

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

**REGULAR MEETING MINUTES
January 13th, 2016 9:00 AM
COUNTY BOARD ROOM**

Chairman Brandt called the meeting to order at 9:04 AM.

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

Staff/Advisors present: Kevin Lien, Virg Gamroth and Jake Budish. Ryan Swatek-NRCS, Carla Doelle and Corporation Counsel Rian Radtke were present for only part of the meeting.

Others present: Linda Mossman, Tom Forrer, Ed Patzner, Luke Kramer, Aaron Dekker.

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

Adoption of Agenda - Nelson made a motion to approve the third amended agenda as presented, Schultz seconded. Motion to approve the agenda carried with no opposition.

Adoption of Minutes

Schultz made a motion to approve the December 9th meeting minutes, Nelson seconded. Bawek had a small amendment to the minutes. Motion to approve the amended meeting minutes carried with no opposition.

NRCS (Natural Resource Conservation Service) Update

Ryan Swatek, NRCS District Conservationist stated they are now in the contracting part of their season (EQIP mostly). They had 10 high priority applications that are probably going to get funded (The official funding hasn't come through yet). They are finishing up Conservation Stewardship payments (a 5 year program that farmers enrolled in). They are working on developing contracts for CRP. The program is very popular this year. Swatek stated he is also going to be the District Conservationist in Jackson County because as of January 1st, they have decided not to backfill that position in Jackson County, so Swatek will be splitting his time between both counties. Brandt asked for an update on the Goat Prairie Restoration (nongame habitat initiative). Swatek had asked about it to see where it was at. He thought the final proposals were sent to the national office and they are the ones who decide which projects get funded. Swatek hasn't heard anything on that yet. Swatek also mentioned there was the Stream bank Restoration proposal with Trout Unlimited and he hasn't heard anything on that yet either. Brandt asked Swatek to keep the Committee informed on that.

Public Hearing – Land Use Change/Rezone – Commercial (C) to Rural Residential (RR)-

Putz LLC, Landowner, Ambrose Schwartz, Petitioner, Trempealeau, WI –Town of Trempealeau

Chairman Brandt opened the public hearing at 9:16 AM. Nelson read the public hearing notice aloud. Lien stated he has been working with Ambrose and Diane Schwartz who are here today. They currently own the property which is listed on the overhead aerial map as Putz, LLC. Lien said that many years ago the property was a root beer stand on the west side and on the east side there had been a trailer, a single family dwelling, which was removed at some point in time. Schwartz's contacted Lien about reconstructing a single family dwelling on the property. Because that property is all zoned commercial, they had to rezone a portion of it to Residential to allow for the single family dwelling. Lien referred the Committee members to their packets which contain a Plot of Survey showing how the lot is split into approximately ½ acre each side, more or less.

This will allow them to construct the single family dwelling on the east portion. On the west portion they have a couple of options. They could possibly refurbish the root beer stand for a commercial use or they had discussions about removing that building and putting up storage units there. Either way it would be permitted under the commercial zoning. At this time Brandt gave an overview of the public hearing process for the audience present. Upon Brandt asking if the Schwartz's had any questions, Diane Schwartz stated they just want to put the single family dwelling in replacement of the trailer home. Brandt called three times for any public testimony. Lien read a letter from the Town of Trempealeau which stated the board has no objection to the rezoning of the property from commercial to residential. Brandt asked if this met the minimum lot size for the Town of Trempealeau. Lien responded that it doesn't have to because they are only changing the zoning. They are not creating a new lot, they are only changing the zoning and it was a legal, pre-existing lot size. Brandt commented that by doing this, Schwartz's are cutting in half the amount of commercial space that they have if they were to build a storage unit, etc. and asked if they understood that. A. Schwartz responded, "Yes". Zeglin made a motion to approve the rezone, Nelson seconded. Motion to approve the rezone passed with no opposition. Brandt reminded Ambrose and Diane Schwartz that this rezone would be on the January 25th, 2016 County Board meeting agenda for final approval and asked that one of them be present to answer any questions the Supervisors may have. Upon Schwartz's asking if they could place the structure, Lien stated they could do earthwork, etc., but actual placement of the structure would have to be after the full County Board approval.

