

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

**REGULAR MEETING MINUTES
July 9th, 2014 9:00 AM
COUNTY BOARD ROOM**

Chairman Brandt called the meeting to order at 9:05 AM.

Brandt verified that the Open Meeting Law requirements had been complied with through notifications and posting.

Committee members present: George Brandt, Michael Nelson, Wade Britzius, Jon Schultz, Curt Skoyen, Kathy Zeglin, and Jeff Bawek. Rick Geske was absent

Staff/Advisors present: Kevin Lien, Virg Gamroth and Jake Budish. Carla Doelle, Corporation Counsel - Rian Radtke, Human Resources Director - Jami Kabus and County Board Chair - Dick Miller were present for part of the meeting.

Others present: State Representative Chris Danou, FSA Representative - Julie Dokkestul, NRCS Representative - Mark Kunz, Peter Fletcher from Mississippi River Regional Planning Commission, Greg Armstrong, Menno and Malinda Nuenschwander, Gary Bixby, Mary Ann Bixby, Barb Tock, Greg Armstrong, Linda Mossman, Ed Patzner

Adoption of Agenda – Nelson made a motion to approve the agenda, Bawek seconded, motion carried unopposed.

Adoption of Minutes – Zeglin made a motion to approve the June 11th, 2014 meeting minutes, Schultz seconded, motion to approve passed unopposed.

At this time, Chairman Brandt recognized and welcomed State Representative Chris Danou to the meeting.

Public Hearing – Land Use Change/Rezone - Exclusive Agriculture 2 (EA2) to Residential-8 (R-8) - Gregory R. Armstrong, Petitioner/Landowner, Arcadia, WI - Town of Arcadia

Chairman Brandt called the public hearing to order at 9:08 AM. Nelson read the public hearing notice aloud. Brandt instructed the public present on the public hearing procedures. Brandt acknowledged the petitioner, Greg Armstrong who was present. Lien referred the Committee to the overhead aerial photo of the property. Lien stated this property is in the North Creek area, northeast of Arcadia on North Creek Road. Lien continued that Armstrong has several properties in that area and has had some small developments in the past and this is just somewhat of an ongoing process with the property he is developing there. This piece is roughly 25 acres and to meet the zoning density requirements, Armstrong must rezone to R-8 for the five additional lots. Armstrong and his surveyor have been working with County Surveyor, Joe Nelsen. Letters were sent to all adjoining property owners. Lien has received an e-mail from one of the adjoining. Lien also has a letter in his possession from the Town of Arcadia. Lien explained that Exclusive Ag 2 (EA2) allows two parcels per forty acre piece and the Residential -8 (R-8) would allow up to eight lots per forty, so for what Armstrong has planned, this would meet the R-8 zoning requirement. Armstrong stated that in 2012 he hired some surveyors and did some Certified Survey Maps (CSM's) along Pampuch Lane. The surveys were not completed, at that time, because there was a question on the property width of Pampuch Lane to be a town road. It was recommended that Armstrong deed over some right-of-way land on his property to Pampuch Lane to clear up any misconceptions on the legal issues with the road, which Armstrong did. Armstrong explained that his surveyor was supposed to follow through with the corrections to finish up those CSM's so that the work was done and it never got done. Armstrong had thought it had. The Comprehensive Plan was then implemented so

that kind of changed everything. Armstrong is here today because the lots have been surveyed out and the pins are there and he would like to see if he could just finish that out and complete those CSM's. Brandt asked Lien to explain when CSM's are required in a township. Lien explained that once the County Surveyor completes remonumentation of a township and this Committee approves it and it is approved by full County Board, then CSM's are required for any parcel that is created that is 20 acres or less unless one is subdividing between adjoiners. Brandt inquired if Armstrong's CSM's have been approved. Lien responded they have not. The CSM copies are in draft form pending the rezone being approved. County Surveyor Joe Nelsen has reviewed them and there were some corrections that had to be made, but they are never recorded until the proper zoning is approved. Under the R-8 zoning the additional lots will be allowed. Lien added that had the lots been created, like Armstrong thought they were, prior to the adoption of the Ordinance, they would be "grandfathered" in. Lien stated there are two ways to create a lot, one is by a metes and bounds description, greater than 20 acres, (prior to the Ordinance there wasn't a minimum) or a Certified Survey Map creates the lots as well. Brandt called for any public testimony.

Barb Tock – Registered to testify in opposition. Tock thanked the Committee for affording her the opportunity to speak in regards to this issue. Tock introduced herself and stated she is a member of Gandera Generation Properties which adjoins Armstrong's property. Tock is one of the three landowners that were notified of this hearing. Tock wanted to present the following concerns. Tock stated that currently Pampuch Lane is not wide enough for two lane traffic. It will cost the township and taxpayer's additional money to widen it. A survey that Tock's family did indicates that, at the present time, no deed has been recorded to perfect the transfer of the land to Pampuch Lane. Tock realized the township has been taking care of it but there is some paperwork that needs to be done in order for it to be properly dedicated. Tock continued by saying that Pampuch Lane is a dead end road which ends at the Whalen property and right now, Whalen's do get a fair amount of traffic that turns around at the end of the road into their property, be it for curiosity or whatever. From that standpoint, additional lots and additional people will probably result in more of that traffic. In regard to the zoning requirements, Tock stated the map that she saw showed that there were nine lots and not eight, so Tock wasn't sure whether that met the townships requirements. Tock knew that the Town of Arcadia spent a lot of time doing their Comprehensive Plan and she did do some research for the definition of an "R-8" and from what Tock saw in the documentation, it was more than eight lots. The other issue that Tock mentioned is that it is outside the Town of Arcadia's residential growth area and again, her point is that if the town is going to go through all the effort of making a comprehensive plan, why isn't it being followed. In regard to concentration of housing, Tock is concerned that the concentration of housing will have a negative effect on water quality, and possibly water quantity. In addition, there is a 19 lot development less than a half a mile away from this property which is filed by a Certified Survey Map just north of this property. Tock has concerns regarding "rights to farm" as additional housing will likely result in complaints about farming practices such as weaning calves, late night planting, harvesting and smells. Tock added that the 9.5 acres that is on the opposite side of Pampuch Lane has been surveyed with the intent of constructing a broiler/chicken building. Tock knows that people have the right to farm and that is fine, but it still creates bad relations. Even though the farmer has a right to do what they need to do to get their job done, neighbors still don't like it and it doesn't make for good harmony in the neighborhood. There is also the additional impact on wildlife. Tock stated one can drive down Pampuch Lane almost any time of day and one will see deer grazing on either side of the road. Adding multiple houses would be a negative impact on that in the future. In addition it is a very favorite hunting spot of both neighbors and Tock's themselves. Those were the points Tock wanted to make and asked if there were any questions. Brandt thanked Tock and mentioned the Committee would involve her in the discussion when they get to that point. Brandt called three times for any other public testimony.

Marilyn Whalen letter - Lien read the letter aloud.

Thank you for notifying our family of the proposed zoning that is taking place next to our home. We knew it was a matter of time until we have neighbors. I can respect Greg Armstrong exploring the idea of dividing his land into house lots. Our family has sold lots off of our farm as well. My concern is the number of lots he plans to put in a limited space. You can drive through North Creek and see many examples of houses right next to each other. Why would you want to move into the country if you can see your neighbor out your window? I

know there are rules in place. I guess if his plans are within the Town of Arcadia guidelines, we cannot say much about it. My second concern is how Pampuch Lane will be used to access the houses. At this time Pampuch Lane is a one lane road. Looking at our farms' abstract, Pampuch Lane is built on our family's land. Our family would not be in favor of losing more land to widen the road. My final concern is that our family is still in the production of agriculture and in 2008 my husband and I were approved to put up a laying barn for Gold n' Plump. We did not do it at the time but we still have that option in the future. Our goal is to also build some outbuildings near our home to house our livestock year around. Thank you for considering our concerns.

