

**ENVIRONMENT AND LAND USE COMMITTEE**  
**Department of Land Management**

**REGULAR MEETING MINUTES**  
**May 12th, 2010 9:00 AM**  
**COUNTY BOARD ROOM**

Chairman Brandt called the meeting to order at 9:02 AM.

Committee members present: George Brandt, Hensel Vold, Tom Bice, Michael E. Nelson, Mark A. Smick, Roland Thompson, Dave Quarne, and Ed Patzner.

Staff/Advisors present: Kevin Lien and Virginette Gamroth. Carla Doelle, Mark Carlson, Vickie Stalheim, Kimarie Estenson and Joe Nelsen were present for part of the meeting.

Others present: Bob Tenneson, James Frei

Chairman Brandt stated that the Open Meeting Law had been complied with through notifications and posting.

**Approval of Agenda** – Vold made a motion to approve the agenda, Quarne seconded, motion carried unopposed.

**Approval of Minutes** – Thompson made a motion to approve the 4/14/2010 meeting minutes, Quarne seconded, motion carried unopposed.

**Committee and Staff Introductions** – Chairman Brandt turned the meeting over to Kevin Lien. Lien informed the Committee of changes that have occurred. Lien stated, in the past, at the first meeting of a new Committee, the Committee would elect a Chair, Vice Chair, Secretary and Treasurer. However, this year those Committee appointments were done at the County Board level. George Brandt was appointed as Chair, Hensel Vold was appointed Vice Chair and Michael Nelson was appointed Secretary. Lien stated the Environment and Land Use Committee is made up of five county board members, two appointed citizen advisory members, one represents the agricultural community and one represents the Towns' Association and as ordered by State Statute, the Farm Service Agency Chair is a Committee member. Introductions of Committee members and Department staff took place. Lien referred the Committee to a copy of the Department of Land Management plan which specifies that the terms for the citizen advisory members expire in the opposite years of the terms of the County Board members, therefore allowing for some continuity for the Committee.

**Public Hearing – Conditional Use Permit –Oak Ridge Dairies, LLP – Livestock Facility Siting Permit- Town of Gale.** Chairman Brandt opened the public hearing at 9:16 AM. M. Nelson read the public hearing notice aloud. Brandt gave an overview of the public hearing procedures and reminded anyone that wanted to speak to register and submit their registration to the Chairman. An Arc View aerial map of the site was provided for all to view. Lien informed the Committee that years ago, Trempealeau County became one of the first County's in the state to adopt a Feedlot Ordinance. Through the Feedlot Ordinance a landowner would seek a Conditional Use Permit where all the statutory requirements, setbacks, etc. would have to be met and once those conditions were met a "ring of protection" would be placed on the farm property so that anyone that wanted to build within that "ring of protection" would have to get a Conditional Use Permit, basically stating that they were aware of noises, odors, etc. Lien stated Ag Siting took that ability away from the County a few years ago, so now this is the only Conditional Use Permit that a farm operation is required to get. Lien continued that a public hearing is held and if all requirements are met, a permit must be issued and forwarded on to the State, however

