

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

**REGULAR MEETING MINUTES**  
**April 14th, 2010 9:00 AM**  
**COUNTY BOARD ROOM**

Chair Halderson called the meeting to order at 9:02 AM.

Committee members present: Paul Halderson, Gerry Van Tassel, Roland Thompson, Dave Quarne, Michelle Haines, Dick Kiekhoefer and Ed Patzner. Chuck Zauner was absent

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

Others present: Gary Monson- Town of Unity, Leo Leahy-Kramer Company and Robert Kampa-Town of Burnside.

Chair Halderson stated that the Open Meeting Law had been complied with through notifications and posting.

**Approval of Agenda** – Van Tassel made a motion to approve the agenda, Thompson seconded, motion carried unopposed.

**Approval of Minutes** – Kiekhoefer made a motion to approve the 3/10/2010 meeting minutes, Quarne seconded, motion carried unopposed.

**Public Hearing-Erosion Control and Storm Water Management Ordinance** – Chair Halderson opened the public hearing at 9:03 AM. Haines read the public hearing notice aloud. Lien informed the Committee that three years ago the Land Conservation Committee had been on their annual tour of the County. There was a small subdivision south of Osseo which had over an acre of disturbed land with repetitive erosion. The DNR wasn't taking any action so the Committee, at that time, felt that the County should have some regulation over storm water runoff. Lien stated an Ordinance was drafted with the help of an Advisory Committee. The Ordinance model came from Perry Lindquist in Waukesha County and was very detailed. When the "draft" Ordinance was sent to Corporation Counsel for review, Michalak felt it was too lengthy and asked the Dept. to trim it down. Lien added that Kimarie Estenson did the Ordinance revisions. Lien turned the meeting over to Estenson to explain the Ordinance and how it will work. Estenson stated the County has always had an Erosion Control Ordinance which regulated erosion on construction sites. Currently, staff is going out to these sites and storm water and erosion control overlap each other. The intentions behind adding the storm water requirements to this draft Ordinance are to have some control over the post construction water runoff. The sites that this part of the Ordinance will target are mainly commercial and large subdivisions where a large impervious area is being created, i.e. rooftops, parking lots and driveways. Estenson mentioned the Riverland Energy building in Arcadia as an example. The neighbor, who is an organic farmer, was concerned about whether the runoff coming off of that parking lot was "clean". What the County would try to do, is direct the landowner into meeting that 80% infiltration rate on a site through rain gardens, storm water ponds, etc. Estenson stated as far as the Ordinance, Corporation Counsel wanted all the parenthetical language removed, definitions were reviewed and made consistent with other Ordinances and formatting was cleaned up. Estenson added some of the parts may seem redundant, but when a storm water plan is submitted, a preliminary plan needs to be submitted to our Dept. prior to giving a final Certified Survey Map (CSM) to the County Surveyor for approval. The reason being, that some developers/landowners do not take into consideration where

the water is running, and there have been issues where water is being outlet in the middle of a lot, therefore the lot is no longer “buildable”. Estenson summarized the changes between the existing Erosion Control Ordinance and the proposed Erosion Control Stormwater Ordinance. Estenson stated this draft Ordinance is very consistence with NR-151 and NR-216. Estenson referred the Committee to the fee schedule. For sites under one acre and all one and two family dwellings, the fee will be \$100.00 which is what the fee currently is. Sites over one acre of land disturbance will be charged \$200.00 per project plus \$50.00 per lot which is significantly lower than neighboring counties. The exemption review fee is established in the draft Ordinance, so a fee needed to be established for it. The review fee is for an existing subdivision containing storm water ponds and a landowner wants to connect a site to it. DLM could review the existing plan, therefore the landowner would not be charged the \$200.00 plus \$50.00 per lot fee, it would fall under the \$100.00 permit fee, since most of the work is already done and reviewed under the initial stormwater plan. Estenson also shared an Erosion Control and Stormwater Permit Process diagram with the Committee. Lien referred the Committee to #5, on page 162 of the draft Ordinance which states “all fees shall be established by the Dept of Land Management and approved by the County Board through the annual budget process.” Lien stated he would like the draft Ordinance amended to read “all fees should be established by the Dept of Land Management and approved by the Environment and Land Use Committee”. Lien informed the Committee that this public hearing was advertised in the County papers for two consecutive weeks and Lien received no calls for or against the Ordinance. Estenson stated she had a few inquiries regarding agricultural issues. Thompson inquired if there was anything in the Ordinance that would affect mining, as Leo Leahy from Kramer Company was present? Lien responded no. Estenson added mines are regulated under NR-135 requirements, so they are exempt under this Ordinance. Quarne reaffirmed that all ag practices are exempt. Estenson clarified that all ag cropping practices (land disturbing activities directly involved in the planting, growing and harvesting). Best Management practices are also exempt in the County, but the State does not exempt them. Discussion followed.

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

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

At 9:18 AM, Van Tassel made a motion to close the public hearing, Haines seconded, motion carried unopposed.

There being no further discussion, Quarne made a motion to forward the amended Erosion Control and Storm Water Management Ordinance onto the County Board of Supervisors, pending any changes from Corporation Counsel, Van Tassel seconded, motion carried unopposed.

