in July or August. Committee consensus to move forward with a public hearing.

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

#### **Departmental Update and Future Agenda Items**

Pichotta stated we have a bit of an agenda for June 16<sup>th</sup>, we won't be meeting on June 2<sup>nd</sup>. We have an accessory residence for Jason Vance in the Town of Gilman, accessory residence for Richard & Sheila Eggen in Martell, a private outdoor recreational use for a large horse facility for Phil & Cynthia Symes and Cody & Anne Sjoquist in the Town of Diamond Bluff along with a Duplex in Diamond Bluff for the same applicants and a request for a height exemption for a radio communication tower for the WI DOT in the Town of Hartland. Pichotta also stated as far as July goes, if we have public hearings, we'll try to schedule them all at one meeting if it makes sense to do so.

**Motion to adjourn at 6:52pm by Gulbranson/Sanden seconded. All in favor. Motion passed.**  
Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE  
MEETING AGENDA**

**Wednesday, May 19, 2021 – 6:00 p.m.**

Courthouse Annex/Lower Level – County Board Room: 124 N Oak St. - Ellsworth, WI

In-person meeting is limited to Committee Members Only

**Public attendance is only available virtually with the link or phone number provided below.**

<https://zoom.us/j/97765035626?pwd=Tmo5d05VYS9POWFLU2hpRkl2bGxOQT09>

Meeting ID Number: 977 6503 5626

Password: 447076

United States: + 1 (312) 626-6799

Access Code: 447076

#	Action	Presenter
1	Call to order	Chair
2	Next meeting dates: June 2 <sup>nd</sup> & 16 <sup>th</sup> , July 7 <sup>th</sup> & 21 <sup>st</sup> , all in 2021.	Chair
3	Approve minutes of the April 21, 2021 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 Auto Repair and Sales, in the Rural Residential 8 District and Floodplain Area, pursuant to Pierce County Code, Chapter 240-36D for Julie & Keith Peterson, owners, on property located in the SE ¼ of the SW ¼ of Section 18, T27N, R19W, Town of Clifton, Pierce County, WI.	Adank
5	Discuss take action on a request for renewal of a conditional use permit for Nonmetallic Mining in the Agriculture Residential District, pursuant to Pierce County Code Chapter 240-37A, for Greg Bechel Trucking, agent for Robert & Juliane Redding, 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 potential code amendments to Pierce County Code Chapter 240-40A Accessory Residences and Pierce County Code Chapter 240-41D(3) Solar Energy Systems.	Roy
7	Discuss take action on Travel/Training Requests.	Pichotta
8	Future agenda items.	Pichotta
9	Adjourn	Members

A quorum of County Board supervisors may be present.

(5/7/21)



**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, April 21, 2021, in-person meeting for committee/staff, remote meeting for applicants/public.

Present: Joe Fetzer, Jon Aubart, 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 Boardroom.

Next meeting dates: May 5<sup>th</sup> & 19<sup>th</sup>, June 2<sup>nd</sup> & 16<sup>th</sup>, all in 2021.

Approve Minutes from the April 7, 2021 Land Management Committee meeting: **Holst moved to approve the Land Management Committee minutes from April 7, 2021/Sanden seconded. All in favor. Passed with Joe Fetzer recusing himself because of 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 General Rural District, pursuant to Pierce County Code Chapter §240-40A, for Derek McMorrow, agent for Betsy McMorrow, owner on property located in Government Lot 3, in the NW ¼ of the NE ¼ of Section 8, T24N, R17W, Town of Isabelle, Pierce County, WI. Staff Report – Adam Adank:**

The property is owned by Betsy McMorrow. Ms McMorrow lives on the property in a primary dwelling that was permitted back in 1987. Her son, Derek McMorrow, has a yurt and tiny home on the property that he has been renting out on VRBO. The Land Management Department recently became aware of the yurt and tiny home rental and informed Derek McMorrow that the proper Land Use permits have not been obtained to allow for this use. Derek McMorrow is now requesting a CUP to have two accessory residences on the property that will be rented out to tourists visiting the area. The applicant has indicated that the residences will be primarily for summer rental but will also be offered in the winter months. The property is approximately 1.6 acres in size and located in Town of Isabelle. The property is in the General Rural zoning district. Adjacent properties are zoned General Rural. Pierce County Code (PCC) §240-40(A) 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 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 dwelling was permitted as a 30’ x 40’ three-bedroom home with an attached 30’ x 32’ garage. A 24’ x 26’ garage addition was added to the primary dwelling in 1993. There are no records of the original septic system. The primary dwelling has an address of W6626 US Hwy 35. Both accessory residences would need new addresses. The yurt is a one-bedroom residence approximately 16’ in diameter. The yurt will sit on a 20’ x 20’ elevated wood platform. No plumbing is proposed in the yurt but an outdoor sink is proposed for food preparation and cleaning. The tiny home is a one-bedroom residence approximately 8’ x 24’. The tiny

home has a 6' x 12' attached deck. The tiny home has a shower and sink that generate greywater. The tiny home currently has a composting toilet which is not allowed by the Pierce County Sewage Disposal Code and will have to be removed. The applicant intends to have a separate vaulted privy for both the yurt and the accessory residence. The applicant also intends to have a holding tank to collect the greywater generated from the tiny home and outdoor sink. The Wisconsin State Highway Commission has a scenic easement on this property with certain development restrictions within 350' of the centerline of State Highway 35. Staff contacted the WI DOT and verified that thoroughfare across the scenic easement to access the accessory resident rentals would be an allowed use. The accessory residences will be located greater than 350' from the centerline of State Highway 35 to comply with easement requirements. The Isabelle Town Board recommended approval of this CUP request stating "approval contingent upon compliance with Pierce County Code §240-40A rules as they are revised for situations similar to the above." Based on advice from Corporation Counsel, staff is generally not recommending any conditions which require the permitting of, or compliance with, other agencies, organizations, or departments regulations or rules. The applicant is strongly encouraged to comply with relevant local and state ordinances and regulations and secure all necessary permits and licenses (e.g. Department of Safety & Professional Services (DPS), Department of Public Health, etc.). 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 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, All Croix Inspections, 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 each accessory residence to ensure compliance with Pierce County Code 191 – Sewage disposal.
3. Applicant shall obtain a new uniform address number for each accessory residence.
4. Accessory Residences shall not be located within the 350' scenic easement on the property.

Adank stated the neighbor directly to the west, called with concerns that the yurt may be within the 10ft side yard setback, he thought. Based on this concern, staff recommends adding a fifth condition stating: Applicant shall verify all property line setbacks from structures. The same neighbor also had concerns that the applicant is using his driveway as a secondary entrance and exit. It's kind of like a circle driveway. Apparently the two parcels may have been owned by relatives at some point. The driveways were connected to provide a circle driveway. The neighbor just doesn't want the increased traffic on his driveway. You can kind of see the circle driveway on the aerial map.

**Chairperson Fetzer opened the hearing to the public.** No public comment. **Chairperson Fetzer closed the public hearing.** Mr. McMorrow stated the circle driveway, he will be blocking that off this spring/summer. Hopefully that will be better for the neighbor. He doesn't have anything else to add. Chairperson Fetzer stated it's a good thing working with your neighbor, we deal with things all the time here and anything you can do to work with your neighbors, is good. Holst stated he has nothing at this time. Sanden asked about the dwelling unit requirements, he supposed that will be the town building inspector's jurisdiction but the yurt without cooking facilities and without bathroom facilities, does that qualify as a dwelling unit? Adank stated it would under our code. It falls under our definition of a dwelling unit. Sanden asked if there is a limit to the number of accessory residences? Especially those that are being rented? At what point does it cross over to a bed and breakfast or a campground, how many accessory residences are allowed? Pichotta stated that is one of the reasons that we have been bringing up issues related to accessory residences because our code is largely silent on that and we feel there is the potential for abuse. We will be bringing language forward to limit the potential for abuse. Sanden stated he might be misinterpreting the code as well, but it seemed to him the spirit of the accessory residence was for bachelor apartments or mother-in-law apartments, something you would have a family member live in. He wasn't thinking in terms of having it be used as a vehicle to set up a bed and

breakfast or a campground. Pichotta stated he agreed with Dr. Sanden that that was the intent. When this code was written, the whole concept of AirBNB wasn't out there. We have to adjust with the times.

**Sanden moved to approve the conditional use permit for an Accessory Residence for Derek McMorrow, agent for Betsy McMorrow, 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, with conditions #1 - #4, adding condition #5 Applicant shall verify all property line setbacks from structures/Aubart seconded.**

Holst stated we need to look into this accessory residence a little deeper. He was here when the code was put in place and it was basically for a mother-in-law apartment or a hired hand issue. They were looking more at larger lots and this is moving down to smaller and smaller lots. He thinks we need to address this as a committee. It may be too late for this one but we need to look into this a little more. Pichotta stated he concurs. A meeting or two ago, we had a discussion about it. Staff presented some language and some concepts. We will be bringing language back for the committee's consideration. **Chairperson Fetzer stated we have a motion and a second on the table. All in favor. Passed.**

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

### **Departmental Update and Future Agenda Items**

Pichotta stated the one agenda item that we would have for the next meeting, May 5<sup>th</sup>, is a renewal for a CUP for Nonmetallic Mining for Greg Bechel Trucking, for Robert & Juliana Redding for property formerly owned by the Heaths. What he would propose is to do a two-week administrative renewal and bring it back to you when we have a public hearing on May 19<sup>th</sup>. It doesn't make a lot of sense to have a meeting for a single renewal. The public hearing would be for auto repair & sales in the Town of Clifton by Keith Peterson. Committee agreed.

**Motion to adjourn at 6:17pm by Aubart/Gulbranson seconded. All in favor. Motion passed.**

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE  
MEETING AGENDA**

**Wednesday, April 21, 2021 – 6:00 p.m.**

Courthouse Annex/Lower Level – County Board Room: 124 N Oak St. - Ellsworth, WI

In-person meeting is limited to Committee Members Only

**Public attendance is only available virtually with the link or phone number provided below.**

<https://zoom.us/j/98043416601?pwd=VUt6Vkt4dUIXc09lbmhGYmZBR2VJUT09>

Meeting ID Number: 980 4341 6601      Password: 768493  
United States: + 1 (312) 626-6799      Access Code: 768493

#	Action	Presenter
1	Call to order	Chair
2	Next meeting dates: May 5 <sup>th</sup> & 19 <sup>th</sup> , June 2 <sup>nd</sup> & 16 <sup>th</sup> , all in 2021.	Chair
3	Approve minutes of the April 7, 2021 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 Derek McMorrow, agent for Betsy McMorrow, owner, on property located in Government Lot 3, in the NW <sup>1</sup> / <sub>4</sub> of the NE <sup>1</sup> / <sub>4</sub> of Section 8, T24N, R17W, Town of Isabelle, Pierce County, WI.	Adank
5	Discuss take action on Travel/Training Requests.	Pichotta
6	Future agenda items.	Pichotta
7	Adjourn	Members

A quorum of County Board supervisors may be present.

(4/9/21)

**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, April 7, 2021, in-person meeting for committee/staff, remote meeting for applicants/public.

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

Others: Andy Pichotta and Shari Hartung

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

Next meeting dates: April 21<sup>st</sup>, May 5<sup>th</sup> & 19<sup>th</sup>, all in 2021.

Approve Minutes from the March 17, 2021 Land Management Committee meeting: **Sanden moved to approve the Land Management Committee minutes from March 17, 2021/Aubart seconded. All in favor. Passed with Jeff Holst abstaining because of his absence at the last meeting.**

**Public hearing to consider and take action on a request for a map amendment (Rezone) from Agriculture Residential District to Commercial for JM Watkins LLC, agent for Fetzer Farms Inc, owner on an approximate 7-acre parcel located in the NW ¼ of the NW ¼ of Section 18, T25N, R15W, Town of Union, Pierce County, WI. Staff Report – Andy Pichotta:** Applicants propose to rezone 6.887 acres from the Agriculture Residential zoning district to Commercial in order to move JM Watkins, LLC, a local, family-owned meat processing business from the Village of Plum City to this new location, an area often referred to as Ono or Grange Hall. The Ono/Grange Hall area is characterized by two commercial uses, a church, several homes, a DOT park and ride lot, and the Muskie Proppant frac sand processing facility. JM Watkins, LLC was owned and operated by the Watkins family for 66 years until family friend Brandon Clare bought the business in November 2013. Mr. Clare plans to continue the Watkins tradition of quality, value, and good recipes, while adding more meat varieties including chicken, lamb, and seafood. The parcel is located in the NW ¼ of the NW ¼ of Section 18, in the Town of Union. The proposed 6.887-acre parcel is located on the south side of Highway 10 being 600ft east of County Rd CC & Hwy 10. The parcel is currently in the Agriculture Residential zoning district. Adjacent zoning districts are Agriculture Residential, General Rural, Primary Ag, Commercial (being ~300ft to the west) and Industrial (being ~900ft to the east). Current land use is agricultural. Neighboring land uses are agricultural, institutional, residential, commercial, and industrial. Pierce County Zoning Code §240-15 Purpose and Intent of Zoning Districts is stated in the staff report.

Commercial (C) is “established to provide for retail shopping and personal service uses to be developed either as a unit or in individual parcels to serve the needs of nearby residential neighborhoods as well as the entire county. The purpose of the district is to provide sufficient space in appropriate locations for certain commercial and other nonresidential uses while affording protection to surrounding properties from excessive noise, traffic, drainage or other nuisance factors. The WI Dept of Transportation (DOT) stated in a letter to the agent that the DOT does not have objections to a commercial access at this site. The DOT may complete future traffic counts and will visit the site to determine culvert size and end walls. The DOT stated the width of the commercial access is 35ft maximum and that this property has an 80-foot road right-of-way. The Town of Union, which has not adopted a comprehensive plan, recommended approval of this request on 11-9-2020. The Pierce County Comprehensive Plan states, “The County will approve re-zonings or map amendments only when the proposed change is consistent with an adopted or amended town comprehensive plan. In cases where a town has not adopted a comprehensive plan, rezoning will be approved only when it is 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 Pierce County Comprehensive Plan contains the following Land Use planning goal and policy which directly relate to this request:

Land Use Goal: “Provide for a well-balanced mix of land uses within the county that take into consideration the other goals and objectives of the comprehensive plan.”

Land Use Policy: “Encourage the concentration of non-agricultural employment, including 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.”

The value of land for agricultural use is shown in the staff report.

