

ENVIRONMENT AND LAND USE COMMITTEE
Department of Land Management
MEETING MINUTES
November 4th, 2009 9:00 AM
COUNTY BOARD ROOM

Vice Chair Gerry Van Tassel called the meeting to order at 9:03 AM.

Committee members present: Gerry Van Tassel, Chuck Zauner, Dick Kiekhoefer, Roland Thompson, Dave Quarne and Rick Geske. Paul Halderson and Michelle Haines were not in attendance.

Staff/Advisors present: Kevin Lien, Virginette Gamroth and Andrea Sveen. Vickie Stalhiem was present for part of the meeting.

Others present: Glen Lambright, Sabrina Lambright, Ken Slaby, Samuel Lambright, Roseann Boe, Rick Miles, Terry Koxlien – Town of Unity and Nathan Ward-US Cellular.

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

Approval of Agenda – Van Tassel informed the Committee that a request had been made by the Department of Land Management staff to remove Agenda Item #7, CUP public hearing for Ed Maliszewski. Thompson made a motion to approve the amended agenda, Geske seconded, motion carried unopposed.

Approval of Minutes –Thompson made a motion to approve the October 14th, 2009, regular session meeting minutes as presented, Geske seconded, motion carried unopposed.

Public Hearing-Trempealeau County Comprehensive Plan Ordinance (Smart Growth) –Vice Chair Van Tassel opened the public hearing at 9:05 AM. Gamroth read the public hearing notice aloud. Sveen informed the Committee that back in 1999 the State passed a law stating that all municipalities would need to have a comprehensive plan adopted by the end of 2009 so that the plan was in place by 2010. Sveen stated Committee members had received the Trempealeau County Comprehensive Plan at a previous meeting. Sveen continued that there are nine elements included in the plan. On the Land Use element each town is included. Fourteen towns have adopted their Comprehensive Plan. The Town of Lincoln is left to adopt their plan. Sveen stated, in the back of the Comprehensive Plan are a number of maps such as zoning, land use, bike routes, the mining buffer zone in the Town of Caledonia and the slope, soil and watershed maps. Sveen added, that basically the plan is a compilation of statistics from the Census Bureau and a composition on the background of Trempealeau County and what the land is like. Lien commented this is the last step in a long process. Van Tassel call for any testimony in favor or in opposition. There being none, Van Tassel closed the public hearing at 9:09AM. Thompson made a motion to approve the Trempealeau County Comprehensive Plan and the Ordinance (Smart Growth) as presented and to forward it on to the County Board for approval, Kiekhoefer seconded, motion carried with no opposition. Thompson questioned when the Town of Lincoln public hearing was to take place. Sveen responded it was scheduled for December 9th.

Public Hearing – Land Use Change/Rezone-Exclusive Ag 2(EA-2) to Residential-8 (R-8) Glen and Sabrina Lambright – Town of Preston. Vice Chair Van Tassel opened the public hearing at 9:10AM. Gamroth read the public hearing notice aloud. Sveen stated that Lambright’s are looking to rezone approximately 60 acres from Exclusive Ag 2 (EA-2) to Residential -8 (R-8) as he wants to build seven more

homes on the 60 acres. On 20 of the 60 acres, there will be five homes and there would be town road access into those homes. Sveen continued that on the 20 acres he is only allowed four houses, he is looking to transfer one of the densities from the 40 acre lot, to build an additional home on the 20 acre lot, so there would be five homes on the 20 acre parcel and on the 36 acre parcel there would be two additional homes. Minimum lot size required for the Town of Preston is one acre for each home. Sveen added that Lambright had indicated he would be doing larger lots, approximately 5 acres each. Lien reiterated that, anytime a lot is created there has to be, at least, 100 feet of public road frontage plus the lot must meet the Town of Preston minimum lot size requirement of one acre. In this particular case, there wasn't enough road frontage for all the lots so a town road has to be created. Lien added currently there are three or four new houses along Rat Road. Glen Lambright addressed the Committee. Lambright stated he had provided a map showing the layout of the property. Van Tassel commented to DLM staff that she would prefer a overhead map that everyone could view at the same time. Lien explained the current zoning is Exclusive Ag 2 (EA-2) which would allow two dwellings per forty. The R-8 zoning would allow eight additional dwellings per 40 acres. There is a ratio is applied to determine that number. For instance, on a 20 acre parcel, four dwellings would be allowed and on 60 acres, 6 new dwellings would be allowed. Van Tassel inquired if there would be two roads? Lambright responded there would only be one now. Sveen explained if Lambright were to put homes on the other 36 acres an additional road would be needed. Lien explained that the reason Lambright has to rezone both parcels is because only four additional homes would be allowed on the current parcel being developed because of the acreage, but when contiguous parcels are owned, density can be transferred, therefore Lambright could transfer one unit from the other parcel over to this parcel so that he could have the five dwellings that he is proposing.