LWRM (Land & Water Resource Management) plan update

Lien explained we are due to renew our LWRM plan. Lien and Doelle had discussed the fact that the County has gone through some major changes in the last five to six years, so Lien asked if the Committee wanted to bring back the Advisory Committee for input to the LWRM plan or if they wanted staff to make the revisions and have it approved by the Committee before it is presented to DATCP. Lien explained that he and Doelle had gone through the list of original Advisory Committee members and some of them are no longer serving in the capacity for which they were selected to be on the Committee but Lien and Doelle have some recommendations of other people who might want to serve. Lien explained the LWRM plan is the guiding tool for the Department. It spells out what our goals are and what our workload is for the future related primarily to conservation although because we are a merged department there are some avenues that overlap into zoning such as erosion control related to one and two family dwellings. That is really regulated through zoning and Uniform Dwelling Code but Lien thought those are conservation goals that need to be met as well. It isn't just about "ag" conservation but about all conservation activities in the County. Brandt asked if this was a requirement in order to get our funding from DATCP. Lien answered it is. To have a current plan and a workload that meets the intentions set forth in State Statutes as far as what we are charged to do, that plan lays that out and that is how we receive our funding and things have changed in the County in the last 5-6- years. At this time Doelle arrived at the meeting. Lien asked again whether the Committee wanted him and Doelle to work on the LWRM plan and bring a finished product to the Committee for review and approval before it is presented or if they want input from the Advisory Committee. Brandt stated this is a big deal and we have to get it right in order to retain our funding from DATCP and it has to be done in a timely fashion. Doelle explained that DATCP gave the option of doing it one of two ways; either ask for a five year extension to our existing plan or we could update our existing plan and then it will be in effect for ten years because they no longer do them for five year increments. They will do a five year review just to make sure you are on track with your goals but they won't ask you to update, revise or redo at that point, so once you have the plan in place it is redone every ten years. Doelle stated we had made the decision that we would go for our update now versus asking for an extension. Doelle has seen that the majority of the Counties are asking for that extension and she isn't quite sure why, but with the changes that we have had in the County the last five years, we had decided it would be in our best interest to do the revision at this time. Lien gave a little bit of his reasoning behind it by saying that a couple of years ago he went before the LWRM Board to discuss industrial sand mining and how it affects us as a county and they don't believe that is really related to conservation goals or workloads and Lien strongly disagrees because Lien thinks we are losing valuable cropland in the County. Lien thinks the impacts related to industrial sand mining undermine a lot of our conservation goals in the County and Lien thought that

information should somewhat be included because we probably have more permitted mines in the State than any other county so Lien thought that was a big deal in Trempealeau County. Lien didn't know if we included some of that in our LWRM plan, if that was going to be acceptable, so he might take a softer approach on it. Lien just felt it was more important to do the revision with some of the things that we are dealing with in Trempealeau County because he thinks it has a huge impact on our future cropland, rather than continuing with our same plan because our current plan doesn't really address anything related to mining. Because we are a merged department we perhaps have more in our plan than some of the other counties but we don't touch on perhaps as much as we could. Brandt recapped that there are two questions before the Committee; ask for an extension and then redo the LWRM plan in five years or update it now, which staff is recommending and the second decision is should we call the Advisory Committee back to do the work. Brandt commented that the staff is really overworked right now and for them to find the time to do the amount of work that would be required to update this LWRM plan might/will be a stretch. Upon Zeglin asking when the deadline was, Doelle responded the plan will be presented to the DATCP Board in December, 2016. Doelle explained they have it broke down in stages therefore they give a timeline of when things are due, i.e. meet with Advisory Committee the early months of this year, have the preliminary plan done by this time, have it to the Committee by this time, have a public hearing by this time and get the final draft to DATCP by a certain time and then present in December. Britzius asked how hard does DATCP look at it and how much/big of an effect does this plan have on our funding from the State. Doelle stated this is how we get our funding so it is a huge deal and they will look at the plan inside and out, etc. It sounded to Bawek like preparing for the Advisory Committee is as much work as staff looking at the criteria themselves and making a recommendation. Bawek personally felt that the staff might be more qualified to make a better recommendation. Bawek asked Lien for his opinion. Doelle commented that she wouldn't mind having the Advisory Committee meet at least once, twice maybe at the most because DATCP is recommending that we do reconvene the Advisory Committee so from that standpoint Doelle would like to do that accordingly and take their suggestions for what they're worth. Doelle believed the group that we had in the past was outstanding and the persons recommended for substitution will be just as good, however we would be bringing back a majority of the people who had developed the first plan. In addressing Bawek's question, Lien said it does add more work to the process for us because we have to contact all those people, establish a meeting date, etc. but at the same time there is value in getting that groups input and support. Bawek stated applying for an extension versus an update, if it is DATCP recommended that you have an Advisory Committee this might push it in our direction to get the update to the plan. Doelle agreed and said her and Lien had basically made that commitment with them that we would pursue the update at this point and that is one of their recommendations to reconvene the Advisory Committee. Doelle added we don't have to do it but it is recommended from DATCP so she would prefer to stay on that track. Some discussion took place on the subject including the make-up of the Advisory Committee. Bawek made a motion that DLM pursue the LWRM plan update and re-establish the Advisory Committee, Skoyen seconded, motion to approve passed with no opposition.