**Staff Recommendation:** Given that the Town of Union Board of Supervisors has recommended approval of this proposed map amendment and that the request is consistent with Pierce County’s adopted Comprehensive Plan, staff recommends that the LMC approve this map amendment (rezone) of 6.887-acres from Agriculture Residential to Commercial 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.** Chairperson Holst stated it seems to him that there used to be an old locker plant there.

Gulbranson stated there was and it was run by Jim Thompson and Fred Winkler.

**Gulbranson moved to approve the Map Amendment (Rezone from Agriculture Residential District to Commercial) for the 6.887-acre parcel for JM Watkins LLC, agent for Fetzer Farms Inc, owner, and forward a recommendation to the County Board of Supervisors/Sanden seconded. All in favor. Passed.**

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

#### **Departmental Update and Future Agenda Items**

Pichotta stated for April 21<sup>st</sup>, we have a public hearing for a conditional use permit request for an accessory residence in the General Rural District for Betsy McMorrow in the Town of Isabelle on the north side of Highway 35.

**Motion to adjourn at 6:09pm by Sanden/Aubart seconded. All in favor. Motion passed.**

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE  
MEETING AGENDA**

**Wednesday, April 7, 2021 – 6:00 p.m.**

Courthouse Annex/Lower Level – County Board Room: 124 N Oak St. - Ellsworth, WI

In-person meeting is limited to Committee Members Only

**Public attendance is only available virtually with the link or phone number provided below.**

<https://zoom.us/j/94496424392?pwd=N0h6K0s5VW5sUGNpQ0JWNHNsRIMvUT09>

Meeting ID Number: 944 9642 4392

Password: 122032

United States: + 1 (312) 626-6799

Access Code: 122032

#	Action	Presenter
1	Call to order	Chair
2	Next meeting dates: April 21 <sup>st</sup> , May 5 <sup>th</sup> & 19 <sup>th</sup> , all in 2021.	Chair
3	Approve minutes of the March 17, 2021 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for a map amendment (Rezone) from Agriculture Residential District to Commercial for JM Watkins LLC, agent for Fetzer Farms Inc, owner on an approximate 7 acre parcel located in the NW <sup>1</sup> / <sub>4</sub> of the NW <sup>1</sup> / <sub>4</sub> of Section 18, T25N, R15W, Town of Union, Pierce County, WI.	Lund
5	Discuss take action on Travel/Training Requests.	Pichotta
6	Future agenda items.	Pichotta
7	Adjourn	Members

A quorum of County Board supervisors may be present.

(3/26/21)

**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 17, 2021, in-person meeting for committee/staff, remote meeting for applicants/public.

Present: Jon Aubart, Neil Gulbranson, and Eric Sanden

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

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

Next meeting dates: April 7<sup>th</sup> & 21<sup>st</sup>, May 5<sup>th</sup> & 19<sup>th</sup>, all in 2021.

Approve Minutes from the February 17, 2020 Land Management Committee meeting: **Gulbranson moved to approve the Land Management Committee minutes from February 17, 2021/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 District, pursuant to Pierce County Code Chapter 240-40A for Audrey Turitto, owner on property located in Lot 3, Certified Survey Map (CSM) V11, P42, in the NE ¼ of the NW ¼ of Section 16, T25N, R18W, Town of Trenton, Pierce County, WI. Staff Report – Adam Adank:**

The applicant was issued a land use permit on October 11, 2019 to construct a new dwelling on the property. At that time the applicant was already living in a mobile home located on the property. Therefore, the applicant was also issued a temporary dwelling during construction permit to live in the original dwelling (mobile home) while the new dwelling was being constructed. The temporary dwelling during construction permit was issued with the condition that the temporary dwelling be removed within 12 months or at the time the new dwelling was completed and connected to utilities. Land Management staff conducted a site visit shortly after the temporary dwelling during construction permit expired and found that the temporary dwelling had not been removed. At that time a violation letter was sent to Ms. Turitto explaining her options to obtain compliance. After discussing the options with Ms. Turitto, she decided she would like to keep the temporary dwelling and apply for a conditional use permit for an accessory residence. The property is 8.84 acres in size and located in the Town of Trenton. The property is in the General Rural Flexible zoning district. Surrounding land uses are residential, woodland, and farmland. 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. PCC §240-88 defines Accessory Residences 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:

1. Subordinate to and serves a principal structure or a principal use.
2. Located on the same lot as the principal structure or use served.
3. Customarily incidental to the principal structure or use.

The original home is a 16ft x 80ft mobile home (1280 sq ft) that has 3 bedrooms and was permitted on May 17, 2006. The new home has a total floor area of 3228 sq ft and the Private Onsite Wastewater Treatment System (POWTS) is sized for 3 bedrooms. The existing At-Grade septic system was permitted and installed in 2006 and



is sized for a 3-bedroom house. Both homes are currently still connected to the same septic system. The applicant has submitted a per capita flow statement documenting that the existing system is sized for a 3-bedroom house or 6 people and the number of people residing between the 2 dwellings will not exceed 6 people or a code approved modification to the existing POWTS or construction of a new code complying POWTS to accommodate the modification to wastewater flow and/or contaminant load will be installed. The existing single-family dwelling has an address of N3269 875<sup>th</sup> St. The new dwelling would need its own address. The Trenton Town Board recommended approval of the CUP request stating “approval recommended for the use only as a home office, storage, and visitors place to stay with the condition this CUP be reviewed again if complaints are presented.” 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. Applicant shall obtain a new uniform address number and sign for the second residence on the property.

**Chairperson Aubart opened the hearing to the public.** No public comment. **Chairperson Aubart closed the public hearing.** Gulbranson asked if you have a septic system for a 3-bedroom house and now you add a trailer with 3 bedrooms on to that same system. So it’s a system that could be up to six bedrooms. They said there is not going to be more than six people, how do we know that? Is that the honor system? Adank stated it is unless we get a complaint. It’s pretty hard to regulate that. It’s more intended for a new property owner so they know the sizing. They may be buying a property with two homes but the septic system is only sized for six people. Sanden asked would it be useful to put that in as a condition? Roy stated that it wouldn’t be necessary to be a condition because through the sanitary code we have a means to enforce it, even with it not being a condition. Sanden stated the Trenton Town Board recommended a condition of approval only as a home office, storage, and visitors place to stay, has that precedent ever been set in any accessory residence with that kind of restriction on it? Pichotta stated no we have never placed a condition quite like that and the reality for the use is that home office, storage, and visitor place to stay is consistent with a “residence”. This is an accessory residence and those are residential sorts of things. Sanden asked what if they want to rent it out as a permanent residence? Pichotta stated it seems likely that is what the Town Board was getting at but the reality is that we are hesitant to place conditions that we would have a hard time enforcing. Sanden stated unfortunately he agrees. Chairperson Aubart asked if you approve this as an accessory residence, just by definition, could you even place that condition? Pichotta stated he has his doubts. Aubart stated either it is or it isn’t. Pichotta stated right, it’s either a residence or it isn’t. Gulbranson stated under our definition A. it lists several that apply. He doesn’t see where normal rental would be under. Pichotta stated if you are looking under §240-88, A. actually refers to a commercial or industrial district where you’ve got a commercial use and you have the proprietor living on-site. We are really looking at B. where it’s a dwelling and an accessory residence. Gulbranson asked if in the future they want to take out the trailer and put in a new one, would be legal for them to do that? Pichotta stated yes, we are approving the use. If one wanted to switch out the trailer, there would still be sanitary permits that would be required, a new UDC permit from the Town, as well as a land use permit.

**Sanden moved to approve the conditional use permit for an accessory residence for Audrey Turitto, 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 condition #1/Gulbranson seconded. All in favor. Passed.**

**Discuss potential modifications to Pierce County Code §240-40 Residential Uses relating to Accessory Residences and Mobile Homes. Staff Report – Brad Roy:** Going off of what we just went over, Staff has been examining trends in development in the county as well as the region. Two topics worth considering are Accessory Residences and Mobile Homes and whether the existing regulations are adequate.

Accessory Residences: Overall dynamics in housing have been changing and more families are looking to have multi-generations sharing properties. The Zoning Office has seen an increase in Accessory Residence

applications in the last few years. Existing regulations for §240-40 Accessory Residences are listed in the staff report and Adam just read them. Some other counties in Wisconsin have made one Accessory Residence permitted, with certain criteria, in Agriculture and Residential Districts; and looking on-line, many other counties have/are considering the change.

Is the LMC interested in modifying the permitting process for Accessory Residences in the Agriculture and Residential Districts? Some of the conditions that could be applied to the permit could be:

\*The area of the accessory dwelling shall be no greater than one half the square footage of the principal dwelling, or exceed 1,000 square feet, 1200 square feet, something like that.

\*Accessory dwellings shall comply with all other requirements for residences and shall comply with the sanitary ordinance.

\*Accessory dwellings shall not be rented or leased.

\*The owner of the lot/parcel shall occupy the principal dwelling on the property.

\*No other accessory residence is located on the property.

Applications that cannot comply with any of the predetermined conditions, would need to apply for CUP, which will need to get a recommendation from the applicable Town and approval from the LMC. The big picture is this worth considering or do we keep the process that we have now? Pichotta noted that some of the bullet items – such as Accessory dwellings shall not be rented or leased, we have that in there simply for discussion not necessarily because we think it's a good idea. Those are the sorts of things that we could look at doing. Our question here tonight is, do you support the concept of having, under certain parameters, the ability for folks to come in and pull a permit over-the-counter for an accessory residence versus having to come see you guys for a CUP. Basically, anything outside of established parameters would still trigger the need for a CUP so there would be the potential to consider unusual circumstances or if something that didn't really meet the parameters. We would have to tweak the parameters for the CUP's also. What we discovered when we started digging into this is that it's a lot more complicated than we thought initially. Once you tweak one thing, suddenly it opens up the potential for a variety of other things so you've got to address those. Roy stated that we started looking into it and it was really clear that this is a complicated issue. So before we are able to give you a lot of answers, we are here to find out if you are interested - campgrounds, recreational vehicles, mobile homes, accessory residences, they all intertwine. Sanden asked if the five bullets were based on issues that staff has experienced in this county or based on your research and other counties. Roy stated some were other counties, the owner/occupied bullet was put in because it was discussed with the Jay Oberg application. Sanden stated you did bring up a good point about all the interplay and complexity of it. It does seem like this would streamline it for over-the-counter for generic accessory residences and the ones that come before us would be the complicated ones. Discussion followed regarding multiple or single accessory residences on one parcel/property, density levels depending on the amount of land owned, setting a cap on number of residences, allowing the dairy farmers residences for their employees, developing the permitting process for over-the-counter and conditional use permits depending on the proposed uses, manufactured home parks, tiny/small homes, accessory residences for elderly parents/grandparents, not allowing per capita flow statements, etc. The committee agreed that staff should look into modifying the current code, based on recent trends and development and bring language and concepts back to the Land Management Committee for consideration.

**Discuss take action to authorize Pierce County's participation in the USGS/WI DOA 2021-2023 LiDar Project. Staff Report – Andy Pichotta:** The United States Geological Survey (USGS) and the Wisconsin Department of Administration have partnered to offer an opportunity for groups of counties to acquire QL2 LiDar data. Pierce County is part of the current group of counties to which this opportunity is being offered. The project duration is 2021-2023. Data would be collected later this spring. Pierce County would be billed for their share of the project in the first half of 2022. There are four data quality levels of LiDar data that are typically collected. This project would acquire QL2 data (Quality Level 2). Higher data quality levels are typically collected in cases where there is extremely varied terrain and in areas that are extremely flat, or in cases where data will be used for engineering. The LiDar data previously collected for Pierce County was QL3 (2015).

Benefits of the project:

- Improve point density from 1 PPSM (points per square meter) to 2 PPSM at minimum
- Vertical accuracy improves from 19cm to 10cm
- Data supports one-foot contour interval
- Data supports improved above ground classifications
- Data supports generation of countywide 2D building outlines and culvert mapping

The cost of this project to Pierce County is \$29,800 (total cost before USGS grant etc. is \$119,002). This is for data acquisition and base data deliverables. Base data deliverables include:

- Base classified point cloud (does not include buildings or veg)
- Hydro flattening break lines (100-foot streams and 2-acre ponds)
- Bare earth DEM
- Vertical accuracy report
- Data acquisition and processing QC reports
- Title schematic, ESRI shapefile format

Pierce County will then have the opportunity to contract with the State contracted data collector to acquire additional enhancements and derivatives. Recommended enhancements/derivatives and their associated costs will be presented to the LMC as part of the regular 2022 budget process. Funds utilized for this and other Land Records Modernization efforts are from the Land Records Modernization Fund or the associated grant opportunities. If you recall, we receive \$100,000 a year, every year currently to further our land records goals and these funds are specifically earmarked for this type of activity and may not be used for any other purpose. Our land records fund where we put our retained fees, we have not been hitting the fund as hard as we could and there is about ¼ of a million in there right now.

**Staff Recommendation:** Staff recommends the LMC agree to include \$29,800 in the 2022 Land Records/Land Management Department Budget to fund this project and to authorize staff to sign a funding agreement with the State of Wisconsin – Department of Administration. Sanden asked the additional enhancements does that include stormwater runoff predictions? Pichotta stated yes. Sanden stated one-foot contour intervals, now you are down to engineering quality, that’s fantastic. Pichotta stated Highway has been approached about this and they have watched a demo on it. Land Conservation has seen it and apparently it would be very valuable in identifying sinkholes. It is his thought that these funds are dedicated for these things and he thinks we should buy every product that they develop that can somehow be useful to the County, we buy it and pay for it out of this fund. Sanden stated he agrees and it could even be a money-saver if you can reduce the onsite surveying.

**Sanden moved to include \$29,800 in the Land Management Department’s 2022 Land Records Modernization Budget for the USGS 2021-2023 LiDar Project and authorize staff to sign a funding agreement with the Wisconsin Department of Administration/Gulbranson seconded. All in favor. Passed**

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

#### **Departmental Update and Future Agenda Items**

Pichotta stated we have one agenda item for April 7<sup>th</sup>, a request for a rezone for about a seven acre parcel that is located at Grange Hall off of Hwy 10, to Commercial, currently it is owned by Fetzer Farms and Watkins out of Plum City is looking to do a meat processing and store front there.