Lien read a letter dated May 22nd, 2014 from the Town of Arcadia which stated the Town of Arcadia Board of Supervisors has no objection to the Trempealeau County Environment and Land Use Committee rezoning the Greg Armstrong property and that the lots surveyed in 2012 are still appropriate. Brandt again called for any public testimony. Brandt closed the public hearing at 9:21 AM. Britzius made a motion to approve the rezone, Nelson seconded. Brandt asked for an overhead display of the Town of Arcadia land use map. Brandt mentioned that the area has been somewhat developed and Brandt was curious as to where this rezone was compared to the current developments. Lien explained that the land use plan is not what is zoned today but that is a futuristic look at the Town of Arcadia and by the town as to what it should look like. Lien continued that Residential – 20 (R-20) (20 lots per 40) is adjacent to the city limits for higher development and then in the rural area the zoning is still Exclusive Ag 2 (EA2) which didn't really change. Lien added there is some Rural Residential zoning on the land use map which allows 4 homes per 40 but if one looks at the zoning map Lien thought the zoning was predominantly Exclusive Agriculture 2 (EA2) today. Some discussion took place as to where the church in North Creek and what used to be Hooterville Bar were located in relation to this property. Schultz asked, in essence, if the Committee would be creating an "island" of R-8. Lien explained that he believed that originally the town had requirements for lots a mile and a half outside of the city limits that were reduced size and a little higher density and then outside of that the zoning is back to Exclusive Ag which is, basically, two lots per forty. Lien stated where the Armstrong land is, he is about a half mile from the Rural Residential zoning, so in essence it would be creating somewhat of an "island" there. Lien mentioned that Armstrong had done some subdivision development before, prior to the adoption of the Ordinance and these lots were believed to have been recorded, however Armstrong found out later that they were not. Lien explained that had those lots been recorded, they would have been "grandfathered" in, so those other lots don't meet today's requirements either because they are too high a density for what it is zoned today. Lien reminded the Committee that prior to land use planning, everything was agriculture and one could have a house basically on every half acre in the County as that was the minimum lot size countywide. Lien added that, at that time, is when Armstrong created those other lots, however this CSM didn't get recorded, so to comply today, he has to request the R-8 zoning to make it comply with the towns' plan. In essence, Lien said the Committee would be creating a higher density zoning out there. Lien showed an aerial photo of the American Heights subdivision and explained that is zoned Exclusive Ag (EA), but that would be a density closer to between R-8 and R-20. Brandt mentioned that since this is a request for a rezone, the Committee doesn't have the ability to put conditions on the request. Brandt wants to get to the issues that Tock was raising in relation to Pampuch Lane, specifically, the traffic and the nature of the road. Brandt commented he lives on a one lane road and he is the only one on the road so it is not much of an issue but if there are five or six lots then traffic becomes an issue. Bawek asked Lien how one puts an R-8 development on 25 acres when it is stated as "eight per forty". Lien explained the Comprehensive Zoning Ordinance actually has a formula/ratio in it plus a landowner can use a density transfer. If a landowner has adjoining acres, one can transfer density to those parcels. Lien gave an example that if he owned 80 acres of land and asked to rezone both forties to R-20, which would be forty houses and hypothetically the minimum lot size was an acre, then Lien could put forty one acre lots on the one forty and the next forty would be open land use for perpetuity because the density was transferred on the second forty to the first forty. Lien explained density transfers were encouraged to make more, smaller housing developments, with more compact lots and more open green spaces. Lien added that Armstrong owns enough land around it to meet the R-8 requirements plus he is only asking for five lots. In referring to the Armstrong's CSM, Lien stated that part of lot 9 is pre-existing remaining parcel, so we're looking at the creation of lots 5-8 as lot #4 is already a triangle shaped lot there. In answering Tock's question, Lien explained there is a note on the CSM that states Pampuch Lane is composed of the easterly two rods which is 33 feet dedicated back in 1939

and the westerly half rod would be 8.25 dedicated in 1945, so basically it is a 2 ½ rod road as records indicate (most likely Town of Arcadia records). Tock questioned Lien if it was correct, that in its' current state, Pampuch Lane it is not wide enough. Lien responded there are a lot of two rod roads in the County. Tock responded but one cannot drive two vehicles past each other on Pampuch Lane. Lien stated he wasn't saying that the existing surface of the road is wide enough, he was saying that is how it is dedicated and what is town road right-of-way is wide enough. Tock couldn't argue that point. Bawek stated that Kevin Whalen had contacted Bawek. Whalen had some of the same concerns that Tock has stated. According to Bawek, the big concern that Whalen had was the safety of the road and the turn around. Bawek took it upon himself to go out there this morning at 6:30 AM and take a measurement to see what Whalen was talking about. Bawek stated he drove in about three car lengths on Pampuch Lane and measured the road and it was 13 feet of gravel. To the west which would be on the Gandera Generations side, four foot in, there is a ditch four and a half feet deep so there is no shoulder on the road. On the Armstrong side, Bawek then went on North Creek Road and walked. There is another ditch along Pampuch Lane along the Armstrong side. Bawek walked to see how deep the ditch was and right off of North Creek Road, approximately 35 feet it goes 10 ½ feet down right off the road, and so then another 35 feet. Bawek stated so you have 35 and 35 from that ditch and then it narrows up going back along Pampuch Lane. Bawek questioned Armstrong as to how, being that the town has the requirement on a development (it was just discussed at the town meeting the previous Monday night) (The State requires and 18 foot top, with 2 foot shoulders or one can go down to 18, 1 and 1 on a rural road) which is a 20 foot, two inch compressed black top road with 2 foot shoulders) he was going to address that issue when there is a ditch on both sides of this 13 foot gravel road. Armstrong responded that is true and if the lots were ever sold there would definitely have to be some road work done on there. Bawek continued that Whalen had talked to him about a hog barn and a broiler barn. Tock talked about a laying hen barn. Bawek questioned whether Armstrong or Tock had ever gotten together as to where Tock wants to locate the barn and where Armstrong's house lots or how the houses will be located. Armstrong stated no as he was unaware of approval for a broiler barn, etc. across the road. Bawek thought this was a good starting point for two neighbors to get together and make it work for everybody. Tock mentioned they are not pursuing the chicken barn at the present moment. Personally it wasn't something that Tock wanted to do but she has adult children that potentially want to pursue that and Whalen's are still showing that as an option. Tock added that is why the land was surveyed (9 acres) but that survey isn't recorded either. Bawek was asking if the two parties (Tock and Armstrong) would be willing to get together and make it work for both parties. Brandt commented that part of what Bawek was talking about is that Armstrong has fairly deep lots and if someone is putting a broiler barn across the street it is a good idea to put the house further back on the lot, etc. Brandt stated that Armstrong has used the word "if", "if these lots ever sold", so the impression that Armstrong is giving is that this is something that he is just trying to get done because he had started it some years ago but there is nobody rushing to put a shovel in the ground anytime soon. Armstrong said he understood that but once they are created lots, there is the possibility that they could be sold but right now Armstrong just wanted to finish what he started back then. Armstrong stated there would be some issues, if they would be sold, with the road and it would have to be apparent that whoever purchased those lots would have to be made aware that there is a possibility of a broiler barn across the road as that would be a big issue. Brandt asked Bawek to speak to the requirements of the town as this is something that comes up in rural developments where there is no town road and the developer is required in some cases to actually build the road to the towns' specifications and then dedicate it to the town. Bawek stated the town just went through this issue Monday night at the town meeting. Bawek mentioned that Schultz had sat in on that meeting too. Bawek explained that the Town of Arcadia has a developer putting in a development right now of fifteen units and he is building the road. The requirement was set at the town meeting for a twenty foot top with two inch compressed black top and two foot shoulders and that cost for him to put the black top on was approximately \$120,000 and the road (one is taking an existing town road and redoing it) can cost anywhere from \$360,000 to \$400,000 per mile, so that is why Bawek's question to Armstrong is, the way the road is and the way the ditches are is going to be a stretch for somebody to make the road work there unless Armstrong plans on putting the road in on his side of the ditch and running the cul-de-sac somewhere in there and relocating the way the houses sit. Bawek understood that one does need 100 feet of road frontage to make a lot in the Town of Arcadia. Bawek questioned how far the last house was from Kevin Whalen's private drive/property off of Pampuch Lane, because if someone drives up the road in order to turn around they have to

turn around in Whalen's yard. Armstrong responded that the larger lot (remaining property) is approximately 200 plus feet from Whalen's property line in back where the first lot would start. Bawek stated Armstrong could put a cul-de-sac there so people don't have to turn around in Whalen's yard, if the town would work with him on that. Lien commented he completely understood the Town of Arcadia's mindset for new roads and development. Lien added this is a pre-existing town road and Armstrong could pull one or two permits off of this property with just a simple CSM thus adding the two lots for persons to build on. If this were passed, Lien thought the way it is configured now, there could be four driveways off of Pampuch Lane (Lots 6, 7, 8, & 9) and the other two (Lots 4 and 5) could be accessed directly off of North Creek Road if needed, so we're really only talking about four driveways off of Pampuch Lane. Lien questioned if the town was asking a private landowner to develop and improve the pre-existing town road. Bawek responded no. Bawek stated that Monday night the Town stated that any development from this point forward, it is recommended. Lien clarified they meant a new development and new town road. Bawek replied yes. Lien commented that almost all of the towns have said, "You're going to meet the state co-aid standards which is a four rod road, 20 foot bituminous surface with 2 foot shoulders on each side" and it sounds like that is what Arcadia is doing and that usually is for new or extending town roads. Bawek commented he understood it as 18-2 and then one can go down to 18-1. Armstrong stated that right now the town plows Pampuch Lane and right now with the existing condition of the road they are not even able to turn around on the end of it with their plows. Tock added they have to go into Whalen's yard to turn around. Armstrong added that they maintain it but they have to go on private property to turn around to come around to plow as the road is now. Bawek stated he isn't against the development as he thinks it's a great thing. The more people that want to invest in our country side and make it better, the better it is for our township. Bawek was just asking how the town is going to address this if Armstrong, down the road, wants to put in more lots it will become an issue and it is something that Armstrong may want to "tackle" before he gets to that point. Bawek added this is just food for thought. Bawek would like to see some discussion between the two neighbors as to each party knowing what the other one is going to do and making it work for both. Zeglin commented she was still a little confused about the R-8 and the forty. Zeglin asked if Armstrong owned all of the surrounding land from this 25 acre parcel. Lien responded he was just giving a scenario and that Armstrong doesn't have to transfer densities because it is a formula. Lien explained that in an R-8 zoning district (8 lots per 40), 20 acres would allow four lots, 25 acres would allow five lots, so it is just a formula. With the 25 acres he can have the five lots that is proposed. If that was an issue, one does have the option of being able to transfer densities from other adjoining lands. Lien stated Armstrong owns all the way to Thomas Lane and that doesn't encompass the CSM – that is considered Lot 1 that is pre-recorded already. Lien added Armstrong has additional lands but it really isn't a factor. Tock questioned why that isn't a factor as those are additional sites in a forty? Lien reiterated that it is a ratio. Tock questioned one neglects what is right next door? Lien responded that would allow him more lots. The more acres he adds, the more lots one could have. One can have up to eight lots on a forty, but one has to remember that what Armstrong recorded prior is "grandfathered" in and that was back in the day when every half acre with 60 feet of frontage could have a house on it, so those are really "water over the dam", in essence. Lien stated what is being asked for today is the 25 acres in R-8 zoning which will give Armstrong 5 buildable lots, if they have the proper road frontage, proper lot size, etc. Britzius clarified that Lot #9 could never be subdivided into smaller lots. Lien replied that was correct unless Armstrong would come forward and request an R-20 rezone. Lien added that if one looks at it, it doesn't have the appropriate frontage. In Lien's opinion this is the only way Armstrong could configure these lots. If one looks at how the land lays, Armstrong followed the field boundary and that is why the lots have the irregular shapes. Lien stated the topography and the usage of the land comes into play. One can see that the survey followed the wood line pretty much. Armstrong commented that Lot 9 is pretty much a work field up on top and in regard to the building lots, he just encompassed the woods into the CSM's for the lots because it was unusable for work land. Zeglin inquired if there was something on lot 4 already. Armstrong responded that Lot 4 would never be built on, it was just a parcel that is steep and wooded, but when they did the CSM it had to be identified and so it got created, but there really is no good road or driveway there. Zeglin clarified that the only buildable lots that Armstrong is looking at are Lots 5, 6, 7 and 8. Armstrong responded that was right. Bawek questioned Armstrong as to how much agricultural land is being consumed? Some discussion took place and it was determined approximately 3 – 5 acres would be taken up. Bawek asked Armstrong where he thought the houses would be built on these lots. If Armstrong would build