Conservation Projects Workload Update

Doelle stated she has received a number of phone calls from people that are interested in having her submit a TRM (Targeted Runoff Management) grant for practices (animal waste and barnyard runoff, etc.) where they are out of compliance on their property. We would be projecting long term if we would be approved for those practices. The grants are due the middle of April and we would find out in late fall/early winter if they have been accepted, then the grants are good for the following two years for funding. At this point, Doelle has five large practices (2 manure storage and 3 barnyard runoff projects) that we would be looking at submitting grants for. In addition, at this point, Doelle would like to submit paperwork for a large scale grant like we presently have in the Elk Creek for the two sub watersheds for the Upper Elk Creek and the North Branch of the Elk Creek. Doelle would like to submit the next 38 square mile area downstream to continue our efforts. If we were selected that grant would start next year as well. Doelle was approached by the Elk Rod & Gun Club with some questions about whether we were able to target other areas of streams along the Elk Creek because they have some ideas of things they would like to see done. Doelle suggested that if we were awarded all these

projects we might need more help. Doelle said there are a lot of projects that are continuing to grow and expand because the more we are doing and getting accomplished, people are coming to us and saying, "Hey, I have this problem can you help me also". Doelle stated these are projections for grants we will be submitting for this coming year. On the large scale grant in the Elk Creek (or whatever it amounts to be) Doelle has to limit it to 38 square miles. If we would not be approved for next year Doelle said that would not be the worst case scenario because we still would have two construction years (2016 and 2017) for our existing grant, however Doelle doesn't want to have a lapse in time so that we can continue moving forward on what we are trying to accomplish. Doelle spoke to representatives from DNR and asked for their recommendation on whether she should submit an application this year or wait until next year or what would be the best plan. With that guidance, DNR told Doelle to try this year and if it is not successful resubmit again the following year because the grants are all competitive statewide based on resource concerns, the waters that are affected, how the waters are ranked (303D waters) or are you in certain criteria of waters that need more attention than others. The grants are due April 15th and according to Doelle, landowners are constantly contacting her up to that point. We should find out in the next month whether we are approved for the RCPP grant for the stream restoration work that Trout Unlimited submitted for Buffalo and Trempealeau County's and also for the Bluff Prairie Restoration project for Pepin, Buffalo and Trempealeau County. Both of those grants are five year contracts. We also have our existing grants that are going on; the Elk Creek grant has two years of construction left (one solid year left in the contract with a second year of extension so 2017 would be our extension year) so all the work that we will do in those two sub-watersheds that we currently have has to be completed by the end of 2017. At this point the projects have been 100% stream bank restoration. Bawek inquired if the goal we're trying to achieve is water ranking. Doelle said that was correct. Bawek asked where we are at right now and where do we want to be. Doelle answered it is all based on phosphorus which is basically your "big ticket item" and Doelle was unsure as she didn't have that information with her but it would be something DNR has put together based on their testing and their ranking of these waters. DNR wants to reduce phosphorus discharge levels to a certain, i.e. part per million in your water. Bawek stated we probably qualify for the grants based on a certain goal. Doelle said that was correct and that typically when she writes the grant we want to reduce phosphorus, nitrogen and sediment to the streams. Those are our top three items or pollutants that we are looking to control when we talk about protecting the waters and DNR has the historical data of where we are at and the goal of where we should be, etc. Bawek asked if Doelle could bring that information to a meeting sometime. Discussion took place on staff that may need to be added in the future to help with these different