conditions cannot be placed on the permit. Local residents that have objections can appeal at the State level. Carla Doelle and Mark Carlson, staff from the Department of Land Management, were present as they both have been working with Oak Ridge Dairies, LLP the last few years. Doelle stated the original grant application started out to abandon a manure storage structure. A grant was applied and received for a new manure storage and to abandon an outside feedlot that was adjacent to one of the streams on the property. The grant was received and there was a two year window to spend the money. When that was completed Oak Ridge Dairies, LLP decided to expand their dairy herd, so this project has been done in phases. The outside feedlot that was closest to the stream and the prior manure storage facility has been abandoned and it has been replaced with a new 3 million gallon concrete manure storage and a bunker silo that has leachate collection that is pumped into the manure storage. Oak Ridge Dairies, LLP is currently permitted for 650 animal units, 650- 1000 lb animals. Doelle stated once a landowner is going to exceed the animal units that they are currently permitted for, even by one animal unit, the prior permit is no longer valid, therefore Oak Ridge Dairies, LLP needs to reapply. Doelle stated a specification of livestock siting rules are that DATCP would consider it a conflict of interest if the the DLM were to help the landowner complete the application and then review it. Therefore, DLM personnel are not allowed to help the landowner complete the application, they are required to complete the application on their own. Doelle does the review of the application once she receives it. Doelle gave an overview of the application which indicated that Oak Ridge Dairies, LLP would be increased from 650 animal units to 980 animal units which would be 980, 1000 lb. animals, which would be 700 cows. Doelle added that an odor worksheet is a voluntary part of the application because Oak Ridge is under 1000 animal units. Oak Ridge decided to do the odor worksheet because once they do the odor score they are locked in with that number for any future expansions. Doelle elaborated on the odor worksheet for the benefit of the Committee. Doelle added her role in the application process is to determine whether the components the landowner is submitting will meet the state requirements. Other items included in the application are waste and nutrient management plans, odor management plan, runoff management plan, manure waste handling, employee training and safety plans, and an environmental incident response plan. Doelle stated to the Committee, her determination, that the application is complete and Oak Ridge Dairies, LLP has met all the requirements of the application. Doelle read a letter from the Town of Gale dated April 13<sup>th</sup>, 2010 which stated a motion was made and unanimously passed to approve a conditional use permit for Oak Ridge Dairies, LLP to expand to 980 animal units. Jason Johnson was present on behalf of Oak Ridge Dairies, LLP. Mark Carlson stated he felt Doelle had covered all the important points of the application very well. Doelle added her opinion that environmentally the facility was at its' peak performance.

**Testimony in Favor-** No one registered to testify in favor.

**Testimony in Opposition** – No one registered to testify in opposition.

Lien mentioned he had one call from a concerned citizen with questions about the project itself. By state law the construction and expansion of the operation can take place. The Livestock Facility Siting Permit itself isn't required until the animal numbers change, which Oak Ridge hasn't actually added the animals yet. Chairman Brandt closed the public hearing at 9:37 AM. There being no further discussion, M. Nelson made a motion to approve the Livestock Facility Siting Permit for Oak Ridge Dairies, LLP, Thompson seconded, motion carried unopposed.

**Public Hearing-Rezone-Jeffrey & Amy Swanson-Exclusive Ag 2 (EA2) to Commercial (C) –Town of Preston.** Chairman Brandt opened the public hearing at 9:39 AM. M. Nelson read the public hearing notice aloud. An Arc View aerial map of the site was provided for all to view. Lien informed the Committee that a landowner provides the DLM with a basic business plan which is then compared to a table of uses in the Comprehensive Zoning Ordinance. Based on that table, Swanson's business plan was determined to be commercial; therefore Swanson is required to rezone the property. Lien reminded the Committee that a rezone does not allow the Committee to place any conditions. Lien turned the meeting over to Kimarie Estenson. Estenson informed the Committee that a Class II notification was placed in the