**Motion to adjourn at 6:51pm by Gulbranson/Sanden seconded. All in favor. Motion passed.**

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE  
MEETING REVISED AGENDA  
Wednesday, March 17, 2021 – 6:00 p.m.**

In-person meeting is limited to Committee Members Only

**Public attendance is only available virtually with the link or phone number provided below.**

<https://zoom.us/j/97497706111?pwd=bTI2dGZURUZTeE5FV1haSVZkanVtdz09>

Meeting ID Number: 974 9770 6111      Password: 245222  
United States: + 1 (312) 626-6799      Access Code: 245222

#	Action	Presenter
1	Call to order	Chair
2	Next meeting dates: April 7 <sup>th</sup> & 21 <sup>st</sup> , May 5 <sup>th</sup> & 19 <sup>th</sup> , all in 2021.	Chair
3	Approve minutes of the February 17, 2021 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 District, pursuant to Pierce County Code Chapter 240-40A, for Audrey Turitto, owner on property located in Lot 3, Certified Survey MAP (CSM) V11, P42, in the NE ¼ of the NW ¼ of Section 16, T25N, R18W, Town of Trenton, Pierce County, WI.	Adank
5	Discuss potential modifications to Pierce County Code 240-40 Residential Uses relating to Accessory Residences and Mobile Homes.	Roy
<b>6</b>	<b>Discuss/take action to authorize Pierce County’s participation in the USGS/WI DOA 2021-2023 LiDar Project.</b>	<b>Pichotta</b>
7	Discuss take action on Travel/Training Requests.	Pichotta
8	Future agenda items.	Pichotta
9	Adjourn	Members

A quorum of County Board supervisors may be present.

(3/5/21)

- **Revised March 11, 2021 @ 8:30AM.**

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



MINUTES - Pierce County Land Management Committee Meeting, February 17, 2021, remote meeting.  
Present: Joe Fetzer, Jon Aubart, 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.  
Next meeting dates: March 3<sup>rd</sup> & 17<sup>th</sup>, April 7<sup>th</sup> & 21<sup>st</sup>, all in 2021.  
Approve Minutes from the January 20, 2020 Land Management Committee meeting: **Aubart moved to approve the Land Management Committee minutes from January 20, 2021/Gulbranson seconded. All in favor. Passed with roll call vote, Aubart– Yes, Gulbranson – Yes, Holst – Yes, Sanden – Yes, Fetzer – Yes.**

**Public hearing to consider and take action on a request for a conditional use permit for a Temporary Asphalt Plant in the General Rural Flexible 8 District, pursuant to Pierce County Code Chapter 240-42F for Monarch Paving, agent for Riley/Romero LLC, owner on property located in the NW ¼ of the NW ¼ of Section 12, T26N, R20W, Town of Oak Grove, Pierce County, WI. Staff Report – Adam Adank:**

Monarch Paving has applied for a Conditional Use Permit to place a temporary hot mix asphalt plant in their permitted rock quarry on Hwy 10, in the Town of Oak Grove. The site is requested to be used for resurfacing State Highway 29 from Prescott to River Falls. Milestone Materials has been operating the quarry since 2015. Monarch Paving is a division of Mathy Construction Company which is a division of Milestone Materials. Monarch Paving indicated in the CUP application that the plant may also supply hot mix asphalt to Dunn County, St Croix County, or other local municipalities or private citizens (driveways in the area). The property is zoned General Rural Flexible 8. Temporary asphalt plants may be conditionally permitted in the General Rural Flexible 8 zoning district per Pierce County Code (PCC) Chapter 240-42F subject to the following:

1. In addition to the application requirements established in §240-76, the following information shall be submitted with the application:
  - a. Plans for controlling erosion of stockpiled material used in manufacturing concrete or asphalt.
  - b. Restoration plan for the site which describes or illustrates measures taken to restore the site to a condition of practical usefulness and reasonable physical attractiveness. The restoration plan shall describe methods for establishing vegetative cover.
2. Conditional use permits granted for temporary concrete or asphalt batch plants shall be only for the period of the actual work project.
3. Temporary concrete or asphalt batch plants shall be removed from the premises within 60 days of completion of the project.

Asphalt plants which are accessory uses to nonmetallic mining also fall under the regulations of PCC 240-37B and shall meet the following:

1. Such uses shall be located a minimum distance of 1,000 feet from dwellings and 100 feet from property lines.
2. Hot mix asphalt plants shall be licensed for air emissions by WI DNR.
3. Reclamation of sites and bonds required.

Asphalt plants are regulated by Federal, State, and Local Government. All portable asphalt plants are regulated with Spill Prevention Control and Countermeasures Plans, Air Permits, and Stormwater Permits to protect the site and surrounding area. The DNR Air Permit is intended to keep emissions lower than the ambient air standards established by the State of Wisconsin. The lowest elevation of the quarry floor is approximately 830ft but the majority of the quarry floor elevation is approximately 856ft. The haul route will be from State Hwy 10

to State Hwy 29. The only hauling conducted on town roads would be for a delivery for local sales on a town road. The applicant has indicated that the asphalt plant would be at the quarry for approximately 8-10 weeks. The time period would be between May and October of 2021, depending on weather conditions and project scheduling. Equipment and structures to be used for production of hot mix asphalt include: Aggregate bins, rotary drying and mixing drum, conveyors, storage silo(s), control house, baghouse, petroleum product storage tanks, storage trailer, front-end loader, haul trucks, portable chemical toilets. Proposed hours of operation are 5:30am to 9:00pm, Monday through Saturday. At times maintenance would be required that would exceed these hours. There will be typically 2-4 employees working at the plant during operation hours. Applicant can expand on the rationale for requested hours if needed. The Land Management Department has received two correspondences prior to finalizing this staff report from nearby property owners recommending denial of this CUP. These full correspondences were included in your staff report packets. A summary of the concerns listed in these correspondences include:

- Potential short-term and long-term health effects from air quality as a result of chemicals used in the hot mix asphalt plant, particularly benzene exposure. Both correspondences came from nearby property owners with pre-existing health conditions.
- The hours that trucks would be allowed to haul based on the proposed hours of operation.

Public health and safety are referenced throughout the Pierce County Zoning Ordinance (240-4 Purpose, 240-76 Conditional Use Permits). 2017 Wisconsin Act 67 created new rules for Conditional Use Permits. A key principle of the act is that local governments must grant a CUP if the applicant meets or agrees to meet all requirements specified in the ordinance or imposed by the board or committee. Additionally, any decision to deny a CUP request must be based on “substantial evidence” versus opinion or conjecture. Staff recently discussed the health concerns raised by the nearby residents and the process for a Land Management Committee decision with Pierce County’s Corporation Counsel. Based on legal advice received, each neighbor expressing health concerns was asked to provide “substantial evidence” relating to the individual’s health condition as well as “substantial evidence” as to how the proposed temporary asphalt plant could/would be harmful to the individual’s health. These submittals will then be provided to the applicant who will be asked to provide their own “substantial evidence” relating to their position regarding the validity or likelihood of the identified health concerns. This information will be provided to the LMC as soon as it is available. The committee has already received one property owners substantial evidence submittal along with the applicant’s substantial evidence response to those submittals. The other neighbors sent in an email yesterday evening. The applicant was forwarded this email late today, without a chance to respond. The committee has also not seen the email yet so he will read it quick.

Adank read, We could have gotten something from my husband’s oncologist saying he has a form of leukemia, but they will not go as far as to say it was caused by benzene releases at the refinery. They can’t prove it. If you google asphalt plants and benzene, there is a ton of information from credible sources. We would like to concentrate on hours of trucking, 7AM to 5 or 6PM, Monday through Friday. Truck drivers get paid for their lunch hour so even if last load was 5PM, they would be getting almost 3 hours over time. On Saturday we feel 7AM to 3PM is very reasonable. That was the other submittal.

The Land Management Committee will need to make a determination regarding the potential for negative health impacts based on the “substantial evidence” provided by each of the parties. Staff spoke to the Pierce County Highway Commissioner regarding appropriate signage to be placed on Highway 10. It was recommended that foldable aluminum, black and orange “trucks hauling” or “trucks entering” signs with orange flags on top of the signs be placed on both sides of the quarry entrance. Signs should be in place during hauling and removed at night or during non-haul days. The Town of Oak Grove recommended approval of this CUP application on January 18, 2021 with the following concerns/suggested conditions”

1. Monarch shall make a local point of contact available to impacted residents.
2. Set more concrete hours pertaining to heavy traffic and machines generating odor.
3. Cut back trees and brush in the HWY 10 Right-of-way to improve sight line near access point.
4. Limit period of operation to duration of Hwy 29 asphalt work (approx. 8-10 weeks).

**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 Temporary Asphalt Plant with the following conditions:

1. Activities shall be conducted as presented in the application unless modified by a condition of this CUP.
2. Hours of operation shall be 5:30am to 9:00pm, Monday through Saturday, unless modified by the LMC.
3. Applicant shall remove equipment within 60 days of project completion.
4. DNR air permit for air emissions shall be submitted to Land Management Department.
5. Applicant shall provide a local point of contact to the Land Management Department.
6. The CUP shall be only for the period of the actual work project on Hwy 29 from Prescott to River Falls.
7. Applicant shall place foldable aluminum, black and orange “trucks hauling” or “trucks entering” signs with orange flags on top of the signs, on both sides of the quarry entrance. Signs shall be placed during hauling and removed at night or during non-haul days. Pierce County Highway Department shall be consulted regarding placement of signs.

**Chairperson Fetzer stated that we have three public hearings this evening. He will state when he opens everything up for public comment, make sure to get your comments in so we can keep everything moving please.**

**Chairperson Fetzer opened the hearing to the public. If anybody has anything to say, please do so.**

Kaitlynn Filkins, with Milestone Materials/Monarch Paving, they support the staff report and recommendations. On the call with her is Tara Wetzel, head of the Environmental Department and an expert on environmental. Brent Schulze, Monarch Paving Division Manager, expert of plant operations, Kent Olsvig, Milestone Area Manager, expert of Quarry Operations, she has asked them to join her. Chairperson Fetzer asked if there was any public comment. Chairperson Fetzer asked Andy if he wanted to read into the record any emails received. Pichotta stated that was McDaniels and that is what Adam read into the record was the email from those folks.

**Chairperson Fetzer closed the public hearing.** He asked Kaitlynn Filkins to stay on in case the committee had any questions of her or of any of the other Monarch employees. Sanden asked Kaitlynn what would be the impact of changing the hours of operation from 5:30am on Saturday to 8:00am. Would that be a substantial burden or is that something you can work around. Ms Filkins stated they are willing to work with the hours. They want to remind everyone this is seasonal work and it is very weather dependent and if the shorter their hours are, the longer they will be there. They are open to talking about hours of operation, 7:00 on Saturday. Sanden stated that is a good point you are making, if we restrict your hours, you will be there longer.

Chairperson Fetzer asked how much longer would that add on. Brent Schulze stated that typically they start at sunrise because they don't like to work in the dark on these projects. If they lose a couple hours on a Saturday. If they are on the job for eight weeks, that's 16 hours or two days of additional time they might need. It's not the end of the world. Typically, people like it when they start earlier and get done earlier. They can work with whatever. Chairperson Fetzer asked if there are any other questions from the committee. Sanden stated he has a question for staff, since 2017 and our requirement to grant CUP's unless there is substantial evidence, do we have any precedent in previous examples of what would constitute substantial evidence. He knows he is asking an opinion question here. Any insight you can give him into any of the input from the neighbors, does that constitute as substantial evidence? Can you enlighten him as to any historical precedence that we might use for comparison as to what the neighbors have submitted rises to the level of substantial evidence? Pichotta stated substantial evidence typically would be studies, expert testimony..... looking at what we did with the proposed solar arrays, we referenced a good number of studies and that would be considered substantial evidence. The applicant had an opportunity to review the materials submitted that were relating to the neighbor's health issues and the potential for issues to arise. In regard to health issues, perhaps it would be appropriate to ask the applicant if they had the opportunity to review what was submitted and he would imagine they have some opinions and can site some studies relating to those concerns. As staff, we don't have the expertise. The goal was simply to bring the committee the best information and the folks who could explain it. Sanden stated that is a good point, he wasn't seeing any studies sited or anything like that, it seemed to be a little bit circumstantial. Tara Wetzel, with Mathy Construction Company, Vice President of Environmental Permitting and Compliance. She has been in her roll since the 90's. There are several studies that they could provide to the committee but the reality is they are a regulated industry by the State of Wisconsin and the EPA.

Part of that process they are issued state permits for the allowances of operating an asphalt plant. During that process, emissions are reviewed and they have to submit those calculations. They are reviewed against the regulations, against the ambient air standards and air modeling is done to ensure they don't have any impacts that go beyond the property boundaries that is allowed. That ??? process is done every time an asphalt plant is permitted. They take that item seriously and want to be good neighbors so they want to make sure they answer the questions you have. If you want them to submit some studies they can. But they feel the ??? process that the DNR does and the EPA does along with the studies that the EPA has published for emission factors are the things that would have some merit in this process. Sanden stated thank you Tara and that makes a lot of sense that is right, to get the permits, you have to show that you are within the parameters that allow it to be safe. It would raise a pretty high bar for the neighbors, in order to controvert that in terms of substantial evidence. By virtue of you getting the permits, that would say you are abiding by what we consider to be safe air quality standards. Gulbranson stated he is leaning against changing the hours of operation. The biggest reason for him is the weather. If it's going to rain later in the day, I'm sure they want to get going in the morning. It could have a ripple effect on the people doing the work towards River Falls on Highway 29. He is sure they want to get done as soon as they can. He doesn't like putting a lot of restrictions. Let's get the project done and get them moved on. Chairperson Fetzer stated he echoes that. If there is concern with the benzine, as the one neighbor brought up, the faster they are in, out and done the better, he would think. Sanden asked about the conditions by the Town of Oak Grove regarding making a local point of contact and our condition #5 says Applicant shall provide a local point of contact to the Land Management Department. Are you willing to be the go between the impacted residents and Monarch or do you think it would be appropriate to have a more direct contact with the residents? Pichotta stated typically if there are issues out in the town and folks want some place to call, they would probably call us. So he thinks it would be appropriate for us to act as that intermediary but certainly whoever that local point of contact is, we could share that with the Town. Sanden asked the Town of Oak Grove was talking about clearing trees and brush. Would that be something that would be the responsibility of Monarch? It seems it would be the responsibility of the Town or the State. Mr. Schulze stated he met with Chad Johnson at the entrance after that meeting and they looked at the right-of-way and the brush there. Chad was going to clear and grub what needed to be within that right-of-way. Chairperson Fetzer asked if anyone else had anything to add. Holst stated he agrees with Neil, lets get them done and the hell out of here. Sanden agreed. **Holst moved to approve the conditional use permit for a Temporary Asphalt Plant for Monarch Paving, agent for Riley/Romero LLC, owners 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, while the proposed use will have impacts while it is occurring, these impacts do not rise to a level that outweighs the need to maintain public infrastructure. This determination is supported by substantial evidence including materials and testimony provided by the applicant and by neighboring property owners. Part of the one that we received in the packet, from the one neighbor, talked about the long-term effects of benzine being in excess of a year, this plant will be in operation somewhere between 8 and 12 weeks. He thinks if weather permits, they may be quicker than that. It's not going to meet the threshold of long-term exposure/Sanden seconded. Aubart stated that includes the recommendations #1 - #7, Holst stated yes, that is his motion. Sanden agreed. All in favor. Passed with roll call vote: Sanden – I, Aubart – I, Gulbranson – I, Holst – I, Fetzer – I.**