grants should we receive them and funding mechanisms. At this point Lien informed the Committee that as of January 1st, 2016 we will be doing the Town of Trempealeau Uniform Dwelling Code (UDC) inspections for 1 and 2 family dwellings, so the only township that we aren't inspecting is the Town of Arcadia. Lien feels it is nice to have one person inspecting throughout the County as it provides consistency for the contractors as to what is required. Lien talked some about the budget excess projected from 2015. Doelle noted that the TRM grants that we do apply for that is funding through DNR, have what is called the Force account which as part of DNR's requirement they have the County charge the landowner 5% of the total cost of the practice to reimburse the Department back on their efforts for survey, design and construction inspection. Doelle's time is not able to be reimbursed on that Forced account but that is just how the program is set up so that is additional revenue that is brought into the Department that could potentially be used to bring someone in to help with this workload. Zeglin and Doelle agreed 2015 was a successful year for conservation projects. Doelle reported that back in December, Doelle was able to obtain a fish shocking unit from Winona State University through the office intern Tess Johnson who is currently a student there. Johnson and Doelle ran a survey in the Elk Creek and in about a 100 foot stretch they collected 11 fish out of there. Doelle stated it was exciting to see a variety of sizes of brown and rainbow trout. There is a video in the making in the TCCTV office which will include footage of the fish shocking event. Upon Bawek asking if this information will be used as a base for us, Doelle responded yes. Doelle hoped that by showing a baseline of what is there, to what is there after, will ensure our success to continue to get grants. Doelle was approached by UW-Extension and also Trout Unlimited about hosting another field day. She is trying to determine whether they should be two separate events. Most likely it will be done in the Elk Creek where we have currently been working and wanting to show upland (cropland)

benefits of good conservation and how it affects the stream and also showing the stream restoration work itself to show the benefits of the fish habitat. These things are in the works for late spring. Doelle has attended an Elk Rod & Gun Club and an Arcadia Sportsman’s Club meeting because they wanted to hear more about what we are doing and the efforts that we are making to improve the streams. Arcadia will be hosting the Kids Fishing Day on June 4th from 11:00AM – 2:00 PM. It will be held just across the County line, up Swinns Valley, in Buffalo County on some work that they have completed. They asked us if we would be able to do the fish survey out there and Doelle agreed as it is exciting to see the “trickle down” effect and everybody’s enthusiasm of wanting to improve the waters. Britzius stated it was great to hear about everything that is happening and asked if Doelle’s ambitions include other watersheds besides the Elk Creek. Doelle responded yes, but right now this is the project that she currently has undertaken. Some discussion took place on the different watersheds and projects.

Conservation Poster and Speaking Contest (scheduled for this evening)

Doelle informed the Committee that the Conservation Poster and Speaking contest is being held today and the entries are significantly up from last year. Last year we had a total of 39 posters and 5 speakers and this year we have 111 posters and 19 speakers. Doelle is happy with the increased numbers of participation. The Speaking contest will be held this evening at 6:00 PM in the County Board Room and the posters will be judged later this afternoon. Doelle gave the Committee some specifics on the Speaking contest entries at the different grade levels and said that the speeches can be on anything conservation related. Doelle said the theme for the Poster Contest is “We All Need Trees”. Lien mentioned one of the speaking winners from last year won the County, Area and State contest. Doelle noted that we currently have a poster that won the County, Area and State contest last year and is awaiting results from the National Contest. Winners in each division of the Speaking Contest will present their speeches at the January 25th, 2016 County Board meeting. Discussion took place about the judges for the contests, etc.

LWRM (Land & Water Resource Management) and TRM (Target Runoff Management) Requests and Payment Approval.