County newspapers in accordance with State Statute 98.5 and letters were sent to all adjoining landowners. Estenson stated Swanson's are requesting a rezone for a parking lot, landscape bins, aluminum can recycling and storage for Swanson Hauling and Landscaping LLC, which is owned and operated solely by the property owner. There are no employees or buildings at the site in the rezone commercial area. Landscape bins are to hold and separate landscape materials such as decorative rock and mulch. The recycling storage consists of two cargo containers. Swanson's are requesting a rezone because they are also requesting a Non-metallic Mining Conditional Use Permit and nonmetallic mining can only be permitted in ag type areas it cannot be permitted in a commercial rezoned area – the two areas need to be separate. Estenson referred to the aerial photo to show the area to be rezoned and also pinpointed a building that will remain in agricultural use. Estenson asked Jeff Swanson to explain his operation to the Committee. Swanson stated there will be approximately 25 storage bins, 15 feet X 16 feet in size. Swanson added that the two recycling containers that are on the property will hold crushed cans. Currently, a gravity box is there for can sorting. Swanson explained the can recycling process to the Committee. Estenson read aloud the land use definitions for Exclusive Agriculture 2(EA2) and Commercial (C). Estenson read a letter from the Town of Preston which stated the Town of Preston, as determined at their April town meeting, supports the rezone from Exclusive Agriculture 2 to Commercial on property owned by Jeffrey and Amy Swanson. Lien noted the Town of Preston Chairman, Robert Tenneson, is present. Lien questioned if Swanson would be buying aluminum cans from the general public. Swanson responded he would. At 9:47 Chairman Brandt closed the public hearing. Bice questioned what was going on to the west of the property? Swanson responded the void from the landscape bins to the fence line is actually about 15 feet which is just part of Swanson's yard. Lien added the land adjacent is agricultural land. Bice questioned Swanson as to what the nearest neighbor to the west is going to see when he looks at the property? Swanson stated he designed the landscape bins so that the back of the bins are 3 feet in the ground, so what the neighbor will be able to see is not the back of the bin but piles of material above the partition. Swanson estimated he keeps about one "dump truck" load of each material on site. Swanson stated the neighbor will have a clear view of the storage bins. Quarne made a motion to approve the rezone. Discussion followed on the difference between a rezone and the conditional use permit. Swanson clarified the materials in the storage bins as being bark, mulch and decorative rock. Bice questioned the Committee if it would be appropriate to suggest that Swanson plant some type of pine tree for a screen? Lien stated that in the Comprehensive Zoning Ordinance under the "Commercial" land use is the only time that the Committee has the ability for site plan approval. Lien continued that the site plan doesn't only have to meet conditions today, but at anytime in the future if the Committee sees the need, they can request site plans. Swanson asked if a fence would be sufficient instead of pine trees, as the needles would blow into his landscape materials. Bice asked if the Committee could determine that in the future. Lien answered if there is a problem in the future, the Committee could require Swanson to put up some type of screen. Estenson asked Swanson what the current height of the product or bins was. Swanson responded the bins are basically flush with the ground, the bin might stick up six inches from the ground and Swanson estimated a full dump truck of product is about 2-3 feet above the bin. Discussion followed. Quarne asked about assessment of the property? Lien responded those are difficult questions which should be directed to an assessor, but that is why Lien encourages landowners' to rezone only the property that is needed. Lien added this is not creating a separate parcel, it is not a Certified Survey Map, it is just changing the "use" of the property. Lien added if the use is vacated for a certain period of time, the zoning would revert back to the original land use. Patzner seconded motion to approve rezone, with motion passing unopposed. Chairman Brandt stated the rezone will now go to the June meeting of the County Board of Supervisors for final approval.

**Public Hearing-Conditional Use Permit – Non-Metallic Mining - Jeffrey & Amy Swanson-Town of Preston.** Chairman Brandt called the public hearing to order at 9:56 AM. M. Nelsen read the public hearing notice aloud. An Arc View aerial map of the site was provided for all to view. Lien stated this Conditional Use Permit is different from other Non-metallic Mining permits because Swanson's will not be removing a product from the ground. Lien gave a brief overview of when a non-metallic mining permit is needed. Lien stated Swanson is going to be bringing product in from others and redistributing

