

ENVIRONMENT AND LAND USE COMMITTEE
Department of Land Management
MEETING MINUTES
August 12th, 2009 8:45 AM
COUNTY BOARD ROOM

Vice Chair Van Tassel called the meeting to order at 8:45 AM.

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

Staff/Advisors present: Kevin Lien and Virginette Gamroth. Judy Betker, Vickie Stalheim and County Surveyor, Joe Nelsen were present for only part of the meeting.

Others present: Deloras Vind, Chad Losinski, Chelsea Abts, James and Cassandra Losinski, David Wolfe, Betty Schlessler, Char Lemke.

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

Approval of Agenda –Kiekhoefer made a motion to approve the agenda as presented, Zauner seconded, motion carried unopposed.

Approval of Minutes – Zauner made a motion to approve the July 1st, 2009 regular session meeting minutes, Thompson seconded, motion carried unopposed.

Public Hearing – Conditional Use Permit – Chad Losinski – Duplex-Town of Arcadia – Vice Chair Van Tassel opened the public hearing at 8:49 AM. Lien explained the public hearing process to those present. Haines read the public hearing notice aloud. Lien informed the Committee that Chad Losinski came to the office for a Land Use/Zoning permit to build a duplex on property he had purchased from David Wolfe on Locomotive Lane in the Town of Arcadia. The Revised Trempealeau County Comprehensive Zoning Ordinance reads: a single family dwelling is a permitted use on land zoned Transitional Ag (TA), however a duplex is a Conditional Use which means it is permitted with conditions. Lien added zoning on this property is Transitional Ag which is meant to be transitional land from cities and villages to the ag community – this zoning typically has a higher density of homes. The Land Use map shows the property as Residential 20 (R-20). The Town or the County can place conditions on the duplex. Lien stated the Town of Arcadia had two meetings. Lien did not attend the first one, but Lien did attend a special meeting that was held the previous week. Lien referred the Committee to the aerial photo in their packets, and continued that there are three vacant lots left in this subdivision, this lot is the third one and directly south of the Wolfe property. Lien stated he had a series of letters from adjoining landowners to read under public testimony. Lien suggested to Van Tassel that due to the number of persons registered to testify she may want to limit testimonial time to three minutes. Chad Losinski was present and stated to the Committee that he wants to build a duplex on the property to live in as with the present economic situation it seems the most feasible. Building a duplex would allow Losinski to live in one half and rent out the other side. Losinski stated he is aware of the neighbors concerns, such as traffic and parking, and most of those concerns seem to be stemming from the Sportsman’s Club and the other duplex that is in the neighborhood. Losinski addressed concerns about well water in the area stating he will have his own well and septic which has already been approved. Losinski stated he had sent a letter to each of the neighbors. Losinski explained, at the Town of Arcadia meeting last week, the Town had put a condition on his permit which limited the number of unlicensed vehicles which can be on the

property to two vehicles per side. Van Tassel questioned the size of the duplex? Losinski responded each side is 3 bedrooms, 2 baths and approximately 1450 square feet per side.

Testimony in Favor

David Wolfe – Registered to testify in favor. Wolfe stated he was the original owner of all the lots on Locomotive Lane. He reiterated that if this was a single family dwelling it would not have needed a conditional use permit and there would have been no public hearing.

Chelsey Abts – Registered in favor but not testify.

James Losinski - J. Losinski explained he is Chad Losinski's father. J. Losinski stated C. Losinski had applied for permits at the town and county level and the Losinski's were somewhat surprised at the concerns expressed by the neighbors as not a lot of them are directed at C. Losinski but are mostly concerns related to the Sportsman's Club. J. Losinski noted there are concerns with the current duplex as there is a noise factor there which is hard to regulate. Losinski stated the County's zoning plan is for additional residences close to the city so if building permits are denied in these locations where are people supposed to build. J. Losinski suggested that the neighbors purchase the remaining property to control what goes on it. J. Losinski added C. Losinski has followed all the rules as required and with the concerns that are being raised a person would not be able to build anywhere. The additional taxes are good for the town and the county.