**Public hearing to consider and take action on a request for a conditional use permit for a Nature Based Operation, Beginning Fly Fishing School, in the General Rural District and Floodplain/Wetland Area, pursuant to Pierce County Code Chapter 240-39C for Mark Walinske, agent for Sharon Hills and Rebecca Bersch, owners on property located in the SW ¼ of the SE ¼ of Section 33, T26N, R16W, Town of El Paso, Pierce County, WI. Staff Report – Emily Lund:** The applicants propose a year-round beginner fly fishing school and gathering place to be called 'margo+lola'. They plan to educate students about the beautiful geological area, pristine Rush River Valley, and create shared activities to support the local community. The fly fishing school focuses on first time fly fishers, inspires women to fly fish, and host half or full-day classes with small student to teacher ratio. The gathering place is for small group team meetings to learn fly fishing basics and for hosting off-season events. If this CUP is approved, the agent intends to purchase the parcel from the



owners. The parcel is located in Section 33 in the Town of El Paso. The parcel is zoned General Rural. All adjacent land surrounding this parcel is also zoned General Rural. Adjacent land uses include agriculture, forest, low density residential, and a nature-based operation (Vino in the Valley). The property is undeveloped and has an 80ft Flint Hills Resources/Koch Pipeline easement. Pierce County Code (PCC) §240-88 defines Nature-Based Operation as “A site-specific operation reliant on the property’s natural environment and characteristics and may include multiple related uses managed as one operation.” PCC Chapter 240 Table of Uses allows nature-based operations in the General Rural zoning district with the issuance of a CUP and is listed under Outdoor Recreational Uses in §240-39C. The school will offer dry land casting instruction, “wet” instruction in the river during the WI DNR fishing seasons, and off-season activities with guest speakers and events, like fly tying. The school anticipates 3-6 students/class for half or full-day instruction up to 12 times/month. They propose 1-2 group gatherings/month with 6-10 people/event. Students are required to obtain their own WI DNR fishing license prior to classes or events. Fishing season hours will comply with WI DNR regulations. Hours of operation are proposed to be year-round with non-fishing activities held 10am – 7pm. The two business owners propose one full-time employee and up to four contracted fishing instructors. Over the next two years, four structures are proposed to be constructed (see attached map), are permitted with the issuance of this CUP, are proposed to be built outside of the mapped floodplain area and the town road setback, and include:

- Building 1 (B1) – 15’ x 30’ gathering space for students, changing rooms, and restrooms;
- Building 2 (B2) – 15’ x 30’ fishing instructor sleeping accommodations;
- Building 3 (B3) – 15’ x 30’ common area, kitchen, and dining rooms for all; and
- Storage 1 (S1) 10’ x 20’ yard maintenance equipment storage.

A small gift shop is proposed to sell fishing supplies and business promotional products (e.g. t-shirts). The applicant also plans to use Building 2 as a residence on a very limited basis when classes are not being conducted. The driveway access is located on 400<sup>th</sup> Street and on the east side of the road. The applicant will need to obtain written driveway access approval from the Town of El Paso prior to establishing a driveway. The applicant will need to obtain a Uniform Address Number (UAN) and sign from the Department for this property. A 20’ x 60’ gravel parking pad will be installed with a gravel foot path to Building 1. They proposed up to six off-street parking spaces available for guests and instructors. PCC §240-54A specifies minimum parking provisions for schools shall be one parking space per two students. The plans submitted show ample parking area to fulfill this requirement. An adequate, code-compliant, on-site wastewater facility (a.k.a. septic system) is proposed and the proposed location is shown on the attached map. One on-premise advertising sign that is proposed to be no larger than 3ft x 5ft, located near the driveway entrance, would be permitted with this CUP, and allowed per PCC §240-61C(1)(b). The 3ft x 5ft sign shall be located outside of the Town Road right-of-way, or at least 33ft from the centerline of the road. Lighting is proposed to be installed on the interior and exterior areas of the buildings. The parking area lighting is proposed to have 4-6 way-finding, low glare, solar power light heads with 90 – 140 lumens, and spaced about 20ft apart. The proposed construction is exempt from Landscape Buffer requirements per Pierce County Code §240-31B. The El Paso Town Board recommended approval of this request on 1-11-2021. The Town listed “building style” under concerns/suggested conditions. 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.” Based on advice from Corporation Counsel, staff is generally not recommending any conditions which require the permitting of, or compliance with, other agencies, organizations, or departments regulations or rules. The applicant is strongly encouraged to comply with relevant local and state ordinances and regulations and secure all necessary permits and licenses (e.g. Department of Safety & Professional Services (DSPS), Department of Health and Family Services, etc).

**Staff Recommendation:** Staff recommends the Land Management Committee determine whether the proposed use at the proposed location would be contrary to 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 – Beginner Fly Fishing School and Gathering Place with the following conditions:

1. Activities shall be conducted as presented in the application unless modified by a condition of this CUP.

2. Actions to establish the use shall commence within 12 months.
3. Applicants shall hire a WI Licensed Master Plumber to obtain a State Sanitary Permit for an adequate, code-compliant, on-site septic system.
4. Applicants shall obtain a Land Use Permit for all future structures or signs prior to construction or installation.
5. The applicant shall obtain written driveway access approval from the Town of El Paso prior to connecting a driveway access to the road.
6. The applicant shall obtain a Uniform Address Number (UAN) and sign for this property.
7. The advertising sign shall be no larger than 3ft x 5ft and located out of the Town Road right-of-way, or at least 33ft from the centerline of 400<sup>th</sup> Street.
8. At least six off-street parking spaces and a minimum of one ADA compliant parking spot shall be provided on-site.
9. Hours of operation shall be year-round with non-fishing activities held Monday-Sunday from 10am to 7pm.
10. Sale of retail items shall be limited to fly fishing supplies and business promotional products.
11. Applicant understands that expansion or intensification of this use will require issuance of a new conditional use permit. If applicant has questions as to what constitutes expansion or intensification, Land Management staff should be contacted.
12. This conditional use permit shall be renewed every two years. Permit may be renewed administratively if no compliance issues arise.

**Chairperson Fetzer opened the hearing to the public.** Pichotta stated we received an email today from a Matt Waller, an adjacent property owner. He is a participant on this Zoom meeting but he doesn't seem to be piping up so Andy will read the email. Pichotta read: I am an adjacent land owner to the north. One of my concerns is that the amount of trout fisherman will increase which in turn increases the amount of fisherman that trespass. Along with the trespassing problem I have is the amount of trash that is left along the banks of the river as well as near the bridge where fisherman park. I believe this trout school would invite more fisherman to the area making it even more difficult for residence to fish as well as the overall rise in traffic flow. With the amount of recent floods in the area, I'm concerned with a septic system contaminating the river if the water gets high enough. Granted, it was a rare flood this last year, but the water was right up to the field where the proposed buildings and parking lot would be. My last concern is the entrance to the parking lot. That is close to a blind corner and sometimes traffic will come around that corner going pretty fast, especially in the warmer months. Thank you, Matt Waller. Chairperson Fetzer asked if Matt is muted. Matt Waller stated he has nothing more to add to that. Ron and Dawn Hendershots, she is wondering how the floodplain plays into all of this building and parking when you have to have flood insurance in the valley. Ron Hendershots stated it looks like the buildings are going to be in floodplain and another thing is the Rush River gets fished so hard already. It's a public waters and whatever. It gets so much pressure and it's been too commercialized. That's all the Rush River Valley is getting to be is commercialized which is kind of BS for the ones of us that live down here and have to put up with it. Ms Hendershots stated 365 days a year. Mr. Hendershots stated it says there will be something not fishing related. What is the next thing they are going to have a public venue, rent it out for weddings and every other thing and not just during fishing season. Ms Hendershots stated, chasing the valley residents out, that is just her opinion. Chairperson Fetzer stated we will ask on that. Sharon Hills, the property owner, just wants to respond to the comments regarding the floodplain. So the buildings are outside of the floodplain. It's approved. The flood on June 29<sup>th</sup> of this last year, it did not go into the area where the buildings are proposed. Where it is proposed is south of the pipeline and there was no water along the bank. We support this proposal with all our heart. We have owned that property for fifteen years. It is our dream, the fly fishing is what brought us down here, the trout stream, the Rush River. When Mark came to us with this proposal, we were delighted. It was intentionally designed and proposed to compliment the land, compliment the natural resources, the natural features. The footprint of his buildings is significantly less than the river house, they don't own anymore, right across the street. His buildings, the driveway is so far less than any impact with the house right across the street. Mark has intentionally and purposefully designed the buildings and his layout, his footprint to be very low impact to the land. To compliment the natural resources. His focus is fly fishing and you don't bring in events.

He is not proposing music, hot air balloons, helicopters, like is up the road. If he goes beyond that, then he has destroyed what he is trying to create. Because people that want to learn how to fly fish, want a very natural environment. We are very pleased with his proposal. We are very proud of his proposal. What he is doing is exactly why they love that land and why they cherished it all these years. We support his proposal and ask that you approve it. Phil Kashian and Kay Peterson bought the house where Sharon and Rebecca owned. He will be directly across the street from Mark's school. His first reaction about a business across the street with a parking lot was..... because he is planning to live here. They are currently moving in. They are remodeling this house right now. He has spoken to Mark on the phone and went to the El Paso Town meeting. There was a little trepidation as far as traffic, he also understands the concern about how much pressure the river gets already. Keep in mind the 40 acres that Mark is buying has a lot of river front. He has plenty of shoreland that he will be able to work with his clients. He feels he is being really contentious and is looking forward to him as a neighbor. He too will put a trout in the frying pan. **Chairperson Fetzer closed the public hearing.** Chairperson Fetzer asked Mr. Walinske if he is strictly looking at fly fishing. Mr. Walinske stated yes, he has fished for over 50 years. He learned when he was eight years old. He has been a regular fisherman around the country but certainly on the Rush River and the Kinni and other places. He was a former land owner in Wisconsin. They had a cabin near New Richmond. He is very sensitive to the idea of screwing things up, whether that is by way of trespass or by a way of misuse that would surround that area. They have attempted to create a boutique, not big, boutique experience for first time fly-fisherwomen, principally but not limited to. They think the sport of fly fishing has been rather exclusive to men. They think there is an opportunity to open that industry up a little bit more, to the degree that both his wife and he are both from large companies. Have large company experience. There is no way in hell that they are interested in making big. They think they have defined boutique or small in the CUP, using as little of the land footprint as possible. They are not interested in making this an enterprise. They are looking at this as an experience. He is sensitive to the comments around trespassing, he is sensitive to the use of the land inordinate or outside of fly fishing. He is sensitive to the use of having neighbors who are friendly because he chooses to be that friendly neighbor with the rest of everybody who lives in that area. As far as the traffic is concerned, if you look at the conditional use permit, they are looking at a very small set of classes throughout the year. They are not having weddings. They are not having rocket launches. They are not having helicopter rides. They are not going to drift to areas that are not interesting to him personally and that is fly fishing. To the extent that they do have events, those events are quote, unquote, perhaps planning sessions to groups of women who have companies or nonprofit organizations looking to tie a rich experience called fly fishing. Sanden asked Mark is ethics any part of your instruction, in terms of things like leaving no footprint, respecting land owner's property, leaving no trash, etc. Mr. Walinske stated that is a great question. He had this question come up a few days ago from a novice, somebody who hasn't fished before, and they asked can we eat the fish? His answer is no. It's a catch and release belief, that is how he has fished for the 50 or so years that he has been doing this. What they have is a curriculum around what he would loosely call land management or general preservation but catch and release is at the top of that list. He would say this just as though you were sitting across from me with a beer. They are also blessed with the fact that they have some prairie restoration that was done by the current owners and will hopefully be the prior owners. They intend to preserve and he is told that that is quite a bit of the property within the 40 acres, they would like to have as part of the experience. For those of you who have traveled to just a fun place where you could get your head space. They are looking to take advantage of all that property where they can and God willing it doesn't flood like it did last year. They are going to do what they can to preserve that prairie restoration efforts perhaps expand on it based on the budget. Certainly, in the case of the trout habitat itself, they look to preserve that. He doesn't want anybody messing it up. He is not interested in people crossing onto our property anymore than Matt would be interested with somebody out of the student arena crossing over there. As a part of general good stewardship and as part of his annual retentiveness, he picks up all of the tippet material that may drop out of his pocket while fishing there and he would expect nothing less of the students he is going to be helping learn the sport. That is his general commentary, it's not a thesis but that's just the way shit is going to happen. Sanden reminded him that if he wants to expand, setting off rockets as you mentioned, that would require coming back before the committee if you want to go beyond anything that is passed tonight. Mr. Walinske stated he gets the impression that is already going on in other places. He has no business there. If you knew him well enough, he

is not interested in that kind of stuff. His idea of happy is wind in his face and solitude. If you want to dial his wife, you will get the same answer. He understands that this is a narrowly defined conditional use permit. You will find that he is an honorable person. If he drifts from that, everyone on this call can call him out on it. He plans to stay within the guidelines that were otherwise talked about. Not interested in spooling up a bunch of negative interest. Interested in getting a fly-fishing school started. On the topic of the buildings, some of you might be wondering, to Sharon's point earlier, they live within a budget. They will start with a classroom. They have expansion ideas into two other buildings if the budget permits that. But all in, it's less than 1500 square feet. They have an architect that has worked on river properties and watersheds. They have a builder that has done the same. The style they are thinking about is a prairie style dwelling so it should blend in and not a shopping mall. He is not a fan of those. He thinks they are doing everything they can for the area that they can build on. If you look at the map, it's all of about 3.7 acres and he is told by the Township they are kind of keen on having two acres, so they are kind of boxed in. The laws of physics preclude him from building a monstrous thing anyways. By his estimate it is less than 5% of the total property. The six-stall parking area is intended because they don't want a shopping mall there. They want a little boutique there and his aspiration would be to fill it up for the next two years at the very same size it will be forever. Holst stated he has waded all the creeks around and if he can walk through there, he is going through in the water. He never gets on the dry land because that is trespassing and he thinks he is indicative of most people that fish the creeks. He may throw a trout or two in the frying pan from time to time though. He appreciates what Mark is attempting to do here and he thinks it's good for him and he thinks it will be good for the community. Mr. Walinske stated he wants to echo that and thinks the rule/law of the land is wet feet. Holst stated wet feet and a wet ass because he gets into pretty deep water. Mr. Walinske stated that's your business. Holst stated maybe he needs new waders. Mr. Walinske stated he is 59 here, I don't have a chance to deal with bullshit or stupidity. He is just going to speak his mind, if he finds you in the river, he might offer you a beer or coffee and hopefully you can add some advice to the school that is underway. He gets what the rivers value is and thinks it's a trophy opportunity and he is just blessed as hell to think they can actually do it.