it, therefore he needs a mining permit. Lien turned the meeting over to Estenson. Estenson stated the adjoining landowners were sent a courtesy notice and a Class II notification was placed in the newspapers. Estenson referred the Committee to the aerial photo and pointed out Swanson's stockpile area. There will be two stockpiles, one of topsoil and one of sand for landscaping purposes. A skid steer, bulldozer and dump truck will be used to transport materials in and out of the proposed area. No excavation will take place on the existing land, nor will there be any buildings or structures. Products stockpiled will be utilized by Swanson Hauling & Landscaping, LLC which is solely owned and operated by the property owner. The stockpiles are planned to remain until the business no longer needs the products. When the stockpiles are no longer needed, they will be removed thus returning the land to its' pre-existing state. There will be no change in the final topography or final site characteristics. The groundwater table is about 30 feet below the surface and the nearest well is that of the nearest property owner and is approximately 237 feet southeast of the site. The minimum bottom excavated area to groundwater has to be a minimum of 10 feet and Swanson clearly meets that requirement. Estenson mentioned the site, as it sits is barely internally drained; it has a few tenths of grade coming in where the stockpiles are going to be located. Swanson has plans to keep it internally drained and it is in the landowners' best interest to keep it internally drained because the DNR also regulates through a Stormwater and Erosion Control permit all mining activity regardless if it is over or under an acre. Swanson's are requiring the standard mining hours of operation. Swanson provided a map for the Committee to view of where the stockpiles will be located. Swanson explained the water runoff plan and stated his opinion that it was a good plan. Swanson states he tries to watch for projects in the area that are taking place and buy any leftover soil, etc. that would be of use to him. Estenson reiterated that Swanson had written on his permit application that the site would be less than one acre and if Swanson were to expand above and beyond an acre he would need to apply for another Conditional Use Permit because at this time Swanson has indicated he would not exceed one acre. Estenson added if Swanson were to exceed one acre that would also put him into the State NR-135 Non-metallic mining program, so it is to Swanson's benefit to stay under an acre. Estenson read a letter from the Town of Preston which stated the Town of Preston supports the Non-metallic mining Conditional Use Permit for Jeff and Amy Swanson located in Section 8, T21N, R7W.

**Testimony in Favor** – No one registered to testify in favor

**Testimony in Opposition** – No one registered to testify in opposition.

At 10:06 Chairman Brandt closed the public hearing. Chairman Brandt reminded the Committee that in their meeting packet there was a list of Trempealeau County Non-Metallic Mining Standard Conditions. Lien added because this is a Conditional Use Permit all standard mining conditions will apply and the Committee also has the ability to site specific conditions. Discussion followed on conditions that could be considered. Lien stated a Class II notification was published and letters were sent as a courtesy to all adjoining landowners and he nor Estenson had received any responses from those activities. Vold made a motion to approve the Non-metallic Mining Conditional Use Permit with all standard conditions applying, M. Nelson seconded, motion carried with no opposition.

**Environment and Land Use Committee-Election of Treasurer and Checking Account Signatory Powers** – Lien informed the Committee that in the past couple of terms there had not been a Treasurer elected. Stalheim stated there is an Environment and Land Use Committee checking account set up at the bank that was started at least 20 years ago by the then Soil & Water Conservation Committee . The money was set aside and can only be used to further the goals of conservation. The account has been used for information and education programs such as Soil Judging, Tree & Shrub Program and any school visits, etc. Bice questioned where the money comes from for the account and how much money was in the account. Stalheim stated the original balance came from interest money from the watersheds and some of the other funds come from the Foresters' tree planting activity, the Tree & Shrub Program and equipment rental. Stalheim stated the account currently has a balance of between 50 and 60 thousand

dollars. Lien reiterated that the money was set aside to further the goals of conservation. Vold inquired as to Stalheim's role with the checkbook. Stalheim responded that she gets the banks statements and reconciles the account, but Lien and the former Chairman were authorized to sign checks. Stalheim added the auditors do review this account on a regular basis. Vold made a motion to not elect a Treasurer at this time, and to leave the checking account signatory powers as is, with the Environment and Land Use Committee Chair or Kevin Lien as authorized signers, Quarne seconded, motion carried with no opposition.

**TRM/LWRM Cost Share Payments/Requests** – Stalheim referred the Committee to the handout in their meeting folder. The following TRM/LWRM payments were made.