TARGETED RUNOFF MANAGEMENT (TRM)

NAME	TYPE	AMOUNT	New CSA Total	Reason for change	Town
David & Jeanette Sonsalla	Contract	\$59,924.01	\$59,924.01	Stream bank Riprap	Arcadia
David & Jeanette Sonsalla	Pay Request	\$24,056.90		Certify Stream bank Riprap	
Seth A. Anderson	Contract	\$150,000.00	\$150,000.00	Barnyard Runoff Control System	Gale
Seth A. Anderson	Pay Request	\$150,000.00		Certify Barnyard Runoff Control System	
Eugene M. & Victoria A. Rotering	Contract	\$74,970.00	\$74,970.00	Access Road, Diversion & Underground Outlet	Burnside
Eugene M. & Victoria A. Rotering	Pay Request	\$21,963.87		Certify Access Road, Diversion & Underground Outlet	
Kevin M. Pronschinske	Contract	\$150,000.00	\$150,000.00	Barnyard Runoff Control System & Waste Transfer System	Burnside
Kevin M. Pronschinske	Pay Request	\$150,000.00		Certify Barnyard Runoff Control System & Waste Transfer System	
Neal E. & Denise I. Schank	Contract	\$86,400.00	\$86,400.00	Heavy Use Area Protection & Roofs	Burnside
Neal E. & Denise I. Schank	Pay Request	\$86,400.00		Certify Heavy Use Area Protection & Roofs	

Britzius made a motion to approve the payments as presented, Zeglin seconded. Doelle verified that all the projects have been completed. Doelle added that Sonsalla’s was the final project completed in the small scale grant we had for the North Creek and Newcomb Valley streams. According to Doelle, Sonsalla is so pleased with the work that has been done out there and that this was a lifelong dream of his to do this stream restoration. Doelle explained some of the other projects a little more in detail. Upon Bawek asking if the contract and pay requests are different on some of these because they were done in phases, Doelle responded yes, on Sonsalla’s and Rotering’s there were two payments because of the way the timing worked out to complete the practice.

Doelle gave some history on the Rotering project. Motion to approve the payments as presented carried with no opposition.

Wisconsin Land & Water Conservation Association Dues

Lien explained that the DLM gets billed annually for membership to the Wisconsin Land & Water Conservation Association (WLWCA) which is a result of the merger of WLWCA (Wisconsin Land & Water Conservation Association) and WALCE (Wisconsin Association of Land Conservation Employees), so now it is just one set of dues for the entire staff. Lien added that WLWCA has also requested a donation of \$50.00 for the Wisconsin Envirothon which has to do with promoting and educating youth. Doelle stated schools can participate in the Envirothon which is a one day, "team" type of competition, held annually in Rosholt, WI in the middle of April, where they are judged on different categories of conservation and environmental types of subjects. From the State competition they can move on to the National contest. Doelle has talked to some of the teachers that participate in our Land Judging Contest to see if they would ever have any interest in their schools putting together an Envirothon team and there is discussion about our County getting something going in the future. Lien clarified that he was asking for approval for the Department to pay the annual WLWCA dues for membership and also approval for the donation of \$50.00 to the Envirothon. Schultz made a motion to approve the payment of the WLWCA dues for membership along with the additional \$50.00 for the Envirothon, Britzius seconded, motion to approve carried with no opposition. At this time the Committee took a short recess.