on them, he stated he would go probably over half way back off the road, probably at least 100 feet off the road, right at the bottom where the woods starts. Armstrong didn't think anyone would want to put them right out into the middle of the field there. Schultz questioned, since there are some buildings already there on Lot #5, if there was currently a home there. Armstrong responded there is a corncrib and Lot #5 actually has access off of North Creek Road. Across the road from that is Armstrong's old farm house. Brandt stated there are a couple of things that have been happening during the conversation; one being the neighbors are talking, the other is that we are clarifying the number of driveways that potentially could come off of this road as well. Brandt thanked Bawek for doing the "walk around" which gave the Committee a sense of what kind of shape that road is in. Brandt added that the issue related to access and privacy as well as co-existence with potential Ag practices is something property owners moving to North Creek know they are going to be dealing with. Armstrong is not advertising this as a whole new subdivision or anything. Armstrong commented that he lives out there, he is building a new house out there and he is planning to stay out there, so he is very concerned about what happens with the valley. Even with the property Armstrong has sold, he has been very careful on who he sells it to and how he thinks they would treat it from there on. One thing Armstrong said he was going to do on these (he has already talked to the attorney's) is put covenants on any of these parcels that would be sold for residential that everything would be stick built on site. Armstrong doesn't want any pre-fabs or mobile homes, he just wants to keep it nice. Armstrong is in the process now, of anything that he plotted off, that there will be enforceable covenants that will be added to any of those as far as stick built, onsite. Britzius asked if there was anything in those covenants or a process like that to let those potential buyers know that there is a potential broiler coop or facility across the road. Armstrong responded definitely. Armstrong added that one can say what they want and what happens, happens, but Armstrong's plans are, down the road right now, he really likes that whole 30 acre piece back to Thomas Lane. Eventually what he is going to do is fix up (right across from Lot 5 off of North Creek Road) the old original farmhouse and restore that and probably he will sell that along with about 8 acres and Armstrong will lose his pole shed. Initially, Armstrong would like to put a new shop on Lot #5, to replace the pole shed he is going to lose. Armstrong started these lots and he would just like to finish them. Armstrong added that once they are recorded they are sellable. Bawek commented that the turnaround is something that seemed pretty important to Whalen for his privacy. Armstrong stated yes and that the turnaround has always been an issue down there. Armstrong continued that whether there are lots there or not, it has always been an issue. Anybody that drives down Pampuch Lane (whether they have a purpose or are just snooping) has to turn around at Whalen's property. Regardless of whether these lots are ok'd or sold that is something the town might want to look at anyway. Brandt stated that many of the concerns that were raised have to do with the current landowners and their relationship with the township especially related to this road and they are going to have to deal with it and that is beyond the Committee's scope. Schultz stated that Tock had mentioned the number of neighbors that were notified and Schultz questioned if the Burroughs property also relies on Pampuch Lane. Tock responded no it doesn't as it is adjacent and actually comes out on North Creek Rd. Nelson stated Bawek was at the site and questioned him as to how wide the approach from Pampuch Lane onto North Creek Road road was. Nelson continued that if Gold n' Plump is going to put a coop back there it is going to have to be wide. Bawek responded they would have a real hard time unless one is on the other lane. Bawek added that either road is a safety issue. Nelson agreed the township or whomever would have to address it. Tock commented that they could access it from North Creek Road and wouldn't have to go down Pampuch Lane, so that is not an issue. Armstrong mentioned there is somewhat of a blind corner there. Tock stated it would be better to use Pampuch but it is not impossible to avoid using Pampuch Lane. Brandt commented these will all be issues to be dealt with in the future. Brandt stated there is a motion to approve and a second to that motion and there was a significant amount of discussion and the issues have been raised. Upon Bawek's inquiry, Brandt clarified that no conditions can be placed and that if the rezone passes this Committee it will go on to the County Board (meeting next Monday, July 21st). Motion to approve the rezone carried with Zeglin voting in opposition. Armstrong thanked everyone as he felt this had been a good session with lot of good points being brought up on both sides.

Public Hearing – Conditional Use Permit - Greenhouse Retail Sales – Menno K. and Malinda

Nuenschwander, Petitioner/Landowner, Blair, WI – Town of Preston Chairman Brandt opened the public hearing at 9:55 AM. Brandt acknowledged Menno and Malinda Nuenschwander who were present at the meeting. Nelson read the public hearing notice aloud. Brandt instructed the public present on the hearing procedures. Lien stated

Nuenschwander's property is just north of Larkin Valley Road, very close to the intersection of Snake Coulee Road and Larkin Valley Road. Nuenschwander's property is currently zoned Exclusive Ag 2 and in that type of zoning, a greenhouse is actually a permitted use, but it is how he is going to use it (continual retail sales) which, under Section 2.05 Table of Uses in the Trempealeau County Comprehensive Zoning Ordinance and Section 4.04(6) (a) a Conditional Use Permit (CUP) is required to run it as an accessory home business. Lien asked Nuenschwander to describe in more detail what services he will provide but Lien thought it would be mostly retail sales run out of the greenhouse or services related to the greenhouse facility. Nuenschwander stated they just want to sell flowers and vegetables out of the greenhouse and the greenhouse size is 30 X 40. Nuenschwander wants to expand in the future. As far as parking lot space, they have a lot of area for that. Lien referred the Committee to an overhead aerial photo of the site and pointed out where the greenhouse will be. Upon Britzius asking Nuenschwander if the greenhouse is already built, he responded it is. Lien commented that the greenhouse is a permitted use for one's own personal use, but when one is doing retail sales that is when a CUP is required. Lien reminded the Committee that with a CUP, conditions can be added. Lien added that typically the Committee has looked at things like screening, parking, etc. In this case, Nuenschwander doesn't really have a lot of close neighbors and it is actually directly north to the Preferred Sands mine site. Britzius asked if the request was to build a new building. Lien responded it is to utilize the one building that is there and at some point in the future he may want to expand that and he would need a permit for that too. Britzius clarified that the new building is circled on the application. Brandt called twice for anyone who wanted to speak to the issue. Lien read aloud a letter from the Town of Preston which stated the Board had met on Monday, May 12th, 2014 at the town hall. A request was made by Nuenschwander for a CUP for retail sales out of a greenhouse located at N33002 Larkin Valley Road. Tenneson made a motion to approve the request, Nehring seconded, all in favor. Brandt called for any other testimony. There being none, Brandt closed the public hearing at 10:02 AM. Nelson made a motion to approve the CUP, Skoyen seconded. Corporation Council advised Brandt that because this is a CUP there is a need to go through Chapter 10 items almost line by line addressing the issues related to CUP's. Corporation Council Rian Radtke stated Chapter 10 of the Trempealeau County Zoning Ordinance deals with CUP's which set forth the standards and 10.04 (5)(b) gives the general permissible factors considered when reviewing a CUP application. Radtke's recommendation was to have some sort of dialogue/discussion on record that the Committee is looking at the particular factor and why this particular application satisfies that or if there is concerns relating to that. Brandt stated in Section A we are determining that the proposed location and use is not contrary to public interest and will not be detrimental or injurious to health, public safety or character of the surrounding areas and these are the things we are looking at; affects on other property in the area, similar to other uses, consistent with the adopted plan, sanitary waste disposal, potable water supply, solid waste disposal, noise, odor, dust, vehicular and pedestrian access, adversely impacted neighbor or traffic flow and adequacy of emergency services and surface water drainage, contributes to visual harmony, excess exterior lighting, change in the natural character of the area, effect on the natural beauty of the area and whether the proposed project would adversely affect any historical or archaeological site. Brandt commented that the Committee has reviewed this many times and asked the Committee to keep that in mind in the course of the discussion. Bawek inquired if there will signage for the greenhouse along the road? Nuenschwander responded that as of now it would just be by the driveway. In the future they would definitely like to be able to advertise a little more by perhaps putting signs out by the highway but that is not something they are looking at right now. Schultz asked what the current use of the greenhouse was. Nuenschwander replied it is just for flowers and vegetables. Upon Schultz's inquiry as to if Nuenschwander has been selling them off the farm to other vendors, Nuenschwander replied no, just to individual customers, not necessarily other vendors. Zeglin asked if the greenhouse was new this spring. Nuenschwander acknowledged it was. Zeglin asked if there was any parking there now. Nuenschwander replied yes, although it is grass there is plenty of parking and there are no problems with people turning around. Upon Zeglin asking if there were responses from any neighbors, Lien replied that letters were sent to adjoining property owners and he received nothing back for or against the request. Britzius asked if there is a point at which retail sales is required to provide toilet facilities. Lien didn't think it was really addressed much in the Ordinance. There are a number of different criteria such as whether there are employees, then the requirement is one privy or facility available but he thought that is all it requires. Lien added for this type of use it is not really a requirement. Brandt stated he drove by the site this morning and it certainly doesn't detract, in Brandt's mind, from the area. Radtke commented it isn't the issue of the visual building itself as that is a permitted use, it is the concept of retail sales that the Committee is supposed to be considering. Radtke continued that the list of the sixteen are things that are permissible that the Committee may consider while evaluating whether to grant or deny the CUP, but as Brandt had read, above that it talks that approving a CUP the Committee must find that the proposed location would not be contrary to public interest and detrimental, injurious to public health, public safety or character of the surrounding area, so those are the key findings that the Committee has to make if granting the CUP. Again it is the concept of the retail sales and not the building itself that the Committee must consider. Brandt asked if the Committee had to say that specifically or by Committee approval do we make that finding. Radtke responded it is best to verbalize that and make it clear in the record that, this is in fact what this Committee is finding rather than leaving it to assumption. Schultz commented that flower nurseries are very often in a rural setting and it makes sense for the type of