**LWRM**

<b>Name</b>	<b>Type</b>	<b>Amount</b>	<b>New CSA Total</b>	<b>Reason for change</b>
Thomas Segerstrom	Contract	\$22,000	\$22,000	Access road, critical area stabilization, heavy use area
Thomas Segerstrom	Pay Request	\$22,000		Access road, critical area stabilization, heavy use area

**TRM**

Thomas Segerstrom	Pay Request	\$ 7,140		Certify Engineering Services
Dan Helgeson	Pay Request	\$ 1,050		Certify Engineering Services

Stalheim gave a brief overview to the Committee of the TRM and LWRM programs and how payments are generated. Stalheim explained with the TRM program the DLM gets paid for designing a barnyard, so engineering money is received from the landowner of which 70% is funded by the Department of Natural Resources. Bice inquired as to where the landowners, receiving payments, were located, what specific practices were being paid for and how do landowners learn about these programs? Lien gave the Committee an explanation of how applications are filled out by the DLM and send into DATCP and then “ranked” according to priority. Lien added Trempealeau County has been very proactive in getting conservation on the land Bice inquired if “before” and “after pictures are taken of these installed practices? Lien responded photos are taken of each project and in the past the E & LU Committee has taken a tour to view these projects and any other places of interest in the County. Quarne made a motion to approve the above mentioned TRM and LWRM payments, Vold seconded, motion carried unopposed.

**TRM/LWRM-Municipal Responsibility Resolution** – Doelle explained that the Target Runoff Management (TRM) Grant Program is a program that DLM uses to fund conservation practices that are needed to bring landowners into compliance with NR-151 Performance Standards. NR-151 Performance standards include items like manure storage, no direct runoff from a feedlot to the stream, unconfined manure piles, livestock access to the surface waters of the state. Doelle stated the TRM grant program is a statewide competition in which Trempealeau County is competing with other grant applications in the state for the grant money. The grant applications are “ranked” based on what waters and resources are being protected by the doing the applied practice. Doelle continued that this resolution is not a new document as one was done previously, but the state has modified it slightly. The state would like a designation as to who in the office is doing certain parts of the grant. Doelle read the resolution aloud and a copy of that resolution is on file in the DLM office. Vold made a motion to approve the resolution, M. Nelson seconded, motion carried unopposed.

**Petty Cash Reimbursements** – Lien explained to the Committee that occasionally items are purchased for Committee meetings. In the past, the Committee had approved a \$50 Kwik Trip card being purchased for the DLM to have on hand for these purchases and at this time the card needs to be refilled. Brandt made a motion to refill the Kwik Trip Petty Cash card with \$50, M. Nelson seconded, motion carried unopposed.

**Select Committee member to attend and hand out awards at Soil Judging Contest – May 25<sup>th</sup>-in Whitehall.** Lien explained that each year the DLM co-sponsors the Soil Judging Contest along with the Ag Department from a local school and a representative from the E & LU Committee is usually present to hand out awards. This year Whitehall High School Ag Department is co- sponsoring the Soil Judging Contest. George Brandt and Michael Nelson agreed to confer with each other and one of them would attend the Soil Judging Contest and present awards.