Testimony in Opposition

Betty Schlessner – Registered to testify in opposition. Schlessner stated she doesn't actually live on Locomotive Lane. She lives on the Middle Road and the property in question is right behind them. Her concerns were that one more duplex could open the door for two more on the vacant lots still remaining. Schlessner inquired as to if there was a limit to the number of people that could live in the duplexes? Schlessner stated she and her husband are nearing retirement age and they moved out to the area for peace and quiet and would like this to continue so if some type of conditions could be placed on the duplex that would be satisfactory.

Char Lemke - Registered to testify in opposition. Lemke stated she felt she was testifying on behalf of a number of neighbors. Lemke added she was not testifying in opposition to Losinski but for some conditions to be placed on this permit. Lemke has concerns about increasing rentals in the area and increasing the population density with the noise factor, lack of "green" space, and the vehicle concern which was discussed at the town board meeting. Lemke's understanding of the motion, at the town level, was that it was limiting vehicles to two unlicensed vehicles per duplex side. Lemke reiterated she had no problem with Losinski but would like conditions on the use of the land because of the limited capacity of the town to monitor and supervise the use. Lemke stated issues were brought before the town board which really had nothing to do with Losinski but with the Sportsman's Club. The Sportsman's Club use of the property has expanded over the years, it is not just trap range shooting, now there are private parties being held there. The road is quite narrow and Lemke has had cars parked on her lawn and noise is an issue. Lemke explained most of the people that live out there now are nearing retirement age and are thinking about the future. Should Losinski ever decide to move on or sell the duplex there is the capacity, with three bedrooms to have up to twelve people living there and could mean twelve vehicles which is a lot of traffic. Lemke added that once one duplex is added there is the opportunity for two more on the remaining vacant lots.

Lien informed the Committee that he had a number of letters from the neighbors, and the Committee had received copies of most of those letters, so, if so agreed upon, he would not read the letters of the persons who were present at the meeting.

Lien read a letter from Robert Sonsalla which states his opposition to the conditional use permit for the duplex. Sonsalla listed well contamination as an issue as five homes and one duplex currently draw from one well. Sonsalla noted the filling of the swamp land below this land by Ashley Furniture over the years has caused an decrease in the quality of the water. Sonsalla mentioned there is little surveillance or policing in the area and the “no outlet” road has been challenged with traffic by increased use of the Sportsman’s Club. Sonsalla mentioned several other concerns.(See original letter in DLM files.)

Lien read a letter from Audrey Axness requesting that the conditional use permit be denied. Axness stated she received a copy of Lemke’s letter to the Committee and she agreed with those issues.

Lien read a letter from Gary Slaby stating his opposition to the duplex being built. Slaby mentioned the volume of cars parked at the duplex currently in the neighborhood and also traffic volume.

Lien explained to the Committee, since neighbors had expressed concern about not receiving a hearing notification, that the Department is only required by the State to publish a Class Two notification in the County designated paper, two consecutive weeks, ten days prior to the meeting. Lien added our current practice is to publish the hearing notice in the County paper and a newspaper that is local to the area where the public hearing is taking place. The applicant is asked to provide a list of adjoining landowners that adjoin the property and then only as a courtesy, notification letters are sent to these landowners. If someone is one property away they are probably not going to get a letter.