people that are going to pursue that occupation or that interest. Schultz questioned, hypothetically, if this becomes a very popular nursery and they build another greenhouse or perhaps a retail front shop, would that preclude that there would future permit applications for expansion and increased retail operations. Brandt commented that the Committee has site plan approval for “brick and mortar” type buildings only. Lien added that site plan approval is more for commercial zoning. Lien added that right now for what Nuenschwander has planned it is falling under an accessory home business. If this business were to expand to something more commercialized, at that time the County would work with him on expansion plans and within review of those plans perhaps look at transitioning to a commercial zoning district where other things would apply such as designated parking, and a bathroom, etc. Lien reiterated that right now it falls into the “home business” category, but if it were to expand we would probably look at a commercial zoning setting at that point. Britzius questioned what triggers that changeover from home business to a commercial setting. Lien answered it is a fine line, but it is how the facility is being used. If it is a facility with continual retail sales that is what triggers the CUP and if it becomes a larger operation where one is providing items that aren’t grown there (ordering baskets) or produced onsite, items outside of the building and retail sales that is when it becomes more of a commercial business. Lien explained there are some definitions in the Ordinance that lead one in that direction. Schultz mentioned that a prior employer of his in Minnesota was a nursery and had other landscaping operations using an old farmstead and this was becoming an issue as there were customers coming in, storage and equipment, etc., so Schultz’s question was what further expansion uses would the Committee be permitting today? For the public, Brandt explained we have a fairly young Committee, that is folks that haven’t been on this zoning or conservation side for very long so we are being educated even at the expense of those who are visiting with us today. In response to Schultz’s question, Lien stated the Committee would only be permitting things that are accessory to the greenhouse and what’s grown there. If Nuenschwander would start to do retail sales where he is ordering and selling items that are not grown onsite that is when he would be contacted and told that he is leaning more towards commercial/retail sales rather than CUP greenhouse sales. Zeglin asked Lien if the Ordinance had any parking lot restrictions. Lien responded not under this category but it does in commercial. Lien added that if Nuenschwander would take these items into Blair and sell them at a roadside stand every day nothing would be required, but because he is letting the public have access and providing retail sales onsite then the CUP falls into place. Zeglin commented it is an agricultural area and this is a compatible use. Lien added the greenhouse is a permitted use for the site so it is only how Nuenschwander is using the site that requires the CUP for retail sales. Lien had mentioned that there is a mining site across the road and Bawek wanted to know how close to this site is there active mining. Lien asked Nuenschwander how far they were mining from his property. Nuenschwander responded it is a half mile. Nuenschwander pointed out where the mining activity is taking place on the overhead aerial map and added that was actually his property at one time and where the mine flooded Nuenschwander out of. Lien commented perhaps the Committee is not aware of that. Lien explained that Nuenschwander’s former property was actually on the south side of the road. A storm event that happened a couple of years ago brought a lot of sediment that came in one door and exited out the other door of his home. Nuenschwander was then relocated to the property that he lives at today. Brandt stated to satisfy the requirements of the Ordinance it would be important to verbalize the Committee’s beliefs that this is not contrary to public interest or potentially injurious to public health, safety or welfare. Bawek stated that is why he asked, if it was being actively mined if there was a fugitive dust issue at all, could that someday be a health concern. Lien commented he didn’t think any of us know that answer and that is what we’re all trying to figure out. Zeglin commented that the plat map in the literature indicates where Preferred Sands is in relation to this property. In an attempt to meet Radtke’s requests, Britzius stated it appears that the retail use of this site does not contradict the requirements of the Ordinance as written, therefore Britzius thought the Committee should move to approve. Brandt asked for any more questions or discussion or any more conditions that need to be applied. There being no response from the Committee, Brandt stated all in favor of approving the CUP request, say “aye”. Motion to approve passed with no opposition

Appearance –FSA Representative – Discussion on Possible Memorandum of Understanding

Chairman Brandt stated that Lien had come to him as an FSA representative had requested an opportunity to appear before the Committee to discuss the possibility of a Memorandum of Understanding (MOU). Julie Dokkestul, FSA (Farm Service Agency) introduced herself and Mark Kunz, NRCS (Natural Resource Conservation Service) District Conservationist for Trempealeau County. Dokkestul explained that earlier this winter the FSA office had a routine audit on their CRP (Conservation Reserve Program) contracts. One of the findings was that there was no input or approval of the conservation plans that are written as part of that contract by the Trempealeau County Land Conservation Department/Land Management. Dokkestul found the documentation to try to give the auditor a little background of the history of that relationship. The suggestion was made that FSA try to re-establish the MOU. That is what initiated Dokkestul’s call to Lien. Dokkestul had also talked to Kunz. Dokkestul explained that her agency really has no part of the Memorandum as it is between the County agency and the natural resources part of the USDA so Dokkestul is just a facilitator and hoping to start that discussion. Dokkestul asked if anyone had any questions or wants any more information in that regard. Brandt explained that Dokkestul had sent a copy of a MOU to Lien, who, in turn sent it to Corporation

Counsel who is still reading it. Corporation Counsel hasn't had a chance to advise the Committee. Brandt asked if Kunz wanted to talk about possible benefits or any of the history as all the Committee knew is that there is a request for an MOU. The Committee hasn't seen one and there has been some history in relationship between the entities (not all positive) and Brandt would like to know what could go on in the future. Kunz stated he appreciated the opportunity and the Committee giving him a chance to come to speak today. Kunz has worked in the County for a little over seven years. Kunz has lived in Trempealeau County down by Galesville for thirteen years. Prior to this County, Kunz worked in five counties in Minnesota. Kunz's family is from the Boyceville/Fall Creek area. Kunz got the opportunity to move back to Wisconsin and took it and stated it has been a pleasure living here again. Lien and Kunz knew each other a little bit prior to Kunz taking the position here in the County and they've maintained a relationship – some of it riding motorcycle over the years together. Professionally they have met periodically to communicate with each other to build an avenue of communication between the LCD, LCC and USDA. Kunz said that Lien and he have talked about this subject and never really pursued it. It came back up when Dokkestul brought it up this past winter. Kunz explained that the entities have mutual clientele and do work together on projects. Kunz is working with Carla Doelle and Keith VerKuilen right now on a number of different projects. Kunz stated the bottom line is we have a mutual clientele that if we can work together they are going to benefit and we're an agricultural county and that is number one. Number two is that if we had a MOU, we would have a more open line of communication between the County and our office. We could make equipment available, we could probably work together on projects together, (not to say that we're not doing that right now). It might potentially open up some federal funds to help, in certain instances, on projects that we're working on together. Ultimately, for Kunz the bottom line is to provide a better service to our mutual clientele and it is working now and Kunz thought it could work better. Brandt responded that the Committee is in the position where they haven't had the opportunity to go through the MOU. Our Corporation Counsel hasn't had an opportunity to go through the MOU or the history. Brandt added we have this as a discussion item today and what he would like to do is have Dokkestul and Kunz back next month. The Committee will get some advice and look through the information and it will be made an action item next month and then we can carry on a much larger discussion. Brandt knew that Kunz and Dokkestul were involved in the initial discussions on the survey and Pat Malone, UW-Extension is going to present the results of that survey and what was found in the last six months. Upon Brandt's inquiry, Kunz and Dokkestul said they would be able to come back next month.