**Surveying Update** – County Surveyor Joe Nelsen was present to give the survey update. Nelsen gave the Committee a brief overview of his background with the County noting that he specializes in remonumentation of government survey corners. Nelsen described the remonumentation process as the network by which all property descriptions, tax parcels, land ownership are based on, not only in the State of Wisconsin, but probably across the entire United States with the exception of the 13 colonies and some parts of Texas. Nelsen added there are some parts in Wisconsin, Prairie Du Chien and Green Bay where descriptions are based on “French Land Grants”. Nelsen explained that, looking at a section of land there are eight government corners; four section corners and four quarter section corners. Nelsen stated his job was to restore those section corners most of which were set between 1842 and 1853, therefore most of the “evidence” he seeks to restore a corner is very old. Most corners were set using wooden stakes however there are some townships that do have stone monuments. The County has had a history of public land surveying that started when the initial Public Land Surveying System (PLSS) was started in the 1850’s pretty much up to the start of World War I. After World War I there were bits and pieces of surveying done but nothing fairly organized up until approximately the mid 1970’s and early 1980’s when the County hired a part time County Surveyor that worked on remonumentation similar to what is done today. Nelsen briefly explained the “bounty system” of setting survey markers back in the late ‘70s and early 80’s emphasizing that there was no quality control. Nelsen shared a photo journal of the remonumentation progress with the Committee for their viewing. Nelsen informed the Committee that occasionally he solicits the help of the Highway Department backhoe to help in excavation and they recently completed the excavation of 10 corners in T20N, R7W and found four out of 10 original markers. Bice inquired how close the markers are to where they should be. Nelsen responded that it varies. Nelsen stated he is mandated by Federal and State law to set the section corner where the section corner was originally placed. In the original government survey notes there is a distance specified between corners. If Nelsen does not find a distance to match that, the corners cannot be changed. Nelsen’s obligation is to find that old marker so that is why his crew will go through such great effort to find the original corner. Nelsen stated there is a particular set of rules and regulations which dictate how each parcel is subdivided out of each section. The eight corners being restored are virtually the controlling corners for every parcel within that section either directly or indirectly. Nelsen explained that if there is a situation where the marker absolutely cannot be found then there are procedures which must be followed to restore the corner. Nelsen stated when he does a remonumentation project each corner gets a “quasi-diary” built for it which contains the history from when the original marker was set back in the 1850’s right up until today, so if there has been other survey work done on that corner, all that data is compiled into a historical record. Nelsen added his duty is to restore the original government corner which provides the foundation for almost any land records activity. Nelsen explained a tie sheet which is the pictorial description of what happened on that corner. Nelsen went on to describe the new remonumentation markers and that fact that if for some reason the marker should be destroyed, the corner can now be restored based on GPS measurements without having to go through all the effort. Per Smick’s request, Nelsen explained the symbols on the Surveyors’ report. Nelsen stated there are two reports; one for T20N, R7W, which for the most part is the Town of Ettrick which should be completed sometime in 2011. The other report is for T21N, R9W (Arcadia) which Nelsen’s crew will be in until it is completed. GPS control has been completed for 103 of the total monuments and 45 are completed. Nelsen elaborated on survey control markers which are set outside the “search area” and are put shallow enough so that he can locate them with survey equipment but deep enough so that it won’t be disturbed by someone walking by. Thompson made a motion to pay the survey bills as presented, Patzner seconded, motion carried unopposed.

**Director's Report** - Lien provided each Committee with a copy of the Department of Land Management plan and briefly covered some of the items in the plan such as Committee structure.

Lien informed the Committee about the revision of the Comprehensive Zoning Ordinance and provided each Committee member with a copy of the Ordinance. The first meeting with the towns' will be held May 27<sup>th</sup>. Smick asked whether the Ordinances could be put "on-line". Lien responded that all the Ordinances through the Department of Land Management are already available on the County website.

Lien informed the new Committee that the previous Committee had approved setting \$6,000 aside each year, for the purpose of revising the Land Use Plans, for each town, in five years. Mississippi River Regional Planning Commission had provided a quote of approximately \$2,000 per town.

Lien discussed the tree planting arrangements with the Forester. Lien stated his opinion that due to lack of mileage funds from DNR, the previous Committee had agreed to provide the County Forester with a vehicle if he needed to deliver tree planters, etc., however due to County insurance regulations; Laurie was not able to use one of our vehicles. The Committee had then agreed that DLM would work together with the Forester to get the tree planter to landowners. Lien explained that DLM staff is quite busy and he heard that there might be CRP sign-up next spring. Lien wanted the Committee to consider, for the future, if the landowners planting trees should be given a list of private persons planting trees or make the landowner pick-up the tree planter and use it on their own or should E & LU staff continue to do it or perhaps raise rental fees and hire someone from the public to deal with the tree planters and landowners. Bice mentioned he would talk to the Foresters about the situation. Lien discussed the repairs needed to the tree planters. The Committee advised Lien to get estimates on the repairs.

**Next Regular Meeting Date** was confirmed for Wednesday, June 9th, 2010 at 9:00 AM in the County Board Room.

At 11:49 AM, a motion was made by Vold to adjourn the meeting, Quarne seconded, motion carried.

Respectfully submitted,  
Virginette Gamroth, Recording Secretary

Michael E. Nelson  
Secretary