Lien stated there has been a lot of talk about cars, parking and the speed limit. This issue was discussed at the town meeting also. Lien added the County really doesn’t have any authority in this issue. Because it is a town road, the Town and the Trempealeau County Sherriff’s Dept. would have authority there. Lien explained there is no “shoulder” along the road but there is road right-of-way so if the Town or County doesn’t want to allow cars in the road right-of-way they could have them towed or issue tickets but it would have to go through the Sherriff’s Dept. Lien stated he believed there was a posted speed limit sign of 25 miles per hour. If that speed limit is not being obeyed that would be a Sherriff’s Dept. issue. The issue of the Sportsman’s Club activities being expanded was talked about at the town meeting as well as being talked about today. Lien added discussion took place at the Town meeting that perhaps the residents of Locomotive Lane, the Town Board and the Sportsman’s Club should have a meeting and discuss issues of concern. Lien continued that as far as Chad Losinski’s duplex, Losinski has stated he is building, a three bedroom per side, duplex with private sewage and well systems, and these systems are sized accordingly. The Trempealeau County Health Dept. reviews and permits the sizing of these systems which is done according to the number of bedrooms in the home. Lien stated David Wolfe owns the remaining two vacant lots. If single family dwellings are put on these lots permits can be obtained with no issue. If a duplex would be built on either of these remaining lots, a public hearing would be held and conditional use permits would have to be obtained. If something larger than a duplex were to be built, the property would have to be rezoned first to residential 20 (R-20) which is a public hearing process. Once the land is rezoned to R-20 then a conditional use permit would have to be obtained. Lien explained that when the Town of Arcadia was developing the land use plan it was Liens’ opinion that the Town seemed adamant about leaving that property as Transitional Agriculture (TA) with the future use as possible R-20 as people saw fit. Lien mentioned noise was another issue that was discussed and Trempealeau County currently does not have a noise ordinance. Lien stated that other ordinances in the County such as the Non-Metallic Mining and Wind Generation have addressed noise issues for those particular uses. Lien has discussed the noise issue with the Trempealeau County Sherriff’s Dept. and from approximately 5:00 AM until 10:00 PM there will be nothing done regarding noise. After those times mentioned it is

disturbing the peace and someone can be cited by the Sherriffs' Dept. Lien read a letter from the Town of Arcadia Board of Supervisors which read: Regarding the Chad Losinski conditional use permit, the Town of Arcadia Board of Supervisors met again on August 5th to discuss and take action on the Conditional Use Permit that Chad Losinski has applied for to construct a duplex on approximately 1.294 acres zoned Transitional Ag (TA) on Locomotive Lane in the Town of Arcadia. The Town of Arcadia Board of Supervisors has taken further action at its' August 5th, 2009 board meeting on the original motion passed at its' July 15th, 2009 meeting stating that they have no objection to Trempealeau County Environment and Land Use Committee granting Chad Losinski a conditional use permit to construct a duplex on the land zoned Transitional Ag on Locomotive Lane in the Town of Arcadia. The original motion has been amended placing the following condition on the conditional use permit; No more than two unlicensed and unhoused vehicles per unit may be present on the property for a period of more than nine months. The entire property can have up to four unlicensed vehicles outside for a period of nine months. The Trempealeau County Comprehensive Zoning ordinances states that the property could have five unlicensed vehicles parked in an orderly fashion for not more than a period of 45 days. Anything more than five must be removed. Lien stated the towns' condition restricts the vehicles to no more than four and only for 90 days which is more restrictive than the County ordinance. Lien added that the Conditional Use Permit goes with the property so if Losinski should decide to sell in the future this restriction is still enforceable.

Quarne made a motion to close the public hearing at 9:20 AM, Kiekhoefer seconded, motion carried with no opposition.

Quarne questioned if zoning has any size limit on record for duplexes or acreage requirements? Lien responded there are no square footage requirements for the State or for the County as far as livable space and regarding acreage requirements this is a "grandfathered" lot but this lot would still meet the Towns' current requirements. Lien then addressed concerns regarding the setbacks from the City of Arcadia waste storage lagoons which Robert Sonsalla had raised. Lien stated he measured, using air photos, from the back side of the lot to the closest point of the waste storage pond was like 780 feet. Lien added there were concerns about how far the well had to be from the waste storage lagoons and in talking with Nicole Hunger from the Health Dept., she had verified the minimum distance is 250 feet from the waste storage lagoons and Losinski is far outside of that. Lien continued in regard to the water quality issues, the Dept. of Land Management has no authority over that. Quarne asked how far the property was from the City of Arcadia. Lien responded "as the crow flies" about a mile or less. Zauner asked if the septic has been certified? Lien and Losinski responded "yes". Thompson made a motion to approve the Conditional Use Permit with the attached condition that there be no more than two unlicensed and unhoused vehicles per unit present on the property for a period of more than nine months. Kiekhoefer seconded, motion carried with no opposition. Lien informed Losinski he could move ahead with his duplex as the Conditional Use Permit does not have to be approved by the County Board.