**Gulbranson moved to approve the conditional use permit for a Nature-Based Operation, Beginning Fly Fishing School, for Mark Walinski, agent for Sharon Hills and Rebecca Bersch, owners, with conditions #1 - #12, 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 with roll call vote: Aubart – I, Gulbranson – I, Holst – I, Sanden – I, Fetzer – I.**

**Public hearing to consider and take action on a request for a conditional use permit for Expansion of a Nonmetallic Mining Operation in the General Rural District and Floodplain Area, pursuant to Pierce County Code Chapter 240-37A and Reclamation Plan Hearing, pursuant to Pierce County Code Chapter 241-15A(2)(a) for Pierce County Highway Department, owner on property located in part of the NE ¼ and the SE ¼ of the NW ¼, all in Section 5, T25N, R16W, Town of Salem, Pierce County, WI. Staff Report – Adam Adank:** Greg Bisel has been the owner of this property since 1994 and, up until recently, had a mineral lease agreement with the Pierce County Highway Department to mine the quarry. In January 2020, Mr. Bisel sold 150 acres to the Highway Department which included the mine. The Pierce County Highway Department has been the operator of this mine since 1990 and is now also the owner. The previous lease agreement encompassed a total of 70 acres, all located on Greg Bisel's property in the NW ¼ of Section 5. However, the parcels of land that were permitted to be mined under the CUP were only located in the W ½ of the NW ¼ of Section 5, Town of Salem. The Land Management Department recently mapped the footprint of the mine and found that mining has expanded outside of the permitted mining area. After speaking with the Highway Commissioner, staff found that the Highway Department has been operating under the assumption that mining was approved for all of the 70 acres leased from Greg Bisel, when in fact it was only permitted for the W ½ of the NW ¼ in Section 5. The Highway Department recently submitted a new reclamation plan and CUP application for the proposed expansion area to fulfill condition #13 as required at the last CUP renewal. The property is located in the Town of Salem and is zoned General Rural. The proposed expansion area is approximately 53.31 acres. Approximately 44 acres of this expansion will be mined. The current active mining area is approximately 12 acres. Existing ground elevations range from 1062' to 822' above mean sea level. The

existing mine has a floor elevation of approximately 882'. Based on the final concept grading plan (figure 9 of reclamation plan), the mine floor elevation of the proposed expansion area would be between 874' – 890'. The water table elevation across the site varies between 760' – 840'. Current site vegetation consists of farm crops and woodlands. The proposed post mining land use is open prairie and/or farmland. The reclamation plan states that slopes will be restored to 3:1. A 100-foot setback from the boundaries of the property and US Hwy 10 right-of-way will be maintained. This area will be utilized for stockpiling of topsoil and subsoil. An Endangered Resources preliminary assessment has been completed. The DNR encourages a full Endangered Resources review, although it is not required. The operator estimates that 100+ years of rock are available in the quarry. Mining will progress east and north into the expansion area as material is needed. The operator plans for overburden material and import reclamation material to be tucked up against the benches at a 2:1 slope in order to maximize the operating floor, as the quarry progresses those areas will be flattened out to a 3:1 slope with additional material and reclaimed as space allows. Crushing and screening equipment is portable and is mobilized to the site as needed. 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. The applicant plans to bench highwalls during mining with maximum highwall heights of 35 to 50 feet. The highwall of the existing mine 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. A Nonmetallic Mining application and updated Storm Water Pollution Prevention Plan (SWPPP) was sent to the WI DNR and is currently being reviewed. Erosion and sediment control practices will be in accordance with this plan. No wells are located within 1000 feet of the proposed expansion area. There are no wells on the property; therefore, no washing takes place onsite. Pierce County annually test groundwater quality via sampling of an existing well northwest of the site located at N4075 450<sup>th</sup> Street. A dry run is present on the property with a small area of floodplain on the east side of the property. No mining is proposed in the floodplain. The site will be externally drained and may need additional DNR permitting. 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 would remain the same as laid out in the existing CUP. Current hours 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 Salem Town Board recommended approval of this request on 12-10-2020 stating that “quarry operations are consistent with Town’s comprehensive plan. It is a continuation of existing operations. No problems or issues foreseen.” The public comment portion of this hearing will provide the opportunity to present testimony on reclamation-related matters or comment on the zoning related expansion of the quarry. This opportunity will fulfill the NR 135 requirement for public hearing for a nonmetallic mining reclamation permit. Based on advice from Corporation Counsel, staff is generally not recommending any conditions which require the permitting or compliance with other agencies, organizations, or departments regulations or rules. The conditions of the existing mine are listed in the staff report #1 - #13.

**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 nonmetallic mining with the following conditions: (**proposed changes from existing mine/permit in bold**):

1. Hours of operation shall be 7:30am to 3:30pm, Monday through Friday, except in June, July, and August; hours of operation shall be 6:00am to 6:00pm.
2. A 100-foot setback shall be maintained from all property boundaries. In areas where prior mining has extended within this setback no further encroachment shall occur.
3. Reclamation of the mine shall adhere to the original plan which states that slopes shall be restored to 3:1. Due to the location of the northern highwall and the potential for land development on the northern adjacent parcel highwalls or steep slopes would create unsafe conditions.
4. The owner shall notify the Zoning Office when the operator of the mine is no longer a public entity. Modifications to the permit may be required at that time.
5. Applicant shall comply with NR 135 Annual Reclamation Permits.
6. All blasting shall be done by a certified state licensed blaster.

7. Residential property owners located within 1000 feet of mining operations shall be given a two-day notice of any planned blasting.
8. Well tests for nitrates, suspended solids, and dissolved solids shall be conducted for all existing wells within 1000 feet of the proposed mining operation annually.
9. Any unforeseen erosion issues shall be addressed to the satisfaction of the Zoning Office or the Land Conservation Department.
- ~~10. Applicant shall receive all necessary permits from other agencies.~~
10. 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.
11. A renewal fee of \$200.00 plus \$20 per acre of expansion shall be paid.
- ~~12. A CUP for expansion shall be submitted within 6 months.~~

**Chairperson Fetzer opened the hearing to the public.** No public comment. **Chairperson Fetzer closed the public hearing.** Aubart asked Adam about condition #3, the language, if we need to clean that up we should do it now. Adank stated he wasn't sure if he was reading it wrong. Aubart said he has read it about four times and he hasn't figured it out yet. Adank stated he thinks he just took it from the original conditions. 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. Pichotta stated he has a suggestion, we can strike the second sentence, it is basically saying leaving highways is unsafe so we want them to reclaim it to a 3:1 slope. He asked Brad Roy if he agreed. Roy gave the thumbs up sign. Holst stated if he would shave, we could read his lips. Holst asked if the County owns the property to the north? Chad Johnson stated above the old mine is a different land owner. Holst asked if we ever installed the fence that was supposed to be installed years ago. Mr. Johnson stated yes and Adam noticed a post was loose so they went up and fixed the post. He asked if this whole property will operate under one CUP going forward? Pichotta stated yes, it will. Mr. Johnson stated perfect, at the time Adam wrote this staff report, the DNR was reviewing our swift ??? and submittal. They have approved that and he sent that letter, a general permit coverage letter to Adam. This has been approved as an internally drained quarry, so Adam has that for the file.

**Holst moved to approve the Expansion of the Nonmetallic Mining Operation for Pierce County Highway Department 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 - #11/Sanden seconded with amending condition #3 to strike the second sentence. All in favor. Passed with a roll call vote: Aubart – I, Gulbranson – I, Holst – I, Sanden – I, Fetzer – I.**

**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 – Adam Adank:** This operation was originally permitted for nonmetallic mining in 2001 and is currently the storage site for dredged materials taken from Corps Island on the Mississippi River, near Diamond Bluff. The dredged material was originally used for “interim reclamation” and is now being utilized by the operator in other projects as needed. The property is located in the Town of Trenton and is zoned Industrial. 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 towards 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 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. Staff spoke with the Town of Trenton Chairperson on February 4, regarding this operation; the Town has not received any complaints since the last renewal and has no concerns with the operation at this time. Based on advice from Corporation Counsel, staff is generally not recommending any conditions which

require the permitting or compliance with other agencies, organizations, or departments regulations or rules. The existing conditions, #1 - #12, are listed in the staff report.

**Staff Recommendation:** Staff recommends the Land Management Committee determine whether additions or modifications to the existing conditions are necessary. If no additions or changes are warranted, staff recommends this CUP be renewed with the following conditions:

1. 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.
2. The haul route for commercial trucks is from the pit entrance on County Road K to Hwy 35.
3. Reclamation financial assurance information shall be reviewed and approved by Corporation Counsel and kept current.
4. A 50-foot 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. Applicant shall comply with PCC Chapter 241 Nonmetallic Mining Reclamation.
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. The approved Groundwater Response Plan shall be adhered to.
10. This CUP shall be reviewed for renewal in two years.
11. 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.

Chairperson Fetzer asked Kaitlynn if she had anything to add. Ms Filkins stated they have nothing to add, they support the staff report and recommendations.

**Holst moved to approve the renewal of the conditional use permit for Nonmetallic Mining for Monarch Paving Co. with conditions #1 - #11/Gulbranson seconded. All in favor. Passed with roll call vote. Aubart – I, Gulbranson – I, Holst – I, Sanden – I, Fetzer – I.**

**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 – Andy Pichotta:** 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. Campsite utilities are planned to be installed this spring and the applicant intends to open this summer. In 2019, a survey of the site was completed and it was determined that there is a discrepancy with the existing fence line and the east property line. In 2020, the applicant purchased a thirty-foot strip of land from the neighboring property owner to the east (WDNR). A Bar and Grill and mobile home (applicant's residence) are located on the property. The property is located in Section 7, in the Town of Isabelle. 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. Resort is defined as: A facility for transient guests where the primary attraction is generally on-site recreational features or activities and may include multiple related uses managed as one operation. Surrounding land uses are the Red Wing Airport to the north, railroad right-of-way to the south, vacant DNR property to the east and residential to the west. The proposed design is for camping cabins to 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. As of this time, the Public Health Department has not issued a permit for the site. There is an existing sanitary system and holding tank; the applicant intends to update the systems to satisfy current state codes and use it for the resort. Phase 1 of the plan includes construction of 17 campsites. Further development of campsites and cabins will occur based on demand. The applicant will also construct a pavilion near the volleyball courts (in the General Rural District). A survey of the site will be completed to verify all lot lines and setbacks prior to any resort constructions. Staff contacted the Town of Isabelle Chairperson regarding this request, no complaints have been received by the Town. The 6-month status report, required by condition #9, was not completed. Staff discussed the need for a status report with the LMC in the fall of 2020. At that time, it was determined that any issues could be addressed at the renewal, and a status report wasn't needed. A screening plan will need to be completed as required by Condition #4. The existing conditions are listed in the staff report.

**Staff Recommendation:** Staff recommends the Land Management Committee determine whether the additional conditions are necessary to protect public health, public safety, or the character of the surrounding area. If not, staff recommends the Land Management Committee renew this Conditional Use Permit for a Resort with the following conditions:

1. 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 pad, 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. 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 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 (neighboring residential parcel). 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 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 1<sup>st</sup> through October 31<sup>st</sup>. 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

8. 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.

9. This permit shall expire in one year.

Note that we removed the status report requirement. The reason being, the committee will need to react to a screening plan and so you will have an opportunity to see the status at that point and get a sense of what will happen after that. John Grabrick stated they just started a new structure last October and that has been approved by the State. It's an outdoor pavilion. The last anchor ???? before our electrical services, so that will be started before the snow goes away. He was side-lined by COVID and spent a month and a half in the hospital. The application for the campground permit, as well as the plan approval, is now at the County Health Department. We will expect them to get back to us if they want any changes on our plan. That is in progress. As soon as the snow goes away, he has Hoyer Brothers Well Drilling lined up to do the well drilling as well as all the waterline. They have an electrician lined up to do the new underground services. He will personally handle the roads and pads. He is going full-bore forward this year and looking forward to finally being open.

**Holst moved approve renewal of the conditional use permit for a Resort for Big Dog Daddy's Roadhouse LLC, John Grabrick, with conditions #1 - #9/Aubart seconded. All in favor. Passed with a roll call vote: Aubart – I, Gulbranson – I, Holst – I, Sanden – I, Fetzer – I.**

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

#### **Departmental Update and Future Agenda Items**

Pichotta stated we have one agenda item for March. On the 17<sup>th</sup> we have a request for a conditional use permit for an Accessory Residence in the Town of Trenton and sense we have to have a meeting, he has a couple house-keeping items that he will be bringing forward, a discussion relating to an Accessors Plat on Trenton Island.

In March, rather than meet like this, although we could do this if you all preferred that. We could hold the meeting in the County Boardroom and any applicants can attend by Zoom whereas the committee itself ???? could be present. Chairperson Fetzer stated we can keep playing it by ear, unless somebody objects to it. Lets meet unless something comes up unforeseen. I'm sure we will all be masked at that time for that. Then we don't have to worry about not hearing from Brad.

**Motion to adjourn at 7:36pm by Aubart/Holst seconded. All in favor. Motion passed.**

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE  
MEETING AGENDA  
Wednesday, February 17, 2021 – 6:00 p.m.**

**This is a Remote Only Meeting**

All Land Management Committee members, public, media, & staff may attend the meeting virtually with the link or phone number provided below.