**TRM/LWRM Cost Share Payments/Requests-** There were no cost share payments/requests.

**2009 Budget Final Report** – Stalheim presented the Committee with the 2009 Budget Final Report for their review. This report was provided for informational purposes only and a copy is on file in the DLM office. Discussion followed.

**2009 E & LU Checkbook Final Report** - Stalheim presented the Committee with the 2009 E & LU Checkbook Final Report for their review. This report was provided for informational purposes only and a copy is on file in the DLM office. Discussion followed. Van Tassel asked if the Tree & Shrub Program made money? Gamroth responded the intent of the Tree & Shrub Program wasn't to make money, however \$3,500 is transferred into the DLM Budget each year for Informational and Education (I & E) Expense.

**Resolution to Apply For A Grant for Shoreland/Zoning Revision** – Lien stated DNR is offering grant money for Shoreland /Zoning Ordinance revisions. Lien explained this coming summer, the NR-115 – Shoreland/Zoning Ordinance will need to be revised. The County’s current Shoreland/Zoning Ordinance was adopted in 1971 and has not been revised since that time. DNR will be sending out new regulations. It is Lien’s understanding that the new Shoreland/Zoning regulations have been relaxed and impervious areas are now being addressed. On the application there is an “in-kind” contribution, the County contributes 25% which can be in labor and wages and DNR will contribute 75%. The deadline for revision is January of 2012, but Lien felt it would be done this fall. Van Tassel made a motion to forward the Resolution to Apply for a Grant for Shoreland/Zoning Revision on to County Board for approval, Haines seconded, motion carried with no opposition. The maximum amount awarded by the grant is \$5,000.

**Resolution Opposing the Wisconsin DNR Decision to Eliminate the Review of Wetland Delineation Reports and Concurrent Letters for Individual Wetland Boundary Determinations.**

Lien stated this resolution is opposing DNR’s decision to eliminate the review of Wetland Delineation. Lien stated that previously, he and Estenson could call DNR and a person would come and do a wetland delineation. To make an “official” determination either a person from DNR or a private individual need to visit the site. Currently there are about six people throughout the state that can provide this service. The attached letter from DNR states that as of January 2010 this service will no longer be provided. Lien continued that he and his counterparts from other counties decided that a resolution should be written and forwarded on to State officials opposing their decision to eliminate the wetland reviews. Haines made a motion to forward the resolution on to the County Board for action, Van Tassel seconded, motion carried with no opposition.

**Reappointment of Board of Adjustment Members – 3 year term-Recommend changes** – Lien

informed the Committee that currently 3 members on the Board of Adjustment have terms that are expiring, James Andre and Randy Severson who are standing members and Robert Lunde who is the alternate. Severson has made the request to be the alternate and Robert Lund has agreed to be a standing member. All three have agreed to serve another 3 year term. Quarne made a motion to forward these names on to the County Board Chair for reappointment, Thompson seconded, motion carried unopposed.

**Surveying Update** – Joe Nelsen, County Surveyor was present and provided each Committee

member with a survey report of remonumentation progress in Township 20 North, Range 8 West. Most of the work done was primary and secondary GPS. Nelsen reported work has also been done on the tie sheets for Township 22N, R7W. Nelsen has been working with the Highway Dept. to get some needed excavation done. Discussion followed. Van Tassel made a motion to approve payment of the survey bill as presented, Kiekhoefer seconded, motion carried with no opposition.

**Director’s Report** – Lien reported he had attended a County Conservation meeting in Waupaca.

Reports from DATCP and DNR were given. The Wisconsin Land and Water Conservation Association (WLWCA) director, Julian Zelazny, spoke and stated he appreciated the support from all the counties, except Trempealeau County and five other counties that do not pay dues to WLWCA. Lien stated later that day he talked to Zelazny and explained to him that in the past the E & LU or Land Conservation Committees’ were disappointed with WLWCA’s performance as liason between DNR, DATCP and the Counties’and therefore decided not to pay dues or be a member. Lien added that Jackson and LaCrosse County do not pay WLWCA dues.

Lien mentioned to the Committee that when the Forester, Scott Laurie was at a previous E & LU Committee meeting, Lien remembered the Committee stating that the DLM and Laurie would work together on the tree planting and delivering the planters and the Forester could probably use one of the DLM trucks to deliver the planter. Lien stated that on Monday of this week, Laurie dropped off a schedule of landowners who wanted the tree planters and our Department is expected to deliver the

planters. Chair Halderson stated that was not the intent of the Committee. Halderson continued that the Committee understood that Laurie was short of funds for mileage and DLM had a vehicle, so the Committee had offered the Forester the use of a vehicle. Lien added Laurie also informed him that there possibly could be a CRP sign-up next spring. Discussion followed regarding tree planter repair, etc. Chair Halderson suggested the DLM offer trees for sale for this program and perhaps generate some revenue.

Lien mentioned he will be attending the Towns' Association meeting this coming week to inform them that the Comprehensive Zoning Ordinance will be up for revision this year. Lien will encourage each town to send a representative to the meetings to provide input on revisions to the Ordinance.

**Next Regular Meeting Date** was confirmed for Wednesday, May 12th, 2010 at 9:00 AM in the County Board Room.

At 10:14 AM, a motion was made by Haines to adjourn the meeting, Van Tassel seconded, motion carried.

Respectfully submitted,  
Virginette Gamroth, Recording Secretary

Michelle Haines  
Secretary