Appearances

Ken Slaby – Registered to appear and testify for information only. Slaby stated he has not seen a map for what is being proposed and suggested that this decision be tabled until it can be studied further. Slaby was provided with a map to view the proposal. Slaby inquired as to how the existing homes affect this rezone? Lien explained, in relation to density, any house that was erected prior to the adoption of the Ordinance is “grandfathered” in as if they don't exist. Slaby questioned what the date of the Ordinance is? Lien responded that the date referenced would be the date the Town of Preston adopted the Ordinance which was around 2006. Someone commented that there was dwelling construction started the previous Monday on a lot. Lien stated that the current zoning for that parcel allows for one additional dwelling. Lien added that if the rezone isn't approved all that can go on that particular parcel is the one dwelling. Discussion followed regarding the pond in the area and future plans. Slaby asked if the pond was designed or was it just put in. Lambright responded that it is man made, his Grandpa had put it in back in the 60's. Slaby asked what Lambright's plans were for the pond. Lambright stated he hoped to fix it up. Slaby inquired if the pond was a safety issue? Lien responded if any kind of impoundment is going to be put in, upstream from residences, a DNR permit would need to be obtained. Lien reminded Slaby that the public hearing today is just about the rezone, the pond is a separate issue because it is not in existence today. Slaby asked about the sewer system due to a recent situation along Hwy 53 & Hwy 121 where the Town of Lincoln had to install sewer systems for some homes. Lien responded that the municipality will not be paying for any sewer systems as each dwelling will have a separate, private sanitary system. Sanitary system plans will need to be approved by the State and permits will be issued by the County prior to sewer installation and any building permits being issued.

Testimony in Favor

Glen Lambright – Registered in favor but not testify.

Sveen read a letter from the Town of Preston dated October 19, 2009 which stated that a motion was made and seconded, all in favor for Glen Lambright to rezone from Exclusive Ag 2(EA-2) to Residential-8(R-8).

Testimony in Opposition

Roseann Boe – Registered to testify in opposition. Boe stated she is opposed to the rezone because she lives next door. She likes a country that's quiet. Boe has lived there 31 years and now everything is going to change and she is totally opposed, because it doesn't make sense.

Samuel Lambright – Registered to testify in opposition. S. Lambright stated the neighborhood is real nice and quiet right now and Lambright would really appreciate it if it could stay that way. Lambright's parents' moved there in 1966 and before his Dad passed away, his Dad stated his hope that the neighborhood would stay that way. S. Lambright stated that if a housing development goes in, the Pederson boys have a 1.5 million gallon manure pit in which manure will be spread around fields nearby and Tim Thompson has a chicken barn from which manure is spread. Both of these really smell. S. Lambright continued that if a bunch of "city people" move out there, there could be a lot of complaints. S. Lambright hoped that the neighborhood could continue as quiet as it is. S. Lambright added they try to be as good a neighbors as they can be.

Sveen read a "Statement of Petition" which read: This is a statement of petition in regards to the possible housing development that is being considered on Rat Road by Glen and Sabrina Lambright. We do not agree with the possible development due to current farmland being rezoned to residential living area. The petition had nineteen signatures on it. The petition was passed around for Committee members to view.

Sveen added that the predominant zoning in that area is Exclusive Ag 2 (EA-2). Quarne made a motion to close the public hearing at 9:30 AM, Zauner seconded, motion carried unopposed. Vice Chair Van Tassel asked the Committee for any further questions/discussion. Quarne asked if a culvert would be going into the 20 acre parcel and what size? Lien responded that G. Lambright would have to work with the DNR in Black River Falls to size the culvert to meet all standards and specs. Lien added Lambright would also have to obtain a Ford Crossing permit.

Van Tassel asked if all the names on the petition were neighbors and where they live in proximity to the property being rezoned? Quarne responded most of the persons listed on the petition live close by. Lien stated according to State Statute, a Class II notification requires two consecutive weeks of publication prior to any public hearing in the County designated paper. Boe questioned why it wasn't published in the Blair Press or Whitehall Times? Gamroth responded the public hearing notice was sent to the Blair Press for publication. Gamroth had contacted Blair Press twice regarding the lack of publication of the public hearing notice, therefore it was not a Department oversight and since Blair Press is not the official paper for the County it was not a requirement that it be published in that paper in order to conduct the hearing. Due to several inquiries prior to the hearing, Lien further explained that the landowner provides the Department with a list of adjoining landowners and as a courtesy, not a requirement, letters are sent to only those landowners on the list provided by the applicant. Quarne made a motion to deny the rezone and stated that his motion was based on the number of people in opposition and because it does not coincide with the Town of Preston Land Use Plan, Geske seconded, motion carried with Zauner and Thompson voting in favor of denying the rezone. Van Tassel voted in opposition to denying the rezone and voiced her position that she felt Lambright's should be able to do what they want with their property. Vice Chair Van Tassel informed Glen and Sabrina Lambright that they could appeal the decision if they so choose.