<https://zoom.us/j/91417382159?pwd=T1E4SFhPYzJ6UW1BejBNcFMrY0FWZz09>

Meeting ID Number: 914 1738 2159      Password: 600537  
United States: + 1 (312) 626-6799      Access Code: 600537

#	Action	Presenter
1	Call to order	Chair
2	Next meeting dates: March 3 <sup>rd</sup> & 17 <sup>th</sup> , April 7 <sup>th</sup> & 21 <sup>st</sup> , all in 2021.	Chair
3	Approve minutes of the January 20, 2021 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for a conditional use permit for a Temporary Asphalt Plant in the General Rural Flexible 8 District, pursuant to Pierce County Code Chapter 240-42F, for Monarch Paving, agent for Riley/Romero LLC, owner on property located in the NW ¼ of the NW ¼ of Section 12, T26N, R20W, Town of Oak Grove, Pierce County, WI.	Adank
5	Public hearing to consider and take action on a request for a conditional use permit for a Nature Based Operation, Beginning Fly Fishing School, in the General Rural District and Floodplain/Wetland Area, pursuant to Pierce County Code Chapter 240-39C for Mark Walinske, agent for Sharon Hills & Rebecca Bersch, owners, on property located in the SW ¼ of the SE ¼ of Section 33, T26N, R16W, Town of El Paso, Pierce County, WI.	Lund
6	Public hearing to consider and take action on a request for a conditional use permit for Expansion of a Nonmetallic Mining Operation in the General Rural District and Floodplain Area, pursuant to Pierce County Code Chapter 241-15A(2)(a) for Pierce County Highway Department, owner on property located in part of the NE ¼ and the SE ¼ of the NW ¼, all in Section 5, T25N, R16W, Town of Salem, Pierce County, WI.	Adank
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.	Adank
8	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	Roy

	property located in part of Government Lot 3, in Section 7, T24N, R17W, Town of Isabelle, Pierce County, WI.	
9	Discuss take action on Travel/Training Requests.	Pichotta
10	Future agenda items.	Pichotta
11	Adjourn	Members

A quorum of County Board supervisors may be present.

(2/5/21)







**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, January 20, 2021, remote meeting.

Present: Joe Fetzer, Jon Aubart, 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 6:08pm.

Next meeting dates: February 3<sup>rd</sup> & 17<sup>th</sup>, March 3<sup>rd</sup> & 17<sup>th</sup>, April 7<sup>th</sup> & 21<sup>st</sup>, all in 2021.

Approve Minutes from the November 4, 2020 Land Management Committee meeting: **Gulbranson moved to approve the Land Management Committee minutes from November 4, 2020/Aubart seconded. Joe Fetzer and Jeff Holst recused themselves because of their absence at the last meeting. All in favor. Passed with Roll Call Vote, Eric Sanden – Yes, Jon Aubart – Yes, Neil Gulbranson - Yes.**

**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 Jay & Judy Oberg, 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 – Adam Adank:** The previous owners of this property started construction of a second residence on the property back in October of 2017 without obtaining any permits. This violation was corrected in January of 2018 when the proper permits were obtained (sanitary and land use). Staff issued a Land Use Permit for the new dwelling with the conditions that the original dwelling be removed from the property before the permit expired or at the time the new dwelling was complete. When the land use permit expired in January 2019, the new dwelling was not complete and the original dwelling was still on the property putting the property back in violation. Staff ended up issuing another Land Use Permit with the same conditions to allow the applicant more time to complete the new dwelling and remove the original dwelling. In December 2019, the sanitary permit expired again putting the property in violation. In February of 2020 a new land use permit was issued that changed the use of the new structure to an accessory structure with no living quarters (see the attached note to file document for a more detailed timeline of violation events). The property has been in compliance since February 2020. The property was purchased by Jay Oberg in April of 2020. Mr. Oberg is now requesting a CUP to convert the accessory structure back to a residence and also keep the original home on the property. The applicant will be selling this property and has an offer to purchase agreement contingent on the approval of this CUP. The new buyers plan to rent out both residences. The accessory residence would be 24' x 28' long and have 1 bedroom. The property is approximately one acre in size and located in the Town of Diamond Bluff. The property is in the Rural Residential 20 zoning district. Pierce County Code (PCC) §240-40A allows accessory residences which are accessory to single-family residences in the Rural Residential 20 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 home has 2 stories and 3 bedrooms. The applicant was unsure of the total square footage but the width and length at the largest locations are approximately 30' x 50'. The existing conventional septic system was permitted and installed in 2011 and is sized for a 3-bedroom house. The existing single-family dwelling has an address of W9822 301<sup>st</sup> Ave. The new accessory residence would need its own address. Other existing structures on the property include a 20' x 24' detached garage and a 14' x 20' shed. Structure dimensions are approximate based on aerial imagery. The Diamond Bluff Town Board neither approved or denied the CUP request but stated that they "feel confident the County will make the right decision. The board liked the way the building permit was worded." Half of the ground floor of the proposed accessory residence is a garage. The applicants have not indicated what the other half of the ground floor will be used for. 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 or 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, All Croix Inspections, 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.
3. Applicant shall obtain a new uniform address number for the accessory residence.

Adank stated that he also received a phone call today in opposition from a neighbor within 300 feet. They stated that they were worried about the structure being suitable for human habitation. They also had concerns about rodents and the condition of the property. Mr. Oberg stated that is all cleaned up and the old house is just two bedrooms not three. Mr. Oberg stated the sewer is good for three bedrooms. He stated Tom had a bunch of cats there, and that must be what they were talking about. But Tom took all his cats with when he left. Adank stated that was the caller's concern.

**Chairperson Fetzer opened the hearing to the public.** No public comments. **Chairperson Fetzer closed the public hearing.** Mr. Oberg stated that there is a new sewer on it that is big enough for three bedrooms. The old house is two bedrooms upstairs and that is it. The apartment above the garage is one bedroom. Chairperson Fetzer asked, so just three all together? Mr. Oberg stated yes. Holst stated he believes it was the intent at the Town meeting that the people that were going to buy it were going to live in one of them. There was one other acreage with an accessory residence on it and part of the conditions was the requirement that the guy that owned it had to live in the one residence and he could rent the other one out. If the intent is to rent both of them out, he thinks it should go back to the Town. Sanden asked, how does the two residences being rented out and the owner not living on it, how does that affect that first definition of accessory residence? A dwelling unit accessory to a nonresidential use or is it covered under that second definition of accessory building. Holst stated he thinks accessory residence and an accessory building are two different things. Sanden stated that is what he is thinking. Would this fit that definition of accessory residence? Pichotta stated the first definition a. actually refers to the fact that one can get a permit for a residence that is accessory to a commercial or industrial use and it's the same process to do so. So in this particular case it would be the definition b. that would apply. Chairperson Fetzer asked Jeff is he the Diamond Bluff Chairperson yet? Holst stated yes. Chairperson Fetzer asked whether the town had been told that the buyer wasn't going to live in one of the residences. Mr. Oberg stated that he is not sure what their plans were, maybe he was going to rent both out or maybe he was going to live in one. He is not too sure. Tracy Schommer stated she can give the committee a feel of what the intention



would be. She does believe that she would be in charge of care taking the lawn and so forth over there so it looks like somebody cares for the place. Aubart asked Jeff how it was presented to the Town Board. Holst stated it was presented just how it came forward here except we explained at the Town Board that there was another time that we granted a CUP for two residences on one lot but the condition was that it had to be owner occupied, one of them. The Town Board was very agreeable with the way the prior conditional use permit was worded. He thinks his Town Board had some misunderstanding about what could be allowed. He tried to get the point across to the Town Board that they should either approve it or deny it or send it forward with the no recommendations. They sent it forward with no recommendations. They neither approved it or denied it but they wanted added in there that the County was very capable of making the correct decision, whatever that may be. His Town believes the Towns do three things, they provide fire protection, ambulance service and take care of the roads and let the other stuff be taken care of by the County. Chairperson Fetzer asked if any of the committee had any further questions. He asked Jeff if an owner isn't going to be living in one, would the Township have an issue with that? Holst stated he thinks the Town may. He thinks it needs to come back to the Town and let the Town make a recommendation up or down on this. He doesn't think it's fair to the County. He doesn't think it's fair to the residents in the Township because he doesn't know if they understood what they were considering. He does think that if they start allowing two houses on one lot, we are going to have them all over in the County. Mr. Oberg asked what the land use permit is for? That's what he is getting it for. Holst stated the land use permit was for a house to be torn down when the one was completed. Mr. Oberg stated he understands that. Holst stated now you have come forward with a petition to have two residences on one lot and he doesn't know if the Town Board understood the ramifications. Mr. Oberg stated it is more than one acre. It's just about two acres. Holst stated they were told it was four acres. He can understand how people can get confused by looking at their tax statement. If there was four you could split the dang thing but you can't when it's less than three. Mr. Oberg thought it was two acres. Pichotta suggested that we add a condition #4 and simply say owner of the parcel shall occupy one unit. In that way, we are able to issue the conditional use permit and then if that condition isn't something that is workable for the applicant, they can go back to the Town for additional input and then bring it back to the Land Management Committee to modify the conditions, if appropriate. That way it wouldn't require another public hearing, just a modification of that condition. Tracy Schommer stated she is pretty sure her landlord doesn't plan on occupying that. Jacob Keller stated he wasn't planning on living there. Ms Schommer stated that to go back and forth between him and Jay and then to go back and forth between the Township and the Board, it just sounds like a lot of hop, skipping and jumping. She stated they were under the impression that one of the residences would be occupied by the person responsible for the property, taking care of the lawn and so forth, doing the mowing, doing the snow blowing. Holst stated that when he talked to the two of you, one of them being your landlord, it was said that perhaps he would use the smaller one as a cabin. Ms Schommer stated he does plan on still bringing his kids over there. That's all land to him that he is unfamiliar with and so he does plan on bringing his kids in the cabin over there. Mr. Keller stated he doesn't think he ever said anything like that. Ms Schommer stated she didn't think he said it at the Town Hall but he mentioned it to her. Mr. Keller stated maybe somebody else spoke for him, but he thought he was pretty clear that he would have two renters over there. Chairperson Fetzer suggested this go back to the Town Board to get this figured out. Ms Schommer asked when the next Town Board meeting is? Holst stated the next Town Board meeting would be February 11<sup>th</sup>. Chairperson Fetzer stated if we could move it forward with condition #4 but if he is not going to be living there, that is almost a moot point. Holst stated it allows the current property owner to do something with his property. Jay is the one we are dealing with here. Sanden stated that if the sale is contingent upon this, time is of the essence. He does think putting the condition #4 is a great idea, but if it is moot and just going to be kicked back, it might save time just to kick it back to the town. Pichotta stated the issue he is trying to avoid is needing to hold another public hearing and requiring another \$300.00 fee. Holst stated the way Andy is coming about it, another public hearing would not be needed and the additional \$300.00 fee would not be needed. Sanden stated that is important. Mr. Oberg stated he already paid the \$300.00. Holst stated that is correct, Jay shouldn't have to pay another one. Gulbranson stated he likes that number four added and thinks it's a good idea. Aubart stated he agreed and thinks it needs to go back to the Town. We give them the opportunity to take it back to the township and they can decide if they want the two

residences as rental property on the lot. Chairperson Fetzer stated he thinks we have covered everything and is ready to entertain a motion.

**Sanden moved to approve the conditional use permit for an Accessory Residence for Jay Oberg, 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, adding condition #4 stating that one of the units must be occupied by the owner/Gulbranson seconded. All in favor. Passed with roll call vote: Sanden – Yes, Aubart – Yes, Gulbranson – Yes, Holst – Yes, Fetzer – Yes.**

Chairperson Fetzer asked Mr. Oberg if he had any questions. Mr. Oberg stated no, not really. Holst asked Mr. Oberg if he wanted to be on the Diamond Bluff Town Board agenda for the February meeting? Mr. Oberg stated yes.

**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. Jeff Holst stated due to the fact there may be a conflict of interest, he is recusing himself and leaving the meeting.**

**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 and screening. The sand is trucked to the processing facility in the Town of Trenton. Trucks enter and exit the site directly onto STH 35. To date, all mining activity has taken place in the Town of Isabelle. Mining at the site has ceased for the time being, however sufficient activities are occurring to demonstrate that the use has not been discontinued. 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 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. Two high capacity wells are onsite. High capacity wells are permitted by the WDNR. The lower level of the mined sand 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 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 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 (Stormwater Pollution Prevention Plan)
2. Monthly in-house Inspections for SPCC (Spill Plan Control and Countermeasures)
3. Quarterly Stormwater 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
6. Fire Extinguisher in-house Inspections
7. Maintaining Electrical systems inside and outside of mine for capacitor chargers, lights and electrical components
8. Working with the WDNR to conduct annual population surveys of bat species hibernating in the mine

9. Allowing Continuation of Scientific studies related to bat populations within the mine, white nose syndrome, working with the WDNR, and US Fish and Wildlife Service

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. The applicant is requesting the modification to Condition #8 and the need for continued well tests. Recently staff and the LMC have attempted to standardize language regarding well tests for mining sites not actively mining. On October 7, 2020, staff proposed and the LMC approved the following standardized condition:

“Well tests for nitrates, suspended solids, and dissolved solids, shall be conducted for all wells within 1000 feet of the proposed mining operations, prior to any blasting. Tests shall be conducted annually, thereafter, as long as blasting continues. If blasting ceases, tests shall be conducted annually for two years after the most recent blast. Well tests shall be conducted prior to the initial blast, and annually thereafter, when blasting is resumed after a break of more than one year.”

The last blast for this facility was in the fall of 2015. The Town of Isabelle did not have any concerns about suspending well tests when active mining is not occurring. Staff contacted the Town of Hartland regarding this renewal request. No response was received at the time this report was sent and we still haven't. Applicant is also requesting a change to condition #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. The reason they are requesting a change to that, the groundwater elevation monitoring is part of the well tests. If they are not doing the well tests, it would be more difficult to monitor the groundwater elevation. Based on advice from Corporation Counsel, staff is generally not recommending any conditions which require the permitting or compliance with any agencies, organizations, or departments regulations or rules. The existing conditions #1 - #27 are listed in the staff report.

**Staff Recommendation:** Staff recommends the Land Management Committee consider whether conditions remain adequate to protect the public interest, public health and safety, and the character of the area. If no modifications or additions are necessary, staff recommends this CUP be renewed with the following conditions: #1 - #26 removing the original condition #1 due to advice from Corporation Counsel and modifying the new condition #7, regarding well tests, to state: Well tests for nitrates, suspended solids, and dissolved solids shall be conducted for all wells within 1000 feet of the proposed mining operation, prior to any blasting. Tests shall be conducted annually, thereafter, as long as blasting continues. If blasting ceases, tests shall be conducted annually for two years after the most recent blast. Well tests shall be conducted prior to the initial blast, and annually thereafter, when blasting is resumed after a break of more than one year. Then possibly a change to the new condition #24 if the committee sees fit, regarding groundwater elevation.