2009 Farmland Preservation Applications – Van Tassel turned the meeting over to Judy Betker to inform the Committee about the Farmland Preservation applications. Betker stated she had sent out in the Committee meeting packets a copy of the letter that had to go to the Committee regarding the 30 day comment period with a list on the back side of the eighteen applicants for the 2009 application period. The applicants are listed by name, township, length of contract and acres. Betker stated she is here to certify that all the applicants listed meet the requirements for Farmland Preservation, their land is acceptable and asked for Committee approval to move the applications on to the County Board. Zauner stated this is a fairly low number and questioned if this number had been going down substantially or is this the standard? Betker responded this is pretty much standard, in 2008 there were fourteen applications but in 2007 there were 20 applications but the same amount of acreage, so for about the last five year period we're about the same. Betker added there are some 25 year contracts that have expired and the landowners have decided not to renew because they want the land to be available to sell for housing.

Zauner made a motion to forward the 2009 Farmland Preservation applications on to County Board for approval, Haines seconded, motion carried with no opposition. Betker reminded the Committee that these applications will be on the August County Board meeting agenda for approval.

2009 Farmland Preservation Applications

<u>NAME</u>	<u>TOWNSHIP</u>	<u>LENGTH OF CONTRACT</u>	<u>ACRES</u>
1. Ernest G. & Mary Ann Giemza	Arcadia	10 yrs.	166.340
2. Joseph J. Giemza	Arcadia	15 yrs.	120.000
3. John F. & Alice M. Glenzinski Trust	Arcadia	25 yrs.	278.000
4. LeRoy J. Sobotta	Arcadia	10 yrs	100.571
	Burnside	10 yrs	110.462
5. Randy J. Sonsalla	Arcadia	25 yrs.	83.695
6. Gary J. & Sharon L. Waldera	Arcadia	10 yrs.	241.308
7. James E. & Judy F. Schlessler	Burnside	10 yrs.	603.575
8. Wayne G. McCutchen	Caledonia	10 yrs.	80.000
9. Steven A. & Claire M. Dittman	Ettrick	10 yrs.	409.500
10. Michael J. Matchey	Hale	15 yrs.	195.560
11. John F. & Judy M. Schaefer	Hale	10 yrs.	321.150
12. Gary C. & Sandy L. Everson	Lincoln	25 yrs.	659.554
	Pigeon	25 yrs.	97.720
	Preston	25 yrs.	134.250
13. Spencer M. & Jeanine A. Olson	Lincoln	10 yrs.	62.930
14. Gary J. Rebarchek	Lincoln	25 yrs	452.539
15. Charles A. & Sylvia J. Tollefson	Pigeon	20 yrs.	302.500
16. Frederick W. & Diane K. Nehring	Preston	10 yrs.	217.960
17. Kenneth, Allen & Karen Husmoen	Preston	10 yrs.	364.400
18. Nona J. Nehring	Trempealeau	10 yrs.	160.000
TOTAL ACRES			5,162.014