Presentation on Conservation Survey done with UW-Extension

Chairman Brandt turned the meeting over to Pat Malone, UW Extension Community Development Educator and Steven Okonek, UW Extension Agriculture Agent. Okonek stated last spring had been just plain wet all spring long creating wet, saturated soils and there was no place to go with the water except to runoff. The previous spring we had the one big storm that came through on May 2nd through the center part of the County and caused a lot of erosion. Okonek explained that when water runs off it carries soil with it. Okonek and Malone had many discussions on how to go about educating landowners, land operators and what can be done to impact this situation in a positive way. In one of the discussions, Malone suggested starting with a survey to find out if what we think we're observing is actually what is happening and why is what we're observing happening. Malone stated that Okonek is actually studying agronomy and has a long history as an agronomist. Malone explained she is the child of a farmer who was farming and growing up during the Great Depression, when he saw those great clouds of soil head east to Washington D.C., so this has always been a passion of both of theirs. When they decided to do this, they had an initial meeting with the Land Conservation, NRCS, RC & D and Dennis Deitelhoff was present also. They talked about the issue and some of the information that they wanted to gather. They decided that their purpose would be to actually find out about conservation issues including rentals and what people are currently doing. Trempealeau County has always had a long tradition of a conservation ethic and they wanted to see if that was still in place. Because they are Extension, they wanted to find out what people were learning about things. They did a survey and mailed it to all 1,567 landowners on the list that the Department of Land Management provided to them. That list included everyone who had 50 acres or more. A standard Doleman process was followed – they mailed the survey out with a cover letter, they sent reminder postcards and a second survey. They worked with a survey research center out of UW-River Falls. They received a 43% return rate, 95% competence interval, so this is good data and reliable. Okonek explained their key findings. (A report and POWERPOINT presentation were presented and are part of these minutes). Okonek stated there are a relative small number of people owning or operating a large number of acreage which is no surprise. Brandt asked if this is overall or just people who responded. Malone replied this would be of the people who responded. Okonek commented that a few operating a lot is typical of what we always find in agricultural data. Malone liked to say that it is bifurcated operations. Brandt commented this is not bifurcated this is sort of evenly spread out. Malone replied that is for a middle size – that 200-300 acres which in this area would be middle sized has the smallest percentage. Nationally and in Wisconsin, Okonek said the number of small farms has increased since the last Ag census was taken. Also the number of large, and what we call "commercial" farms has increased, so this data here is just backed up by that data. Malone stated they looked quite a bit at rentals and renting and the thing to think about is that

people who own 200 acres or more were more likely to rent land from others and people in the smaller area (50-150 acres) were more likely to rent to individuals. Some other things Malone wanted the Committee to keep in mind as they look at some of this general information as to who owns the land is that as the number of acres owned increased, there was an increase in the number of conservation plans and also different kinds of practices with 200 acres and more, mulch and vertical till was used more frequently and once 300 acres or more was reached, no till was a practice that was frequently used. Malone asked the question; when they do rent what do they do, they sort of do a mix. Instead of doing a fixed cash payment, they actually have some kind of combination of arrangements such as fixed cash along with some crop-share type. There is also a new trend coming where the landowner shares some of the risk with a minimum rental payment. If the crops and the prices are good then the landowner will get a higher payment. There is a little bit more of that “coming into play” and that is being reflected on the graph shown. Those smaller landowners that are renting land out to people are generally only renting to about 1%. They find one person and they rent to them, but those larger landowners (200 acres or more) who are going around and renting land are renting it from a number of different people. The average was 3.8. So if you’re out there renting land or one of those operators, you’re managing or literally juggling a number of legal arrangements with those people. What Malone thought was fascinating was that the largest number that an individual rented from was 27 other landowners. Britzius asked if that was the largest operator who did that. Malone responded she did not know. Malone went through the report information on contracts or legal arrangements. Okonek stated he was shocked when he first saw this information that there were so few written leases, but as he talked to state specialists he found out that is typical. One individual even told Okonek that Trempealeau County might even have a few more written arrangements than other counties. This is one area where Okonek said they are going to key some of their educational efforts towards written leases, etc. Okonek added they get a lot of questions into their office such as, “we don’t have a written lease, but this operator or this landowner did this or wants me to do this”. Okonek stated it is really complicated as there are State Statutes that come into play if you do not have a written lease and they are quite complicated to understand, so Extension is going to peg some of their educational efforts towards this situation. Malone explained that the two bottom bars of the graph being presented have to do with, if they have a written lease, whether or not they’re including conservation practices in those leases. Malone gave the Committee some examples of landowner situations regarding leases. Malone added that is the reason why there is a Land Conservation Department and why we need to keep a Land Conservation Department and that is to protect the waters of this County because over half of the land that is cropped is next to a water body. In this County that is not a lake, it is a river or a stream. Malone has been reading the last Trempealeau County Department of Land Management Plan and there are impaired waters so it is important to be practicing good erosion control. Okonek added that this is no surprise because the bottom of every valley in Trempealeau County has a stream in it. In regard to land usage, Okonek said corn is by far the crop that dominates the most acreage in the County, hay was second, but hay, woodland and soybeans are all in that 14-15% range on the chart. Okonek was surprised that hay still commanded that percentage of acreage. Malone said the good news is that most landowners (92%) have some kind of conservation plan. One in four are either in a CRP (Conservation Reserve Program) or Forest Management plan and one in five (20%) are in Farmland Preservation. Malone stated the landowners were asked about their conservation practices and there are a variety of them. The landowners were also asked what they intended with the different conservation practices and that is detailed in the report. Malone thought it was interesting to note, from a broader perspective, that beyond just soil conservation, that while they were out there to limit the movement of the soil into the water, a lot of the practices were also put in place to help wildlife habitat. In the survey definitions, certain conservation practices were not described so there may be a difference between what the landowner thinks it is and what might actually be there. Some conversation took place about the different conservation practices and how the questions were and could have been asked in the survey. Malone thought it would be fascinating to go out and do some focus groups with the landowners and ask them about their practices on the land. Discussion took place about the different tillage methods being used on the land. The survey did ask about values. Malone has been reading about the history of conservation in the County and Extension in the County and this has been an important value going back to 1920’s even before the Great Depression, so the good news is that 98% of the people believe that farmers have a responsibility to protect the soil and that conservation is an important part of farm practices and people still think they should get cash incentives. Malone added that smaller percentages think that installing and maintaining is cost effective but it is still a majority. Malone stated the last question was; should farmers face negative consequences for failure to follow guidelines. Malone explained that it is true that 70% said that they should face negative consequences but there was a strong minority (30%) that disagreed or strongly disagreed. There was a higher percentage of the small farmers, the 50 acres or less, who strongly agreed that farmers should face negative consequences for failure to meet conservation guidelines. In conclusion, Okonek and Malone were happy to see that the conservation ethic seems to be intact. Also, another conclusion we can easily draw here is that a lot of acres are impacted by a small number of operators. That is not really a big surprise, when we look at state and national statistics, a small number of operators are operating a very large number of acres. Also, a lot of land is under verbal lease which presents a whole host of problems. Malone chimed in, especially when one thinks about if those smaller farmers, who are more likely to be leasing the land to others, feel