Uniform Dwelling Code (UDC) Ordinance Revisions

Chairman Brandt called the meeting back to order. Lien introduced Larry Gilles, County Uniform Dwelling Code Building Inspector. Lien stated Gilles does our building inspection almost countywide. Lien referred Committee members to the Building Inspection Ordinance the County had adopted prior to 2005. There are some potential issues with it so Gilles had talked to Lien and Corporation Counsel, Rian Radtke about some possible amendments. Gilles explained that recently we had an issue which involved the City of Blair who has a UDC Ordinance adopting the building code. In the first line of the County Ordinance it says, "The County Ordinance will apply in all Trempealeau County townships, cities and villages" and Gilles crossed out "which have not adopted their own Ordinance" and left in "have requested County enforcement". Gilles said the City of Blair did request County enforcement but they also had their own Ordinance. If our Ordinance would say "or" we would be fine. Gilles explained a recent legal issue that the DLM was involved with in the City of Blair, thus was suggesting the change to the Ordinance language. Gilles has submitted the changed to Corporation Counsel but he hasn't heard back from him yet. More discussion took place on the specific situation that Gilles had referred to with the City of Blair and the Ordinance changes proposed. Specifically, Gilles pointed out that people weren't aware, i.e. for detached garage the UDC code requires that one has a concrete floor in it and that there couldn't be a wood burner in it and a whole list of other requirements; plan submittals for a detached garage are pretty detailed and they perhaps don't need to be. Gilles had talked to Lien about it and Gilles came up with some things that he thought are important to apply to detached garages but then people (by not adopting the whole code but just these proposed items) wouldn't be required to have a concrete floor if they didn't want it and would be able to put a wood burner in their garage if they want to. Brandt asked if the UDC code allows us to be less restrictive but not more restrictive. Gilles said only on detached garages. Gilles added we have the ability to apply the UDC code to other buildings, that aren't mandated to be under the UDC like single family dwellings and attached garages, so we could apply it to anything that we want to and then you can pick and choose to either enforce the whole code or portions of the code to apply to those types of buildings. Gilles was giving his suggestions for changes for what he thought was important and said if the Committee had things they wanted to add they could. More discussion followed on the UDC code in which Gilles clarified that these changes would not be retroactive, it would just apply to new permits going forward. Corporation Counsel Rian Radtke clarified that any changes would just go to the County Board for approval as it is not a zoning ordinance. Radtke inquired if we would need to contact the Department of Safety and Professional Services to get their approval. Gilles answered that anytime we change

the Ordinance we have to submit it to the State for their approval. Radtke clarified that if the Ordinance is approved here, we would send that draft to them for approval and once we got the approval from them, then it would be sent to the County Board for final approval. Upon Zeglin asking if Radtke had time to review the Ordinance changes, Radtke said he did and that issue was then discussed. Britzius made a motion to approve the slightly amended Ordinance changes and forward the Ordinance onto the Department of Safety and Professional Services for approval, Skoyen seconded, motion passed with no opposition. Brandt noted that it would be put on the County Board agenda upon hearing back from the State. Upon Bawek asking how much time actually takes place between an inspection request and the actual inspection, Gilles responded he tries to do them the same day. Gilles said he has a personal policy of staying in the office until approximately 9:00 AM each day and letting the contractors know that if they call before 9:00 AM he can generally get the inspection done that same day. Gilles explained he has 48 hours, by code, to get there after a request for a normal inspection and five days for a final inspection once that is requested. Lien explained that there were a couple instances last summer where contractors called that morning and said, "We're ready to pour concrete". Lien said we still try to get there but the contractor was reminded that the inspector has a workload and he sets up his inspections accordingly and that to call last minute is unacceptable, however we still try our best to accommodate them. Zeglin asked how/where the new housing starts were in the County. Lien replied DLM has been tracking that and he would have updated maps for the Committee to view at a future meeting.