1. 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.
2. Applicant shall submit verification of lease agreements before mining is conducted and before mining is conducted within the 100-foot setback to parcels to which WSS does not hold the mineral rights, subject to condition number 5.
3. 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.
  4. 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.
  5. Applicant shall identify blasting frequency and all blasting shall be done by a certified state licensed blaster.
  6. 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.
  7. **Well tests for nitrates, suspended solids, and dissolved solids shall be conducted for all wells within 1000 feet of the proposed mining operation, prior to any blasting. Tests shall be conducted annually, thereafter, as long as blasting continues. If blasting ceases, tests shall be conducted annually for two years after the most recent blast. Well tests shall be conducted prior to the initial blast, and annually thereafter, when blasting is resumed after a break of more than one year.**
  8. Reclamation shall be according to submitted plans and shall be completed within one year of ceasing mining operations.
  9. 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.
  10. The financial assurance for reclamation shall be reviewed and approved by Corporation Counsel before mining commences and kept current.
  11. Applicant agrees that any unforeseen erosion issues that arise during or after construction shall be addressed to the satisfaction of the county.
  12. 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.
  13. This CUP shall be renewed every two years.
  14. 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 31<sup>st</sup>.

15. 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.
16. Verification of an agreement with the Wisconsin DOT shall be submitted before mining extends under Hwy 35.
17. Outdoor storage of any equipment and/or mining materials shall only occur on the parcel with the mine entrance.
18. Mining shall not encroach within 200 feet of any existing residence unless owner authorization has been obtained.
19. All loaded trucks shall be tarped.
20. A fugitive dust plan that utilizes industry standards and best management practices shall be developed and adhered to.
21. The operator shall provide notice to the County of any orders to cease and desist from MSHA.
22. Any polyacrylamide flocculants must be used consistent with WI DNR permit requirements.
23. 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.
24. 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.
25. A map of the facility and underground tunnels shall be submitted to the Town of Hartland semi-annually.
26. 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 asked if it would be proper to put some wording in #24 about the groundwater level testing, the same as #7 that once blasting does begin and nitrate testing at that point then groundwater level reporting would be done. Does that seem appropriate? Roy stated this came in kind of last minute so he hasn't had a lot of time to think about how to word a condition, but he thinks if we just amend that last sentence to: Groundwater elevations shall be monitored annually when blasting is occurring and the results shall be submitted to the Zoning Office. Gulbranson asked we are trying to standardize this well testing, on condition #24 is that the same language that we were trying to use? I don't recall seeing that language. Roy stated this is typically only used in the underground frac sand mines. It might be in other mining permits but it's not on all of them for sure. Aubart stated he agrees with Dr. Sanden that similar language on the resumption of blasting and we resume the levels of groundwater monitoring. Chairperson Fetzer asked if WISC had anything they would like to add. Lauren Evans stated she felt the staff report covered everything really well unless anyone had questions of them.

**Aubart moved to renew the conditional use permit for Nonmetallic Mining for WISC with conditions #1 - #26, modifying condition #24 to Groundwater elevation shall be monitored annually when blasting is occurring, and the results shall be submitted to the Zoning Office /Sanden seconded. All in favor. Passed with roll call vote. Sanden – Yes, Aubart – Yes, Gulbranson – Yes, Fetzer – Yes.**

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

### **Departmental Update and Future Agenda Items**

Pichotta stated we have three public hearings scheduled for the 17<sup>th</sup> of February: a Temporary Asphalt Plant in the Town of Oak Grove off of Highway 10, Pierce County Highway Department for the Bisel Pit for an expansion and the last is a Fly Fishing School to be located in the Town of El Paso down along the Rush. If we're to have a meeting on the 3<sup>rd</sup> of February we would have a Mathy renewal - and again we have Mathy public hearing at the next meeting and the timing is such that we could also deal with that at that meeting - and

the other, Big Dog Daddy's Campground, is up for renewal. We can either meet twice in February or if the committee is comfortable with it, we could do a two-week administrative renewal for Big Dog Daddy and have him on the 17<sup>th</sup> also. He is looking for a little direction in that regard. Is everybody comfortable with having a lengthier meeting on the 17<sup>th</sup> and not having one at the beginning of the month or would you prefer to have one at the beginning of the month that has very little on it. Chairperson Fetzer stated he will be fine with just having one meeting. Gulbranson stated he is fine with the one. Sanden stated he could go either way. Aubart stated he is fine with the 17<sup>th</sup>. Chairperson Fetzer stated it sounds like one meeting will be fine. Pichotta stated our next meeting will be on February 17<sup>th</sup>.

**Motion to adjourn at 6:48pm by Sanden/Aubart seconded. All in favor. Motion passed.**

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE  
MEETING AGENDA  
Wednesday, January 20, 2021 – 6:00 p.m.**

**This is a Remote Only Meeting**

All Land Management Committee members, public, media, & staff may attend the meeting virtually with the link or phone number provided below.

<https://zoom.us/j/95816231617?pwd=MVNWc1doYWE0bysxblQ5Q2N0RHM3QT09>

Meeting ID Number: 958 1623 1617      Password: 538413  
United States: + 1 (312) 626-6799      Access Code: 538413

#	Action	Presenter
1	Call to order	Chair
2	Next meeting dates: February 3 <sup>rd</sup> & 17 <sup>th</sup> , March 3 <sup>rd</sup> & 17 <sup>th</sup> , April 7 <sup>th</sup> & 21 <sup>st</sup> , all in 2021.	Chair
3	Approve minutes of the November 4, 2020 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 Jay & Judy Oberg, owners on property located in the NW ¼ of the SE ¼ of Section 13, T25N, R19W, Town of Diamond Bluff, Pierce County, WI.	Adank
5	Discuss take action on a request for renewal of a conditional use permit for 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
7	Discuss take action on Travel/Training Requests.	Pichotta
8	Future agenda items.	Pichotta
9	Adjourn	Members

A quorum of County Board supervisors may be present.

(1/8/21)





**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, 2020

Present: Jon Aubart, Neil Gulbranson and Eric Sanden

Others: Andy Pichotta, Brad Roy, and Shari Hartung

Excused: Joe Fetzer and Jeff Holst

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

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

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

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

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

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

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

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

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

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

“A. Where the Land Management Committee finds that undue difficulties will result from strict compliance with the regulations of this chapter or better design will result, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such rule exception will not have the effect of nullifying the intent and purpose of this chapter.

B. A majority vote of the entire membership of the Land Management Committee shall be required to grant any rule exception to these regulations and any rule exception thus granted shall be entered into the minutes of the Committee setting forth the reasons which, in the judgment of the Committee, justified the rule exception.” PCC §237-3 regarding Purpose and Intent states, “The purpose and intent of this chapter are to advise and regulate the division of land in Pierce County, Wisconsin, to promote public health, safety, aesthetics and general welfare, and to the conditions are listed A – J in the staff report. Alternatives to requesting this Rule Exception include:

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **Departmental Update and Future Agenda Items**

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

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

Respectfully submitted by S. Hartung

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

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

A quorum of County Board supervisors may be present.

(10/23/20)

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



**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, October 7, 2020

Present: Neil Gulbranson, Eric Sanden and Dale Auckland

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

Excused: Joe Fetzer, Jeff Holst and Jon Aubart

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

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

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

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



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

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

**Staff Recommendation:** Staff recommends the Land Management Committee determine whether the proposed use at the proposed location would be contrary to the public interest and whether it would be detrimental or injurious to public health, public safety, or the character of the surrounding area. If found to be not contrary to the above, staff recommends the Land Management Committee approve this conditional use permit for Agritourism with the following conditions: The conditions are listed in the staff report #1 - #14. All conditions remain the same as previously approved. The committee can decide if they want to change condition #5 to 9AM as requested.

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

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

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

**Staff Report – Adam Adank:** The applicant is requesting a CUP to operate a trucking business at his residence. The business is called Huppert Trucking and they typically transport rock, sand, gravel, asphalt, debris, etc. Mr. Huppert has been operating a trucking business for the past few years without benefit of a permit. The Land Management Department was recently made aware of the business from a complaint about the business not having proper permits. At that time, Mr. Huppert was made aware that a Conditional Use Permit for a Farm and Home Based Business was required to run the business at his property. Mr. Huppert owns approximately 588 acres connected to the parcel his home and trucking business is located on. The trucking business is operated out of a 50' x 90' pole building. The pole building is a garage with an equipment storage area and office area. The total square footage of the building is 4500 square feet. No other buildings are utilized for the trucking business. The property is zoned Primary Agriculture. The purpose of the Primary Agriculture District is established to maintain, preserve and enhance prime agricultural lands historically utilized for crop production but which are not included within the Exclusive Agriculture District. This district is also intended to provide farmland owners with additional management options by allowing limited residential development but with residential density limits set as to maintain the rural characteristics of the district. Adjacent properties are zoned Primary Agriculture and Agriculture Residential. Adjacent land uses are agriculture and low density residential. Section 240-36E allows farm and home based businesses as accessory to single family residential uses subject to the following:

1. The farm and home based business shall be conducted by the owner of the dwelling unit. No more than eight persons not residing on the site may be employed in the business.
2. If located in the dwelling unit, the farm and home business shall occupy no more than 50% of the dwelling unit. If located in an accessory building, the farm and home business shall not occupy an area greater than 5, 000 square feet.
3. Minimum lot size shall be 5 acres.
4. Such other conditions as specified by the Land Management Committee pursuant to Sec 240-76 shall apply.

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

**Staff Recommendation:** Staff recommends the Land Management Committee determine whether the proposed use at the proposed location is contrary to the public interest and whether it would be detrimental or injurious to public health, public safety, or the character of the surrounding area. If found to be not contrary to the above, staff recommends the land Management Committee approve this conditional use permit for a farm and home based business with the following conditions:

1. Activities shall be conducted as presented in the application unless modified by a condition of this permit.

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

**Chairperson Gulbranson opened the public hearing.** No public comment. Sanden asked how long has this been operational. Adank stated when he asked him, he stated a few years. Sanden asked if there have been any complaints to his knowledge. Adank stated this is the first they have heard about it. **Public hearing closed.** Sanden moved to approve the conditional use permit request for a Farm and Home Based Business for Huppert Trucking, due to the fact this proposed use at this proposed location is not contrary to the public interest, nor detrimental or injurious to public health, public safety, or the character of the surrounding area, with conditions #1 - #10/Auckland seconded. All in favor. Passed.

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

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

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

**Staff Recommendation:** Staff recommends the Land Management Committee determine whether the proposed use at the proposed location is contrary to the public interest and whether it would be detrimental or injurious to public health, public safety, or the character of the surrounding area. If found to be not contrary to the above, staff recommends the Land Management Committee approve this conditional use permit for a Farm and Home Based Business with the following conditions:

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

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

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

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

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

**Staff Recommendation:** Staff recommends the Land Management Committee determine whether the proposed land spreading of sludge at the proposed locations would be contrary to the public interest and whether it would be detrimental or injurious to public health, public safety, or the character of the surrounding area. If found to be not contrary to the above, staff recommends the Land Management Committee approve this conditional use permit for Sludge Disposal with the following conditions:

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

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

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

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

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

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

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

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

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

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



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

**Staff Recommendation:** Staff recommends the Land Management Committee consider the above and if determined to be not contrary to the public interest, health, safety or character of the area, renew this conditional use permit with the following conditions: The changes to the conditions are removing the old condition #1 due to Corporation Counsels advice. A change to condition #4, which was read, we have modified it again since we put it in there.

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

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

**of the conditional use permit for Nonmetallic Mining for Rumpca Excavating with conditions #1 - #14 with the modifications to #4 and adding condition #14/Auckland seconded. All in favor. Passed.**

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

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

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

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

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

#### **Departmental Update and Future Agenda Items**

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

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

Respectfully submitted by S. Hartung

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

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

12	Future agenda items.	Pichotta
13	Adjourn	Members

A quorum of County Board supervisors may be present.

(9/25/20)



**PIERCE COUNTY WISCONSIN**  
**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 2, 2020

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

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

Excused: Joe Fetzer

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Departmental Update and Future Agenda Items**

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

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

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

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

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

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

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

Respectfully submitted by S. Hartung

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

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

A quorum of County Board supervisors may be present.

(8/24/20)

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



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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

**Pierce County Zoning Ordinance §240-31 Landscape Buffers:**

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

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

C. General requirements.

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

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

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

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

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

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

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

**Land Management Minimum Landscaping Policy adopted February 7, 2007:**

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

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

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

## **Town Recommendation**

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

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

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

**Study of Acoustic and EMF Levels from Solar Photovoltaic Projects**

**Prepared for: Massachusetts Clean Energy Center**

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

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

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

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

**The University of Texas at Austin, May 2018.**

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

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

**Recommendation:** The Land Management Committee will need to make a determination as to whether the proposed use at the proposed location would be contrary to the public interest and whether it would be detrimental or injurious to the public health, public safety or character of the surrounding area.

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

No political subdivision may place any restriction, either directly or in effect on the installation or use of a solar energy system...unless the restriction satisfies one of the following conditions:

- (a) Serves to preserve or protect the public health or safety.
- (b) Does not significantly increase the cost of the system or significantly decrease its efficiency.
- (c) Allows for an alternative system of comparable cost and efficiency.

(4) Local procedure.

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

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

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

Staff recommends that the Land Management Committee determine whether the proposed use at the proposed location would be contrary to the public interest and whether it would be detrimental or injurious to public health, public safety, or the character of the surrounding area. If found not to be contrary to the above, staff recommends the Land Management Committee approve this conditional use permit for a Large Solar Energy System with the following conditions:

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

#### **Departmental Update and Future Agenda Items**

Potential modification to a CUP for Belle Vinez

Renewal of the Gilles Quarry by Monarch/Mathey Paving

Renewal of the Bisel Pit by Pierce County Highway.

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

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

Respectfully submitted by S. Hartung

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

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

A quorum of County Board supervisors may be present.