Public Hearing – US Cellular-Conditional Use Permit-Cell tower-Jonathan E. Olson property-Town of Unity. Vice Chair Van Tassel opened the public hearing at 9:37 AM. Gamroth read the public hearing notice aloud. Sveen stated the tower is to be located northwest of Strum in a Transitional Ag zoning district. Sveen informed the Committee that the Trempealeau County Revised Comprehensive Zoning Ordinance states that a Conditional Use Permit (CUP) is required for all communication towers 75 feet or greater in height. This cell tower is proposed at 280 feet in height. Sveen continued that the lighting or painting of towers shall conform to FAA (Federal Aviation Administration) standards. Flashing or strobe type lights shall only be installed if required by FAA regulations and is specified in the application. Strobe lights shall not be used during hours of darkness. Setbacks from all property lines for all towers, except non-commercial towers less than 100 feet shall be a minimum of 50 feet plus the height of the tower. For non-commercial towers less than 100 feet the setbacks from the property line shall be the height of the tower plus 10% of the height. Towers and antennae exceeding 200 feet in height shall be subject to the following security; the base of the towers or antenna's at the point of entry into the earth shall be enclosed with security fencing and any security lighting shall utilize fixtures whose hood, lens or combination thereof allows no direct beams of light to spill onto adjoining properties or to be cast skyward. To access; the service drive providing access to the facility shall be the minimum necessary to provide maneuverability for service or emergency vehicles. Jonathan Olson, property owner was present. Nathan Ward, of Buell Consulting representing US Cellular, was present and registered to testify in favor. Ward stated he was assigned the task of finding a location in order to allow US Cellular to improve their service primarily along US Hwy 10 and for the Village of Strum. Ward explained that in meeting with landowners, local government officials as well as the airport club, which had a large role in the location of this facility, the Olson property location seemed to fit best with all of those involved and the use of the land. Ward stated he received full approval from the airport club members and Town of Unity approval for the issuance of a CUP. Ward added that US Cellular continues to expand and improve their rural cellular service throughout Wisconsin. All of their new facilities are including high speed wireless internet access. Ward mentioned that all components of the tower with regard to safety, lighting, and setbacks from property lines have been designed in reference to the Trempealeau County Comprehensive Zoning Ordinance. Lien requested a map showing where current coverage is for US Cellular and what area the proposed tower will cover. Ward stated he did not have a coverage map, but could have produced one had he known about the request earlier. Ward continued that the service along Highway 10 coming west from the Interstate is extremely sparse, he felt the nearest tower was along the Interstate and near Eleva, so Strum is further in the middle. Service in this area is relatively poor, higher elevations are needed to get service and particularly with the advent of providing higher speed internet and wireless capability, the signal needs to be very strong for the residents to benefit from the high speed internet. Lien stated he didn't think there was any other tower in the area that would be a possibility for co-location. Ward explained that they evaluated two microwave towers south of town which are owned and operated by the old Wisconsin Bell conglomerate. Ward stated one tower is very old and incapable of supporting any additional "loading" on it. Regarding the newer tower, Ward had spoke with Bud Schubert of AT & T (their name at the time) and that tower is specifically designed for their purposes for microwave capacity only and space could not be leased. Lien asked if space could not be leased because of spacing or whether the company would not lease space? Ward responded that they would not because of the extreme importance of their microwave service in providing telephone service within the local community, they have to keep that structural integrity for their purposes. Lien stated the Trempealeau Co. Comprehensive Zoning Ordinance requires that a tower be built to allow at least two additional co-location sites on it. Ward and Sveen confirmed that the tower was proposed for three additional carriers. Ward added it is an enormous investment for the wireless provider and with the limited population density it is difficult to justify. Discussion followed on areas of coverage.

Testimony in Favor

Nathan Ward –Registered to testify in favor – See above information

Sveen read a letter aloud, dated September 15, 2009, from the Town of Unity stating a motion was made by Terry Koxlien to approve an application for a Conditional Use Permit for Jonathan Olson for the purpose of US Cellular to construct a tower. US Cellular must abide by all town road limit restrictions both standard and posted weights, Dennis Halverson seconded the motion, motion carried.