Codification of County Ordinances including all DLM Ordinances

Radtke stated as many people already know he is working on a project to codify all of our County Ordinances and put them in a code book so that they are all in one place and indexed by chapter and section numbers. To make it easier for our staff and the public to find our Ordinances we will have them available online when the project gets completed. Radtke has gotten through most, if not all, of these non-zoning type/non DLM ordinances in plugging them into an indexed/chapter system. He has gone through a thorough system of updating. Anybody on the Board knows that he is repealing and revising and cleaning things up to get them current. Radtke would like to (and has talked to Lien about this) include the DLM Ordinances; (which are not always zoning ordinances) Subdivision Ordinance, UDC Ordinance, Comprehensive Zoning Ordinance Floodplain/Shore land, POWTS (Private Onsite Waste Treatment System) Ordinance but are overseen by the DLM, and include those in our code book. Radtke would assign them a chapter number and index them and have them available as part of our entire code. Radtke has looked at a lot of other counties and how they have done it and they have included such ordinances in their entire code book as well as their zoning ordinances. Often times zoning ordinances are treated differently because the Statutes require a different process to amend or adopt a zoning ordinance and so they are sometimes offset. Radtke added that sometimes other County's will keep them (zoning ordinances and non-zoning ordinances separate and codify them by two separate codes but noted there are very few. According to Radtke he talked to Lien about incorporating our current zoning ordinance, basically just changing the section numbers so that it can fit into the new code book. It wouldn't be any changes to the content, it would just be changes to the numbering and references to numbers within the Ordinance. Radtke has already started working on most of the ordinances excluding the Comprehensive Zoning Ordinance to start that numbering. Lien had suggested that this come to the Committee to talk about it and see if there are any concerns with including that into the entire code book and to update the Committee as to where things are with the project itself. Zeglin thought it seems to be a good idea to include them in the code book then everything is located in one spot to begin with. Brandt understood the difference in the zoning ordinances as to how they are determined and how their changed, etc. in relation to other ordinances and the benefit of having public access to the ordinances online and in one place/one book, and asked if the responsibility for enforcing and/or changing the ordinances moves at all. Radtke responded no. Radtke stated there is a provision that he has added into the administration section of the Chapter that talks about enforcement of the ordinances and will specifically identify which ordinances in that code book are enforced by which Department, i.e. law enforcement does law enforcement ordinances, etc., so it will be identified and it will be clear in the code who is to enforce those. To address Brandt's other question about blending it all into one code book, Radtke stated it doesn't change the fact that zoning ordinances still need to be treated differently because the Statutes require it

and Radtke didn't think they need to be two separate code books to achieve that and in fact, you may find that what you considered a zoning ordinance in the past is not a zoning ordinance, especially considering a recent Wisconsin Supreme Court decision which sort of clarified what is or is not a zoning ordinance, i.e. our Animal Waste Management Ordinance, even though it is overseen by the DLM, that is not a zoning ordinance that is a stand-alone ordinance that would have its' own chapter in the code book and if there is changes to that, it does not need to involve the zoning procedures but other changes to our zoning ordinance would require that. According to Radtke there would be a benefit to having two separate ones. Radtke stated his bias is that he would like to see it all in one book as he feels that would be the most efficient and that is what most other county's do as well. They would all be in one place, cross-referenced in one document. Anybody who knows or who has looked up our county zoning ordinances knows those are already on line and they are available on the website which is great, because our other ones are not, so it would basically be getting all of them in one place. They would still be accessible on the DLM website or the county's website. Lien knew there were some items in some of the ordinances that needed to be updated, i.e. DLM instead of Land Conservation Dept., and thought this might be a good time to clean up some of those minimal changes. Radtke responded that was a significantly larger undertaking than just re-numbering as Radtke said it took the Codification Committee a good year to get through all of those other ordinances. That is a large undertaking and Radtke is getting a lot of questions and pressure to get this code book completed so that it can start to be utilized by a variety of other departments as well. Radtke's thought would be to just make the changes to the chapters and get it into the code book. If there are other changes down the road that need to be made, which there will be, those could be made at a later time but to hold up the whole process while we sort out what needs to be changed in the zoning ordinances would significantly slow down the project. In regard to the Comprehensive Zoning Ordinance, Lien asked if changing the chapter or numbering was a significant enough change to require a public hearing or if Radtke can just do that. Radtke said he has researched that and there is no case law on that. Lien thought if we have to go through that process that we should include those minimal changes but if we don't, re-numbering is fine. Radtke thought that if one is simply re-numbering the ordinance and not changing any content whatsoever to the ordinance, just putting a different number in front of a section, that is not really an amendment to the zoning ordinance, it is an act of codification which the Statutes only require a completed code book on file with the County Clerk's office at least two weeks in advance of the County Board enacting that code book, so there isn't any public notice or our standard or usual notice in the paper which is required for an ordinance adoption. It is just a special rule for codification. Radtke explained to the Committee how changes/additions to ordinances would be inserted (by number or letter) into the codification. Radtke also pointed out some things that may be clarified by doing the codification. Radtke stated he wanted to present this to the Committee so when the codification was presented at the County Board people weren't surprised by what he is doing and if someone has other ideas he would like to hear them now before he puts a large amount of work into the codification. Bawek asked what the reasoning was behind the codification. Nelson, who was on the Committee, stated there were ordinances on the books from way back that didn't even apply any more so why not simplify things and get those off the books. Radtke added it was just to simplify things. Radtke elaborated on his first attempt to get copies of the Ordinances when he began working here. Radtke also explained what type of work has been done thus far. Radtke wanted the codification so that anyone who wants an ordinance can just "thumb through" the code book and find what they need to find easily. Lien asked if this was another "check and balance" when there are Ordinance amendments that they get followed through with as far as proper publishing and documenting so that the amendments are enforceable. Radtke answered that what he has proposed is that he will have a section in the code book where the Corporation Counsel will be the reviser of the code. Radtke continued that means if there is any new Ordinances, new changes, etc., they need to come to Radtke and he will insert them properly into the code rather than having two people trying to do that or having multiple people trying to do that, then you end up with multiple versions, it is best to have one person doing that. In addition to just having a code book, what Radtke's plan is to put in the code book when it was originally adopted, when it was amended and also reference the resolution number where it was adopted so that anybody can do any sort of legislative history of that section. By having that information in there, you will keep track of it because Radtke will need to know the date that it is effective and published, etc. so that he can plug that information into the