strongly about conservation, then they need to understand how they can include those practices in the contracts that they are putting together with the larger farmers. According to the survey, Okonek stated most land has some sort of conservation plan and/or participates in a conservation program. The question Malone and Okonek had is how effective is the enforcement and is there any “teeth” to any of these programs or plans. Malone added that if anyone here has been around a while, they know that with the Farm Bill, etc., the level of enforcement or the impetus for enforcement goes up and down. On the other hand, Okonek noted that Extension is not an enforcement agency and they are not advocating that we need to get a “bigger stick”. Extension is educators so their goal is to try to do more education and try to see some value without using the stick. Extension’s next steps are to design educational efforts towards landowners. Every farmer owns land but not every landowner is an operator. In September, Okonek and Malone and Arland Brandstrom, specialist with the Center for Dairy Profitability, are doing a program about written leases and how we can incorporate conservation clauses into leases and why that is important to actually have some of this stuff in writing. Extension will also continue educational efforts to dispel myths about conservation tillage and no tillage. Extension also wants to have discussions with partners which is what they are doing here. DLM, NRCS and Western Technical College are all Extension’s partners. Okonek stated this data is going to “feed” into a lot of his and Malone’s programming for the coming years. They are planning a follow up meeting with Lien and DLM staff so that all can do some brainstorming to see where we can partner to get the information out, to get good strong messages out to say, “you guys are doing a good job, you still have conservation”. Malone thanked Carla Doelle and Judy Betker for the photos presented which were from recent field inspections they have done. Schultz asked if the survey had any questions regarding herbicide use, specifically how frequently fields are being sprayed, etc. Malone and Okonek responded they did not. Malone shared some photos which showed good and bad conservation practices. Britzius expressed concern about the role of contour strips in conservation today. Britzius used to see so much of that and now it seems like one doesn’t see that as much anymore. Britzius asked if that practice was fading out. Okonek answered that one problem is that as equipment gets larger, the equipment doesn’t fit in the strips so the proper way to do that would be to resize the strips. One won’t get as much conservation from perhaps an 180 foot wide strip but it would still force one to plant on the contour, so instead of resizing strips, people have just eliminated them and then they are free to drive whatever way is going to give the longest rows. Okonek has operated enough equipment that, to put in end rows, it is a lot easier to turn equipment around if there are two planter passes on the end of the field. I.e. if one has a 24 row wide corn planter, now one has 48 rows going up and down the hill and the contour strip has been eliminated. Okonek added that contour strips would still benefit in a conservation situation but they need to be resized and reworked in conjunction with good crop residue management. Kunz stated to have contour strips, one has to have hay in the rotation and to have hay in the rotation, you’re going to be a livestock producer. To be a livestock producer, you have to be livestock based agriculture. Over the years, Kunz explained we have lost a lot of livestock based agriculture in this County. A true contour strip layout is going to have alternating strips of hay and row crop. Kunz has laid thousands of acres of these strips out. If one doesn’t have the hay, one doesn’t have the contour strips. Kunz stated they have programs where they can go in and put a narrower buffer of grass in between two strips of row crop planted areas and it can be done through the CRP or if the landowner just wants to do it. What they do is break up these long slopes by splitting them in a half or third and having a grass strip in between following the contour of the land around the slope, typically meeting waterways where they need to be done. As far as the size of the equipment, Kunz can lay a contour strip, contour line out for a 24 row planter but the farmer may not like it very much, if he has steep ground plus it is hard to make some of those corners. Kunz added there are alternatives out there, but the basis for a contour strip layout is hay in the rotation. Brandt stated Lien has another answer to that question related to state standards in terms of what is considered conservation. Lien stated some of the old farm plans were at “T” and now they can be two times “T” which also changes how one can plant and that is another small addition to the problems. Brandt was referring to what a contour strip scores when one is determining whether a field is eligible for government programs, i.e. a no-till system will score higher than a contour strip in terms of bringing it up to standard. Lien responded when one does those things on paper, they look great, but if someone is saying, “we do no-till planting”, but they are not adding in that they also ran the turbo tiller first, again, it looks great on paper but how does that work on the land. Lien felt that is the thing that we’re all struggling on within all of the agencies. Malone encouraged the Committee to have Doelle and Betker share the photos from their most recent field visits. Zeglin asked Malone if the Committee could have a copy of the survey. Malone responded certainly. Brandt mentioned that he and Lien had attended the WLWCA area meeting a few weeks ago and had shared that this survey had been done and the results were in. People at the meeting were excited that someone had taken it upon themselves to do this and that the County Committee had given permission to do it. Brandt asked what Malone and Okonek’s next step was and how do they intend to share the information. Malone stated a copy of the final report will be made available to all County Board Supervisors. The report will also be put online on the Extension website so other individuals can access it. Malone and Okonek will also let their peers know so that they can share that information with their peers. Malone’s next immediate step is to have the meeting with Lien and his staff and do some brainstorming and talking about it. Malone has already been responding to requests for the report. Malone has also sent it out to her program leaders who have contacts at the state level and can share it. Brandt stated that the area where he felt

more conservation practices could be potentially increased (since money for cost share will likely not be that place) is to educate landowners (we talked about small landowners renting to larger landowners) so there is a possibility that within the lease/rental agreements there are specific conservation practices spelled out. That demographic, those smaller landowners could, in fact, be the ones who in the future determine the extent of conservation in the County. Malone didn't think it will get to everyone but they are hoping that it does get to more people by adopting that kind of approach. Malone thought there are a lot of younger farmers who may not have that same sense of urgency that perhaps her father had, because he saw those huge gully's and he saw, literally, the entire farm field up in the air in the wind heading east and part of it is helping people understand that this is a resource that we have to protect and protecting it doesn't punish one financially. Okonek had a field day up at Alan Lundberg's in June. Soil tilth, soil health, cover crops, economic benefits of grassed waterways were all topics of discussion. There is the idea out there that if one has grassed waterways on a farm that land has been lost to production. Okonek stated one is losing land to production by allowing it to wash down into the road ditches also. In Okonek's presentation he weighed both sides of that issue; how many acres are lost to a grassed waterway versus how many acres are lost to not having grassed waterways. Okonek felt it is going to be an educational effort to just get the word out and try to impact as many people as they can. Malone commented, it may be more controversial to talk about, but in Iowa they are talking about how land use practices/farming practices are impacted by climate change. If what we see are more, shorter, stronger storms we need to be thinking about the conservation practices that are put in place to keep the soil and the crops there instead of washing down the river. Malone mentioned that Okonek has a wonderful story about a farmer who has documented over the years, and because he does certain conservation practices, he has actually mitigated/minimized the impact that really hot, dry summers and really wet summers have had. Because that farmer does do contour strips and mulch tillage, etc. he has actually been able to keep his variance in production more on an even level. It is somewhat a function of risk management. Bawek commented that is called weatherproofing your soil. In regard to the conservation side of things, Bawek stated the one statistic that has always stuck in his mind was that wind erosion on hay ground is five ton per acre per year yet earthworm castings will replace those five ton if adequate organic matter is available so one can maintain and build soil with conservation minded practices. That is just a fact that has always stuck with Bawek as to how important it is and how much one loses by not doing anything. Brandt asked Representative Chris Danou if there was anything he wanted to speak to. Representative Danou stated that as a State Legislator he could say that most farm policy is, as most of us probably know, dealt with more by the federal government. The resources that we have within the State brings to bear as far as some of the things we don't have; the large programs, etc., we tend to tinker more at the margin. Being on the Ag. Committee, Danou stated quite frankly that it doesn't meet that much. Brandt questioned Danou that the Ag. Committee in Wisconsin doesn't meet that much? Danou responded that advantage being that when you're in the majority, the Committee Chair sets the agenda. Danou added they didn't have a lot of meetings on the Ag. Committee and they tended to be relatively small bills. Danou emphasized that it is because it is large amounts of federal money and programs that really do so much of what our agricultural policy is in the country. Danou thought it seemed that lately they have been having more of a negative impact at the legislative level. As Danou sat and listened to the earlier discussions about land use practices and zoning, Danou stated they have actually had those kinds of hearings in the State capitol because someone has passed a bill to go around a local governmental decision that has been made. One that came to mind for Danou had to do with a shooting range. Danou explained that there was an existing shooting range and it had come afoul of pre-existing ordinances. Somehow the owner of the shooting range (game farm shooting range) managed to get someone to write a bill to exempt him. As Danou was sitting in that hearing, he thought to himself that this was a local zoning conditional use permit hearing here at the state capitol and that is not our job, but Danou added that they are seeing more and more of that happening. That is a fear that Danou has, is that there are going to be these sort of things going on where there is one individual who has the "pull" to come down and get special interest legislation passed. Another example dealing with land use and because of the water levels over in Green Bay, there was a bill written for a bunch of landowners that wanted to be able to go out in the Green Bay lake bed and be able, essentially, to remove vegetation, etc. The bill was written that it essentially allowed them to dredge. The folks with the bill came in front of Danou and Danou asked if they had approached the DNR (they wanted to be able to do it without a permit) for a permit. It is a five year permit for \$100.00. They responded "no, we haven't even asked". Those are things that Danou urged the Committee, as local officials, to be conscious of as this is what is going on. You get people that are connected and all of a sudden just decided that they don't want to play by the rules and so they get one of their buddy's to sponsor legislation. Luckily that bill was not passed, but essentially the bill would have allowed dredging of the lake bed for a bunch of wealthy homeowners on the lake shore and the bill would have served no ultimate purpose because they were just downstream anyway from a stream that was continually flowing into the lakebed. Danou stated we saw that, of course, with the Senate bill dealing with local control of the mining ordinances, etc. Danou thought that the