Testimony in Opposition - No testimony was give in opposition.

Vice Chair Van Tassel closed the public hearing at 9:45 AM.

As Terry Koxlien representing Town of Unity was present, Van Tassel asked for any comments he may have. Koxlien stated the Town Board had talked with neighbors and “airport” people. Koxlien stated the company was very receptive to opinions before choosing the Olson property. Koxlien stated he felt this was the best opportunity and that he wasn’t aware of any objections by the neighbors. Discussion followed regarding the airport and its’ proximity to the site.

Thompson made a motion to approve a Conditional Use Permit for a cell tower to be placed on the Jonathan E. Olson property by US Cellular with all standard conditions of the Trempealeau County Comprehensive Zoning Ordinance applying along with the Town of Unity condition that all town road limit restrictions both standard and posted weights be complied with, and in addition a \$20,000 reclamation bond. Kiekhoefer seconded, motion carried with no opposition. Lien reminded Ward that a Land Use Permit would need to be obtained.

Van Tassel questioned Ward as to whether the tower would be compatible with the new 911 system that the County may be installing and she suggested that Ward talk with the Emergency Management Director. Ward agreed to either meet with Emergency Management or if that meeting was not possible he would leave his contact information.

TRM/LWRM Cost Share Payments/Requests- Stalheim presented the Committee with a report of Land & Water Resource Management (LWRM) and Target Runoff Management (TRM) pay requests and contracts.

LAND & WATER RESOURCE MANAGEMENT

<u>Name</u>	<u>Type</u>	<u>Amount</u>	<u>NEW CSA Total</u>	<u>Reason for change</u>
Johann Bragger	Pay Request	\$29,623.84		Certify 1 barnyard and partial payment of roof
Johann Bragger	Contract	\$149,940.00	\$149,940.00	1 Barnyard, .25 acres critical area. 100 ft diversion, 1 manure storage, 1 roof, .5 acres waterway
Theresa C. Haines	Pay Request	\$3,419.93		Certify partial payment of roof

TARGET RUNOFF MANAGEMENT (TRM)

<u>Name</u>	<u>Type</u>	<u>Amount</u>	<u>NEW CSA Total</u>	<u>Reason for change</u>
Ronald Solberg	Contract	\$2,396.80	\$ 2,396.80	85.6 acres nutrient management
Ronald Solberg	Pay Request	\$2,396.80		Certify 85.6 acres nutrient management
Thomas Segerstrom	Contract	\$8,532.00	\$ 8,532.00	1 manure storage system, 144 acres nutrient management
Thomas Segerstrom	Pay Request	\$8,532.00		Certify 1 manure storage system & 144 ac. nutrient management

This report was presented for information only, no action was needed.

Conservation Aids – Stalheim presented a resolution to the Committee for the Bruce Valley Creek Trout Habitat Project. Stalheim read the resolution aloud. Stalheim explained she had sent a Conservation Aids information packet and application out to all the Sportsmens' Clubs in the County. The Independence Elk Creek Rod & Gun Club was the only club that responded. They have requested aid for the Bruce Valley Trout Habitat Project. Stalheim explained that a couple of years ago the Club completed a project on a portion of that creek and they wish to work on another portion(Gerald Blaha property) of it, doing tree removal, streambank improvement and trout structures, The Club has obtained an easement from Trout Unlimited. Stalheim added that an additional \$100 was received from DNR, so a payment of \$2,082.00 can be made. Stalheim informed the Committee that additional funds may be available early next year from a state pool of uncommitted money gathered from other counties. Stalheim verified that no money was coming out of the Countys' general fund. Quarne made a motion to approve the Bruce Valley Creek Trout Habitat Project Resolution and forward to on to County Board, Kiekhoefer seconded, motion carried with no opposition.

Planning Update – Lien stated the Town of Lincoln will hold a public hearing on their Comprehensive plan on December 9th.

Surveying Update – Joe Nelsen provided each Committee member with a Survey report, the majority of that report encompassing Town of Etrick, T20, R7. Nelsen reported that recent rains have slowed progress. Thompson made a motion to approve the Survey report as presented, Kiekhoefer seconded, motion carried with no opposition. Nelsen shared several digital photographs and stories of recent survey exploration with the Committee.

Next Regular Meeting Date was set for Wednesday, December 9th, 2009 at 9:00 AM in the County Board Room.

At 10:30 AM, Geske made a motion to adjourn, Kiekhoefer seconded, motion carried with no opposition.

Respectfully submitted,
Virginette Gamroth, Recording Secretary

Michelle Haines
Secretary