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>
Experience Plus Plumbing	Contract	\$3,608.50	\$3,608.50	200 ft. riprap
Experience Plus Plumbing	Pay Request	\$3,608.50		Certify 200 ft. stream riprap
Ron Knappen	Contract	\$9,733.50	\$9,733.50	1 Grade stabilization project
Ron Knappen	Pay Request	\$9,733.50		Certify 1 grade stabilization
Scott Ogden	Contract	\$2,380.00	\$2,380.00	1 acre waterway
Scott Ogden	Pay Request	\$2,380.00		Certify 1 acre water way
Jim Bockus	Contract	\$1,279.00	\$1,279.00	1 well decommissioning
Jim Bockus	Pay Request	\$1,279.00		Certify 1 well decommissioning
Sky View Acres	Contract	\$4,500.00	\$4,500.00	1 Manure storage system
Sky View Acres	Pay Request	\$4,500.00		Certify 1 manure storage system

TARGET RUNOFF MANAGEMENT (TRM)

<u>Name</u>	<u>Type</u>	<u>Amount</u>	<u>NEW CSA Total</u>	<u>Reason for change</u>
Sky View Acres	Pay Request	\$121,275.00		Certify 1 manure storage, 600 ft. fencing, 100 ft crossing, .25 ac. critical area
Thomas Segerstrom	Pay Request	\$ 52,500.00		Certify partial payment on roofed building

Stalheim mentioned there are several more TRM projects going right now so next month there will probably be pay requests for those. Stalheim added this is all state grant money – no county money and the Dept. gets a percentage of the money in engineering fees to help offset our budget. Zauner questioned how much work is done with the landowner to make sure these projects are working correctly? Zauner stated he has received comments about projects such as barnyards that are put in and now they are not being used. Lien stated O & M checks are done- and its not that the system is failing it is the economy. Lien stated there are a lot of barnyards from the watershed projects that are sitting empty and it is not that the project is a failure it is that the farming economy has gone down hill and a lot of landowners no longer have animals on those barnyards. Zauner stated his opinion that he felt the prices were going up. Lien responded that labor and concrete prices, etc. go up but it is also the type of systems that landowners are installing. Lien stated before landowners could “get buy”, but now it is almost necessary to install a manure storage system to meet the 590 requirements. Lien added that is why you will see larger dollar amounts. Zauner inquired about the roofed barnyards. Lien responded that is a zero discharge system. Lien explained that the technician comes up with a conventional design that sets the dollar amount and then the landowner has the option to do a better system – and the zero discharge systems are far better than the old conventional systems so that sets the “cap” on how much money a landowner can get. Lien mentioned if a person drives around the County they will see the zero discharge systems are being utilized, if the landowner isn’t using it, there are rented animals on them, but there are a lot of open barnyards vacant.

2010 Budget Approval – Lien and Stalheim presented a 2010 Budget to the Committee for approval. The Committee went through and discussed the Dept. of Land Management budget line by line. Lien mentioned the Dept. of Land Management is working with Land Records on two items; 1) NR151 compliance tracking database and, 2) a permit database that would tie everything to parcel numbers. These are items that will need to be looked into and some type of purchasing decision made shortly. Lien informed the Committee that the Town of Caledonia has now decided to use the Countys’ building

inspection program so that should help future revenues. Lien elaborated on the vehicle purchasing policy. There is a vehicle account in which the vehicles were traded on a rotation time line. Years back a lot of effort was put into getting that rotation time line into the Bidding/Billing Policy. Purchased vehicles existing on the lot that were discounted, reduced price or had some hail damage to get better prices we would obtain bids from the licensed new vehicle dealers in the County and then turn them into the Committee. Lien stated we've been pretty much following the rotation however we do have one vehicle that is a 2001 with approximately 50,000 miles on it. Two years ago, two vehicles were traded in for a Ford Escape to downsize the fleet and also get a vehicle that is more economical on gas for people to use to get to and from training. Lien added he would probably be coming to the Committee this fall with a proposal to trade in one of the work trucks and get a more economical vehicle with better gas mileage. After much discussion, Haines made a motion to send the budget on to Exec./Finance Committee, Zauner seconded, motion carried with no opposition.