Committee's challenge is, as local officials, to continue to make your voices clear and talk to other local officials around the state. Danou thought people in the state are aware that these things are going on – that someone doesn't like a decision that this Committee makes and so they go down to Madison. Danou doesn't want to do that, dealing with specific legislation, as that is not his job. Danou's job is to formulate policies that essentially give the Committee guidance. Brandt asked Representative Danou to take the message back to other people that we're talking about conservation and we're interested in preserving and conserving the resources that we have. Danou feels his job is to empower this Committee and the local governments. Danou stated one thing we need to do better at is providing the Committee with good resources, getting good extension agents that help in making decisions and making sure that the DNR is adequately staffed to handle permitting, that they can send people out to do inspections and that DATCP has the people to go around and do some of the necessary inspections and provide resources. Danou mentioned that he knows there is difficulty in retaining people in a lot of these highly technical, highly skilled occupations in the field because of some of things that have happened with the way we choose to compensate public employees in the state. Danou added he will rely on local governments to be more forward looking than the state right now. Danou stated do not look to Madison, unless things change radically within the next couple of years for a lot of forward thinking. Danou is going to depend on the local governments and local folks to really be the ones to take the lead on being progressive and forward thinking right now. Brandt stated his impression, at the area meeting, was that there is a desire to, at the County level and in the conservation departments in the different county's, reinvigorate the area association instead of standing alone or trying to do it alone and that would be a way to multiply the voices. Danou tells people that it is always going to be the statewide organizations and the grassroot organizations that ultimately have to make noise about things with legislators other than himself. Danou emphasized that if you have concerns that you see or hear something or have questions, contact his office in Madison or him directly and he'll do his best to get out there. If someone wants Danou to see something or know something, his job is to get out and visit these places and he is more than happy to do that. Mary Ann Bixby asked Danou what Senator Tiffany is doing on Senate Bill 349 and how the powers are that are on the other side of the State right now. Danou responded that in dealing with the local control issue, his big fear is that those bills will come back but will essentially be tucked into the State budget. Danou added that is the thing that we will have to watch. Danou suspected that Senator Tiffany and his allies will try and insert those provisions into the State budget as they ran into too many "headwinds" doing it as a stand-alone bill. The classic way to get around that is to put it into the State budget and it offers an excuse to anybody who has heart ache about wanting to vote for it as they can say, "well it's in the budget what can I do?" Danou voiced that is the oldest excuse in the book in Madison. Danou thought that will be the thing to watch and again, local governments have to make sure their watching and then contact their state legislators and let them know this is not an acceptable thing even though there are other good things in the budget. Brandt noted that the County Board Chair, Dick Miller, has joined the meeting and has had an opportunity to hear how important it is going to be in the future to stay, not only aware of what is going on, but in touch and connected, and actually speaking our minds letting people know where we are at with things. Lien commented that when he and Brandt attended the last Western Area meeting, they had the opportunity to visualize what 5 inches of rain does to an area. This is what prompted Lien to get his staff out and take those photos. Brandt and Lien discussed, briefly, and Lien discussed with his staff about having a famer education day this winter. Lien wants to work with Malone and Okonek on that. Some of the subjects would be the cost of soil erosion, value of soil erosion control to the landowner. Lien wants to address those pictures, not to pick on individuals based on the photos, as there is some great conservation on the land but there is also some not so great conservation. Lien has a lot of friends that are in the Ag industry and he has talked to them individually, privately and one of the major problems is \$7 corn. When one gets \$7 corn, they can fix a waterway later. Lien felt there are a lot of issues that need to be addressed today. Lien stated Malone had touched a little today on the age of the farmer. It is way before Lien's time, but there are pictures in the DLM office from the 1930's when there were gully's in the County the size of this Courthouse and a lot of the new farmers don't remember any of that. We went through decades of similar drought seasons where we didn't have to worry about as much erosion, now the last two years we have had really wet springs. Lien stated we don't need to revert back to the 30's. Lien thought there was a need to start an education program. The DLM is revitalizing the youth education programs and will work more with that by bringing back the Conservation Poster and Speaking Contest. DLM is going to work with Malone and Okonek

on trying to have some type of farmer education day where we can give this presentation and try to reinforce why we have been conservation minded in Trempealeau County and how we need to switch that pendulum back to that mindset. Britzius stated it is important to educate the farmers but the youth are going to be farmers, landowners and consumers and they are all going to bring pressure and awareness to this whole thing. Britzius thought as much education as we can do sounds like a good thing. Lien thanked Danou for coming and mentioned that Danou has always been there for him and is a great resource for our County. At this point the Committee took a five minute break.

2014 Nutrient Management Farmer Education Grant

Chairman Brandt reconvened the meeting and introduced Carla Doelle. Doelle stated that every year she applied for a competitive grant through the State. It used to be funded through the UW-Extension. Doelle explained that it is a competitive grant application process of about 30 people who send in applications. This year a new approach has been taken where it is a bi-annual type of application. The first half of the application is still funded through Extension and then the second half (2014-2015) will be funded through DATCP. There is a small budget to work with and there is a cap as to how much Doelle can ask for and it is limited as to how much can be paid out to the farmers. Doelle explained this grant is for farmers who come in to do a "farmer written" nutrient management plan in a program called SnapPlus (Soil Nutrient Application Planner). DLM coordinates with the Western Technical College through their Farm Business Production Management specialist. By taking that route, DLM is able to use their computer lab, load the SnapPlus program on there and then farmers come in to write their own plans. There isn't the capacity to hold class for a very large number of people but slowly but surely a list of people can be chosen (first come – first serve is how people are taken in). This year there were nine people that completed the class. Lien referred the Committee to the small list before them entitled Nutrient Management Education 2014 participants. Doelle stated those persons were 2013 -2014 participants so they will be paid by the UW-Extension funds. Upon Brandt's inquiry about those persons getting paid, Doelle replied it is a very small payment they will get which they can use towards soil tests and for their class time. Seven classes are held which is 3 hours in length each time. They can also receive a stipend for putting their plan together versus hiring a private agronomist at a co-op or someone else privately. The max that the participant can receive is up to \$1,500 which is a small portion of what a plans costs to write, but it is a huge savings when they can learn to write the plan themselves. They receive a flash drive so they can go home and plug it into their own computer. The program is free to download and it is a very user friendly program. Brandt asked Doelle what she would like the Committee to do. Doelle responded that we are moving forward to a situation where DATCP has decided that they would like to see more Committee involvement. According to Doelle, Richard Castelnuevo of DATCP has said that what Trempealeau County is doing is outstanding, however throughout the State not every county has the interaction with their committee like we do. What DATCP wants to see is that the Committee has a good feel and a good understanding of what DLM is doing and what DLM is doing for projects and what the money is being spent on? Doelle understood that. Doelle explained that typically when there are cost-share payments, they are brought to this Committee prior to making that payment. According to Doelle, DATCP would like to see something in either one of two ways; DLM brings to the Committee the projects that are being proposed, for motion of approval and a second or that DLM get some sort of statement in the meeting minutes saying that the E & LU Committee is giving the authority to the DLM to contract best management practices for design, construction and installation. Doelle stated the Committee had a couple of options. Doelle mentioned by going into this much detail about the issue, she is also talking about agenda item #10 also. Since this DATCP money is going to be for starting the second half of the Nutrient Management Farmer Education Grant, the people on the list that the Committee had before them will be paid with UW-Extension funds. Doelle felt in order to make it a good practice that she would just get the Committee's approval on this list right away so these people, that have been to the class and have a completed plan can get paid. Doelle requested some sort of formal Committee action. Nelson made a motion to approve the list of nine names for payment, Skoyen seconded the motion. Doelle has not gotten the official word from DATCP for submitting her reimbursement because DATCP has stated it is basically tied up in administration. It will be coming and has to be completed by November. Motion to approve the payment of the stipend to the nine participants in the Nutrient Management Farmer Education program passed with no opposition.

Brandt stated, that in the way distance past, the Committee has directed staff to find any money that is available and get as much of it to the farmers for conservation practices as possible and then regularly the Committee hears reports about what sort of practices are being put on the land. Obviously in the watershed programs there was a quite a bit of money that was coming through and the Committee was constantly being updated on the status of that. Since the State has gone to more of a competitive grant approach, the instructions are the same but there isn't that sort of official reporting until the practices have been completed or there is an extension required, etc. Apparently the difference now is that DATCP (conservation arm) wants us to tell them that the Committee knows what is going on with the money that DATCP is

sending to DLM. Brandt thought it seems odd and foreign to think that there is a Committee that doesn't know what its Department is doing. According to Doelle, Castelnuevo told her that Trempealeau County really doesn't have to change anything they are doing, but Doelle isn't willing to take that chance. Doelle wanted the Committee to either see a list or say this is what we're going to tell you to do. Lien voiced he felt there were other county's out there that weren't doing as good a job as we were as far as the Department/Committee relations as to where money is being spent, what practices are being approved and where it is going. Lien stated we try to keep this Committee informed. Brandt liked the second option where the Committee recognizes that the responsibility of determining where the practices should go rests with the Department people and to trust them to make the right choices and do the educating and help with the grant writing and make sure that the proposals are out there for the contractors, etc. Doelle stated she would still bring practices to the Committee for payment approval as has been done in the past. Brandt asked Doelle to bring this back next month with some kind of wording. Doelle responded that she had a number of people on another long list which was before the Committee that are waiting to start construction and Doelle can't start construction until she has "a green light". Brandt stated he meant for the requirements to satisfy DATCP and that the Committee would approve the list before them shortly. Brandt asked Doelle to come back next month and the Committee will take care of that matter. The Committee moved onto agenda item #10.

LWRM and TRM Requests and Payment Approval

Doelle stated the other list before the Committee is a list of people that have voluntarily called DLM with problems such as erosion, etc. that they would like to seek cost-sharing for. The landowners are addressed on a first-come, first-serve basis where Department staff meets with them and tries to prioritize things based on the best environmental results for the money. Doelle explained that sometime there are people on this list that will be in a situation where they have a design and a cost estimate and then they realize they can't afford it. At that point, perhaps, they would see other cost share program funding to try to "piggyback" on top of this to help cover their portion up to 100%, so they may go to the federal side (EQIP) to see if they can't match funds – which they are able to do. Upon Brandt inquiring if these are people that have requested streambank, riprap or waterways, Doelle responded that was correct. Nelson made a motion to accept the cost sharing list/requests, Zeglin seconded, motion carried unopposed. Brandt clarified that at this point all Doelle will be doing is assisting them in the grant application process. Doelle responded that was correct and that she would report back to the Committee as to who gets the grants. Doelle noted the Committee would see who gets the money when the Committee approves the payments. Doelle explained that there is only \$65,000 in cost-share dollars per year to spend county wide, so it is a small amount and that is why DLM tries not to take on any huge practices. Doelle stated she usually tries to use individual applications/TRM grants for larger practices as that amount cap is up to \$150,000 of cost-share funding. Motion to approve the cost share list passed with no opposition. Doelle encouraged the Committee, if they had any questions or wanted to visit any of the sites, to feel free to contact the DLM staff. Lien had one LWRM (Land and Water Resource Management) payment request for David Daniels and stated it is the last half of the waterway being certified. Britzius made a motion to approve the payment, Zeglin seconded, motion carried with no opposition.