(8/7/20)

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



**PIERCE COUNTY WISCONSIN**  
**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 5, 2020

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

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

Excused: Jeff Holst

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

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

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

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

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



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

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

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

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

7. Applicant understands that expansion or intensification of this use will require issuance of a new conditional use permit. If applicant has questions as to what constitutes expansion or intensification, Land Management staff should be contacted.
8. One parking space per four customers and areas for ADA compliant parking shall be provided onsite.
9. Applicant shall submit a parking plan prior to the first open house type event for staff review. Plan shall indicate locations and number of parking spaces available.
10. If food is provided for any open house type events it shall be provided by a licensed food vendor.
11. A status report shall be made to the Land Management Committee in one year.
12. This CUP shall be renewed every two years. Permit may be renewed administratively if no compliance issues arise.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

#### **Departmental Update and Future Agenda Items**

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

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

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

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

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

A quorum of County Board supervisors may be present.

(7/17/20)

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

**PIERCE COUNTY WISCONSIN**  
**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 1, 2020

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

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

Excused: Joe Fetzer

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

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

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

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

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

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

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

**Staff Report – Emily Lund:** The applicants received a Conditional Use Permit from the LMC on 12/18/2019 for a Farm & Home Based Business for their Trucking Company on this parcel. The applicants are now proposing to rezone the 29.25 acre property from General Rural Flexible 8 to Commercial. The property is located in Section 1, Town of Oak Grove and is located on the South side of Highway 29 approximately 1.5 miles outside of Prescott. Current land use is agricultural. Adjacent land uses are agricultural and residential. The parcel is currently in the General Rural Flexible 8 zoning district. Adjacent zoning districts are General Rural Flexible 8 and Rural Residential 12. Pierce County’s adopted Comprehensive Plan states: “The County will approve re-zonings or map amendments only when the proposed change is consistent with an adopted or amended town comprehensive plan. In cases where a town has not adopted a comprehensive plan, rezoning will be approved only when consistent with the Pierce County Plan (encouraged vs discouraged). In such cases, Pierce County will solicit a non-binding town recommendation regarding the proposed rezone.” The Town of Oak Grove recommended approval of this request on 5-18-2020. They stated, “See Town of Oak Grove Comp Plan, Revised 10/18/2012. Policies & Programs #9, Goal #2, Objectives 1 & 2 of Chapter 7, page 10 (Economic Development).” A copy is attached. The value of land for agricultural use according to the USDA Web Soil Survey says it has all areas of prime farmland.

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

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

**Chairperson Holst closed the hearing to the public.**

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

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

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

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

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

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

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

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

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

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

**Staff Recommendation:** Staff recommends the Land Management Committee consider whether any other additions or modifications to the established conditions are necessary to mitigate any impact on the public health, safety, the public interest and character of the area and renew this conditional use permit for a nonmetallic mining operation with the following conditions:

1. Applicant shall follow all recommendations and receive all necessary permits from all relevant departments and agencies.



2. Hours of operation shall be 6am to 6pm with nonproduction hours 6pm to 8pm, Monday through Friday and 8am to noon on Saturday. Operation shall be closed on holidays.
3. Blasting shall be completed by a State licensed blaster. Blasting shall take place no more than 4 times per week and blasting times shall be between 11am and 2pm unless extenuating circumstances occur at which time a Town official shall be notified prior to any blasting.
4. Storm water measures shall be implemented and maintained consistent with Land Conservation Department recommendations.
5. Erosion control shall be installed prior to any mining. All erosion control measures shall be submitted to the Zoning Office for review and approval prior to any mining.
6. Road access shall be permitted by WI DOT and a Uniform Address Number shall be obtained from the Zoning Office.
7. Reclamation shall be consistent with submitted plans.
8. Applicant shall determine if the reclamation plan needs updating and shall submit an updated financial assurance bond based on increased acreage.
9. Mine operation and design shall be consistent with the approved plans. Zoning Office shall be notified of any deviation from the plans.
10. Zoning Office shall be notified if groundwater is encountered.
11. All structures and signage shall be permitted by the Zoning Office.
12. An elevation benchmark shall be established.
13. The reclamation financial assurance information shall be reviewed and approved by Corporation Counsel before mining commences.
14. Applicant shall comply with NR 135 Annual Reclamation Permits.
15. Property owners located within 1000 feet shall be given reasonable notice of all planned blasting. This request shall be waived for landowners who request not to be given notice.
16. Well tests for nitrates, suspended solids, and dissolved solids shall be conducted for all existing wells within 1000 feet of the proposed mining operation to establish a baseline, and for all other properties agreed upon by County Materials (Jones, etc). this shall be completed prior to blasting. Wells shall be tested annually thereafter. All results shall be provided to the Zoning Office.
17. A copy of the Storm Water Pollution Prevention Plan and Spill Prevention Control and Countermeasures shall be submitted to the Zoning Office.
18. The recycling of concrete products shall be allowed.
19. This CUP shall be reviewed for renewal in two years unless compliance issues arise.
20. County Materials Corporation shall conduct operations on the site consistent with the standards specified in the letter from CMC to Pierce County dated 3/13/07.
21. All loaded trucks shall be covered (tarped) prior to leaving the site.
22. The quarry shall have no more than 50 unreclaimed acres at any given time. The storm water pond and processing area are to be included in the unreclaimed acres.
23. Applicant shall conduct decibel readings during mining operations at; the property line, 1320 ft from the property line, and at 1 ½ miles from property boundary, and shall submit results to the Land Management Department. Such readings shall be taken three times annually, and at locations agreeable to Land Management Department staff and County Materials. An initial reading shall be made prior to operations to establish a baseline.
24. A four-strand barb-wire fence shall be placed around the active mining operation along with appropriate signage.
25. A lockbox with access key shall be made accessible to emergency personnel.
26. Applicant shall provide a status report to the LMC at the request of the Town of Spring Lake.
27. Stockpiles shall be a minimum of 10 feet below the height of the berm at all times.
28. The fugitive Dust Plan shall be implemented as approved.
29. Applicant is allowed to water anytime necessary to mitigate off-site dust impact.

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

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

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

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

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

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

Gulbranson asked is 3ft 8in is including the overhang also. Roy stated the first two feet of overhang don't count. Adank stated there is an email from the neighbor to the north and he didn't have any concerns. It looks like Mike told him his real overhang would be about a foot and a half from the lot line. Roy stated then the applicant did say he was going with a one foot overhang on the back side just cause of its proximity to the lot line. Sanden asked what if a land surveyor goes out there finds that they are off by a foot or two. What if it's even closer. Roy stated then we would have a civil lot line issue. We are dealing with a nonconforming structure as is, a little more, a little less in this case.... Sanden stated you don't see that as an issue in this case. Roy stated when the two neighbors are in agreement that they are OK, making someone hire a surveyor might be a bit much. Sanden asked isn't that what condition #2 is requesting? Holst stated "or as agreed upon by the two property owners". Adank stated there has been a CSM done to the north on that lot line. They ran a string or however they came about it. A surveyor would probably be able to just put an additional stake in there. Aubart stated he obtained a permit for a temporary mobile home in 1995, at what point does that not become temporary? Pichotta stated it's now only temporary while he is constructing a new dwelling. Technically right now, it is his principal dwelling. It's one of these cases where say you live in a trailer house and you want to build a stick built house, we do allow you to have both there initially. Once you are done with the stick built, the mobile home has to go. Holst stated the Town looked at this addition, most of the people that come into this addition started with trailer houses and there are quite a few stick built houses in that addition now. So it was a stepping stone for people to acquire a permanent home. Sanden asked if this is in the floodplain? Holst stated no. It's probably about 70ft about the Mississippi River. **Sanden moved to approve the modification of the conditional use permit for expansion of a nonconforming structure with conditions #1 - #7, striking the second sentence of condition #2 and leaving the setback at 3ft 8in/Gulbranson seconded. All in favor. Passed.**

**Discuss take action on a request for renewal of a conditional use permit for Nonmetallic Mining in the General Rural District, pursuant to Pierce County Code Chapter 240-37A and Reclamation Plan hearing, pursuant to Pierce County Code Chapter 241-15A(2)(a), for Wieser Real Estate Partnership Limited Partnership and DAM Investments LLC, owners on property located in Sections 3, 4, 9, & 10, all in T25N, R16W, Town of Salem, Pierce County, WI. Agenda item #12 was read and discussed before agenda #11. Staff Report – Brad Roy:** This request is for three nonmetallic mines (mines #1, #2 and #4) on the Wieser property; mine #3 has been permanently reclaimed. In the past, the mining product was primarily used in the production of concrete products. Volumes of material were dependent on the market needs. In 2014, the material in mine #4 was identified as industrial frac sand and the use of the mine increased. Due to the market conditions the frac sand operator (Total Excavating) has closed operations in mine #4 and has begun to reclaim portions of the mine. Extraction of materials for Wieser Concrete is continuing in mine #4. The applicant has been in discussions with the Town of Salem regarding the use of Town roads. There have been

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

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

1. Renewal fee in the amount of \$1,300 shall be submitted to the Land Management Department.
2. A 100-ft setback shall be maintained from all property lines for all mining activities.
3. The applicant shall notify the Zoning Office if groundwater is encountered.
4. Blasting shall be conducted by a state licensed blaster.
5. Blasting shall take place between the hours of 8am and 5pm.
6. Reclamation shall be completed consistent with the submitted plans.
7. Well tests for nitrates, suspended solids, and dissolved solids shall be conducted annually for all wells within 1000 feet of any mine where blasting takes place. All results shall be provided to the Zoning Office.
8. Any unforeseen erosion issues shall be addressed to the satisfaction of the County.
9. Applicant shall comply with PCC Chapter 241 Nonmetallic Mining Reclamation.
10. Reclamation financial assurance information shall be reviewed and approved by Corporation Counsel and kept current.
11. The conditional use permit shall expire in 2 years.
12. Road agreements shall be secured from appropriate municipalities for hauling industrial sand.
13. A Fugitive Dust Plan shall be developed and implemented.
14. Operations may not begin prior to 6am from December to April.
15. A Traffic Impact Analysis be completed for any potential access points onto Hwy 10.

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

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

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

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

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

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

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

### **Departmental Update and Future Agenda Items**

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

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

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

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

Proposed 2021 Land Management Department Budget.

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

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

Respectfully submitted by S. Hartung

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

#	Action	Presenter
1	Call to order	Chair
2	Next meeting dates: July 15 <sup>th</sup> , August 5 <sup>th</sup> & 19 <sup>th</sup> , all in 2020.	Chair
3	Elect Temporary Chairperson	Acting Chair
4	Elect Committee Chairperson	Acting Chair
5	Elect Committee Vice-Chairperson	Chair
6	Approve minutes of the February 19, 2020 Land Management Committee meeting.	Chair
7	Public hearing to consider and take action on a request for a map amendment (rezone) from General Rural Flexible 8 to Commercial District for Zeverino Investments LLC, David Zeverino, owner on property located in part of the NW ¼ of the NE ¼ of Section 1, T26N, R20W, Town of Oak Grove, Pierce County, WI.	Lund
8	Discuss take action on a request for modification of a conditional use permit for a Retreat Center (Wedding Barn) in the Primary Agriculture District for Melissa Deyo and Donald Dufek, owners, on property located in the SE ¼ of the SE ¼ of Section 33, T27N, R17W, Town of Martell, Pierce County, WI.	Lund
9	Discuss take action on a request for renewal of a conditional use permit for CMC-Spring Valley LLC (County Materials) owner on property located in the SE ¼ of the SE ¼ of Section 9 and the NE ¼ and the NW ¼ of the SE ¼ of Section 16, all in T27N, R15W, Town of Spring Lake, Pierce County, WI.	Adank
10	Discuss take action on a request for modification of a conditional use permit for Expansion of a Nonconforming Structure for Michael Dorricott, owner on property located on Lot 2, Marissa's Addition, in the NW ¼ of the NW ¼ of Section 19, T25N, R18W, Town of Diamond Bluff, Pierce County, WI.	Adank
11	Discuss take action on a request for renewal of a conditional use permit for a Nonmetallic Mining Operation in the Primary Agriculture District, pursuant to Pierce County Code Chapter 240-37A, for Rumpca Excavating Inc, agent for John C. Rohl Jr, John C. & Alva-Jeanne Rohl and Mackenze Rohl, owners on property located in the NW ¼ of the SW ¼ of Section 28, T27N, R19W, Town of Clifton, Pierce County, WI.	Roy
12	Discuss take action on a request for renewal of a conditional use permit for Nonmetallic Mining in the General Rural District, pursuant to Pierce County Code Chapter 240-37A and Reclamation Plan hearing, pursuant to Pierce County Code Chapter 241-15A(2)(a), for Wieser Real Estate Partnership Limited Partnership and DAM Investments LLC, owners on property located in Sections 3, 4, 9 & 10, all in T25N, R16W, Town of Salem, Pierce County, WI.	Roy

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

A quorum of County Board supervisors may be present.

(6/19/20)



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

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

A quorum of County Board supervisors may be present.

(2/21/20)

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

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



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

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

Others: Andy Pichotta and Shari Hartung

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

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

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

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

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

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

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

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

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

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

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

**Departmental Update and Future Agenda Items**

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

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

Respectfully submitted by S. Hartung

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

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

A quorum of County Board supervisors may be present.

(2/7/20)

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



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

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

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

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

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

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

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

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

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

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

**Staff Recommendation:** Staff recommends the Land Management Committee consider whether the proposed use at the proposed location is contrary to the public interest, or detrimental or injurious to the public health, public safety or the character of the surrounding area. If found not to be contrary to the above, staff recommends the Land Management Committee consider approval of this conditional use permit for the requested airstrip with the following conditions: 1) The conditional use shall be renewed in 2 years. Renewal may be completed by staff administratively unless complaints are received by the Land Management Department. 2) Any potential or future changes or intensification in the use of the airstrip/heliport shall be approved by the Land Management Committee. 3) All FAA and Wisconsin DOT regulations and requirements shall be met including any airstrip design and lighting requirements. 4) Proof of adequate liability insurance shall be provided. 5) The conditional use permit will terminate if the Dept. of Transportation revokes either their certificate of airport site approval or the property owners pilots license. 6) Onsite fuel storage must be in approved containment vessels.

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

A quorum of County Board supervisors may be present.

(1/24/20)

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

**PIERCE COUNTY WISCONSIN**  
**DEPARTMENT OF LAND MANAGEMENT & RECORDS**  
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, January 15, 2020

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

Others: Andy Pichotta, Emily Lund, and Shari Hartung

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **Departmental Update and Future Agenda Items**

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

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

Respectfully submitted by S. Hartung

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

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

A quorum of County Board supervisors may be present.

(1/3/20)