Approval of Annual Conditional Use Permits for Mobile Home Courts and Salvage Yards – Lien stated each year he does an inspection of the Mobile Home Courts and Salvage Yards and the owner pays a Conditional Use Permit fee. Once approved by the Committee, the Dept. will be sending the owners a Conditional Use Permit card to acknowledge their site being approved and payments being made. Lien confirmed that all the fees have been paid except for one salvage yard on Thompson Valley Rd in Albion. Van Tassel questioned what the fees were? Lien responded salvage yard permits are \$25.00 and mobile home courts are \$25.00 -\$40.00 depending on the number of units. Zauner made a motion to approve the Conditional Use Permits for the Salvage Yards and Mobile Home Courts as presented, Quarne seconded, motion carried with no opposition.

Planning Update – Lien stated the County Planner, Andrea Sveen, is on maternity leave. Lien has been meeting with different towns' to adopt their Comprehensive plans (Smart Growth). Lien added most meetings he has attended have small attendance and just a few questions and Lien contributed that to the land use planning not being a new process. Van Tassel stated her opinion that she felt there should be small notice put in the paper the week of the town public hearing. Lien added the public hearings have been going relatively well, there have been some changes made to plans but all of this planning has to be done by January 1, 2010 or towns' and countys' will lose any ability to regulate county ordinances – but not those ordinances which are state mandated. Haines questioned what the County Planner will be doing when the Comprehensive Plan is completed? Lien responded the current job description, which was in place at hiring, contains 30% maintenance for planning and 70% zoning duties. Haines asked if any additional certifications or licensure would be needed? Lien responded probably not as the primary job focus will be land use changes, rezones and parcel split conflicts. Van Tassel questioned if the person has the required expertise in these areas? Lien responded she did but some additional on-the-job training will be needed.

Surveying Update – County Surveyor, Joe Nelsen presented two survey reports; one for T21-8 and one for T21-9. Nelson indicated these were the same two townships that he talked about last month. In T21-R8, all corners except five have been monumented. In T21-R9 Nelson continues to set all corners and reference them. Kiekhoefer made a motion to approve the survey bills as presented, Thompson seconded, motion carried with no opposition. Nelson informed the Committee that tie sheets are now available on the County website for surveyors' use.

Director's Report – Lien reminded the Committee of the FEMA Open House on August 18th to be held in the Whitehall City Center. This open house will be an opportunity for Trempealeau County residents to view and ask questions regarding the revised flood plain maps.

Lien informed the Committee that Kimarie Estenson had recently attended a Non-Metallic mining training and had questioned our procedure for requiring a CUP public hearing for a "borrow" pit. State

officials are indicating that the County cannot require this as State DOT projects are exempt. Lien explained it has happened, in the past, that a contractor opens a pit and the landowner takes it over after the contractor has finished using it. In that case, the contractor isn't required to do any reclamation. Lien felt a part of the purpose of a public hearing is to keep the public informed. Lien continued there is nothing in the State Non-Metallic Mining Ordinance which states the County cannot be more restrictive. Lien stated his opinion that he felt a public hearing should still be held to avoid conflicts with neighbors. Lien added that the ordinance does address the fact that emergency repairs can be done without a public hearing if needed. Zauner verified that most of the time it is the contractors coming in for the public hearing for a State project. Lien responded "yes". After some discussion, Lien was advised to put this issue on the September agenda for further consideration.

Next Regular Meeting Date was confirmed as Wednesday, September 9th, 2009 at 9:00 AM in the County Board Room.

At 11:24 AM, Quarne made a motion to go into closed Session per WI Stat. 19.85(1)(c) to consider employment and performance evaluation data, Zauner seconded, motion carried.

At 12:15 PM, Zauner made a motion to reconvene into Open Session, Haines seconded, motion carried.

At 12:16 PM, Haines made a motion to adjourn, Quarne seconded, motion carried with no opposition.

Respectfully submitted,
Virginette Gamroth, Recording Secretary

Michelle Haines
Secretary