Surveying Update and Payment Approval

Chairman Brandt noted that due to time constraints today, County Surveyor Joe Nelsen would not be coming down to the meeting. Lien referred the Committee to the report in their folder regarding T20N, R10W, Town of Arcadia. Lien stated Nelsen is getting very close to the end of this remonumentation project. Nelson made a motion to approve the report and payment, Skoyen seconded, motion carried with no opposition.

Update to Trempealeau County Farmland Preservation Plan-Opportunity for public comment

Chairman Brandt introduced Peter Fletcher from the MRRPC (Mississippi River Regional Planning Commission). Fletcher stated he is here to give the Committee information on the update to the Farmland Preservation Plan. As far as that process, Fletcher has asked Lien to keep this item on the agenda each month until that updating process is done. Fletcher wants to make sure that during the update to the Farmland Preservation (FLP) plan that there is adequate opportunity for people to give public comment. Fletcher has been contracted through the DLM to update the Trempealeau County FLP plan. The original County FLP plan was adopted in 1981 and now it is a requirement by the State through DATCP that County's update their FLP plans. Trempealeau County's plan had to be updated by the end of 2014 but the County was able to receive a two year extension in which to do that update and that is when MRRPC was contacted to assist with the update. Fletcher stated the process has been started for updating that plan. Fletcher and his staff are working on the update for the County and working with DLM staff. Fletcher wanted to let the Committee know where he is at in that process. For the next year and a half Fletcher is going to be working on it and they want to get it done before the 2016 deadline. At this point there is a lot of data gathering of background information that goes into the plan. Fletcher has contacted the State and there have been county's that have been required to have their plans done

already, so the State gave Fletcher copies of a couple of completed plans which the State recommends. Fletcher took a look at two of those plans and created a template for the Trempealeau County plan and has begun to fill in information. One thing that was critical to the plan update was the 2012 Ag census data. The timing for this census was good and the information needed at the County level was just released in May. Obviously having that information is important. Fletcher noted that he was glad he was present to hear about the conservation survey that Malone had talked about earlier because a lot of that information is relevant to the FLP plan and will be incorporated into the plan itself. Since this Committee is the overseer of the FLP plan update process, Fletcher has requested that this agenda item be listed now and until the planning process is done. This will provide one area of opportunity for people to make comments on the plan. From time to time Fletcher will be back to this Committee to give an update on where he is in the planning. Fletcher suggested that anytime this item is on the agenda to just ask if anyone from the public wants to comment on the plan itself or want to speak to the plan. If so, take their comments down, if not, there is nothing more that needs to be done. Fletcher added we just need to be able to demonstrate that throughout the whole planning process, each month, there is an opportunity for people to make comments. Brandt asked if there was a way for people to access the current plan or the plan in process as it is hard to comment on something if one doesn't see it. Fletcher responded he is in the process of getting the information together so that he can get a document together that is user friendly and for people to look at. Once that information is together, Fletcher will be going out and meeting with each of the towns to talk about their land use plan itself as that has to be ultimately consistent with the maps that are prepared for the FLP plan. As we move forward, there is going to be a lot more opportunity for public input. A public hearing will be required for the FLP document itself plus Fletcher will be out meeting with each of the towns. At this point Fletcher doesn't have much to show to the towns, but if he has all the background information then when he visits the towns at least we will have the information (what are the trends and what has changed since 1981) so hopefully they can make an informed decision. One thing Fletcher is working on with Judy Betker is getting maps of each town in the County as to where the FLP contracts are and what land is under those contracts and when the contracts expire. They will have a better idea of the status of FLP in Trempealeau County as it stands today. Nelson stated he understood that as the FLP contracts expire one couldn't get back in unless you were involved with a group of people (eight or ten) where their land is touching each other. Fletcher responded that is one option, the other option is if, with the zoning ordinance, an agricultural district is created that meets the requirements of the State as a FLP district. At that point the Committee can designate areas as Exclusive Agriculture and then because it is zoned that, the property owner who is not under a contract can just designate on their tax return each year that they are essentially eligible to receive FLP tax credits. Fletcher added that if there isn't a zoning district that is ultimately developed out of this process that can take effect in Trempealeau County then the only other option is for a group of landowners (five) to get together and enter into a contract with the State of Wisconsin. Fletcher stated this is the Working Lands Initiative. Brandt stated this idea of creating, through Ordinance, a FLP district which is different than our Exclusive Ag or Exclusive Ag 2 is new to him. Brandt asked how that differed from an Ag enterprise area. Fletcher explained that an Ag enterprise area would be the landowners getting together. Fletcher stated right now the County has the zoning districts of Exclusive Ag, Exclusive Ag 2 and Primary Agriculture. What the State is looking at with their model ordinance for FLP is a density of one home per twenty acres and three of those districts that Trempealeau County currently has, that are used in a lot of areas throughout the County, essentially fit into what is considered, at the State level, farmland preservation. Brandt clarified that if the Committee creates this Ordinance so that we can have a FLP district and i.e. all of French Creek meets that criteria and is designated a FLP district, can Brandt because he lives in French Creek and just defacto lives in this district, he can apply for tax credits even though he wouldn't have a contract. Fletcher responded there are no contracts but Brandt would have to meet the eligibility requirements as a producer, etc. Brandt stated and Fletcher agreed that there are some requirements related to how much agriculture production one does. Zeglin asked what the zoning would have to be as right now it is Exclusive Ag 2. Fletcher responded it would be something similar to that. There are some specific requirements. When the County developed its' Ordinance that is in place right now, in 2000, and it was looking at the future of FLP, the idea with the Exclusive Ag districts that were developed at that time where that they could ultimately be certified in the future by DATCP and become FLP eligible districts. Right now in the County, Fletcher stated the districts that are pretty close to what would be acceptable at the State level would be the Primary Ag, Exclusive Ag and Exclusive Ag 2 districts. Fletcher thought what would probably be done at the end of this process, if the County decides to go with another district, is just maybe take one of those districts and "tweak" it a little to make sure it meets the State requirements then potentially that is what a lot of area could be designated and landowners would just be able to receive those tax credits without the need for five landowners to get together and without those contracts. Bawek asked if additional housing in that area would then disqualify that area? Fletcher responded that once something is within that district, there will be the potential density of two homes per twenty and that being designated would be what the landowners would have to comply with in that area. Upon Nelsons question about contracts, Fletcher reiterated that if the County ultimately adopts a zoning district that is certified

as a FLP district then there are no contracts. Brandt stated FLP brings up a whole different issue and FLP has a conservation practice requirement in order to be eligible for the contract. Brandt questioned if the Committee creates a FLP zoning district does that conservation requirement disappear. Fletcher responded there are certain eligibility requirements. Lien commented that one layer of those requirements is zoning along with the others. Lien added that DLM has received a grant for the work Fletcher is doing on the FLP plan and it is not levy money.

Confirm Next Regular Meeting Date – August 13th, 2014 – Brandt confirmed August 13th would be the next meeting date.

Due to Corporation Counsel having time constraints, the Committee address agenda item #19 at this time.

At 12:05 PM, Britzius made a motion to CONVENE TO CLOSED SESSION per Wis. Stats. 19.85(1) (g) to confer with legal counsel for the County concerning strategy to be adopted with respect to litigation in which the County is or is likely to become involved, Schultz seconded, motion carried unopposed. At 12:55 PM, Skoyen made a motion to RECONVENE INTO OPEN SESSION, Schultz seconded, motion carried unopposed.

At 12:56, Schultz made a motion to CONVENE INTO CLOSED SESSION per Wis. Stats. 19.85(1)(c) to consider performance evaluation data of DLM staff, Zeglin seconded, motion carried unopposed. At 1:34 PM, Nelson made a motion to RECONVENE INTO OPEN SESSION, Britzius seconded, motion carried unopposed.

Leave of Absence

Lien stated that DLM staff member, Rod Stenulson has requested a twelve week leave of absence starting after June 26th, 2014. Britzius made a motion to approve a twelve week, unpaid leave of absence for medical reasons, Schultz seconded.

At 1:40 PM, Bawek made a motion to CONVENE INTO CLOSED SESSION per Wis. Stats. 19.85(1)(f) considering medical histories of specific persons if discussed in public would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, Zeglin seconded, motion carried unopposed.

At 2:02 PM, Nelson made a motion RECONVENE INTO OPEN SESSION, Britzius seconded, motion carried unopposed.

Bawek made a motion to amend the approved twelve week leave of absence to thirty days, Schultz seconded, motion carried unopposed.

At 2:06 PM, Nelson made a motion to adjourn the meeting, Zeglin seconded, motion carried unopposed.

Respectfully submitted,
Virginette Gamroth, Recording Secretary

Michael Nelson, Secretary