code book itself. It would also provide the most updated information. Radtke stated, to answer Lien's questions, yes this will make sure that we know what Ordinances we have, when they're adopted, when the last version was, so that people and the public and staff know that we have the right ordinance. Lien questioned, that in the past, the Advisory Committee was brought in and would make recommendations/changes, Lien would prepare the Ordinance amendments, bring them to his Committee for approval, Radtke would then review them, and a public hearing was held, if things were still going to work the same way. Radtke responded that it would still work that way. Lien asked if, regardless of the Ordinance under the Department of Land Management, he and his staff would still be making recommended changes (with Radtke reviewing) bringing it to his Committee but then Radtke would get the Ordinance after it is adopted by County Board so that it is inserted into the appropriate places. Radtke said that was right and in correcting what he had said earlier, stated part of the process Radtke described is Trempealeau County's process. The State Statute requires a certain process and allows anyone to file a petition to amend a zoning ordinance and then it has to follow a process where it goes to public hearing. The concept of having an Advisory Committee review and this committee make a decision and then go to public hearing, that is just sort of an informal process that Trempealeau County has realized in the past. Radtke isn't saying that has to be followed in the future, but for zoning ordinances Lien would still follow statutory requirements and any additional requirements that the Committee may want and then once it is adopted, at that time Radtke will be involved and saying this is where it is going to fit and what section it will fit into in the code. Lien clarified that the individual departments that have their ordinance, they will still be in charge of amendments, revisions, etc. and will follow whatever the state and county processes are. Radtke said yes, i.e. if the Health Department wants to change their Human Health Ordinance, they are going to walk that process through the Board of Health and present that to the County Board. Each Department is still going to do things related to their Ordinance. Brandt thought Radtke's position will be as keeper of the book, not decision maker as to how Ordinances get changed for what they are but rather just making sure that it is usable. Bawek said Radtke had stated that any party can bring a recommendation for an Ordinance change and asked if that would be a department or public. Radtke responded anybody and said that technically a rezone is a petition from a person in the public to amend the County's ordinance and so it can be a sense of moving land in or out of certain zoning district but it could also be to change our ordinance or add a provision to our zoning ordinance. The Statute says anyone can bring a petition to seek a zoning amendment. The Committee consensus was that they were in agreement with the codification.

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

Lien stated Kirstie Heidenreich and Ann Hempel are getting very close to finalizing the Farmland Preservation Plan maps. According to Lien, the Town of Hale made some major amendments to their plan to allow landowners more options to enroll in Farmland Preservation. When the maps are ready in early 2016 a public hearing will be scheduled with Peter Fletcher (MRRPC –Mississippi River Regional Planning Commission), Heidenreich, Hempel and himself and the Committee to review those plans, etc. and how it fits together in the County and move the process forward. Brandt commented these are all to make landowners and the County eligible for Farmland Preservation and the Agriculture Enterprise Zone certification.

Surveying Update and Payment Approval – Lien stated all Committee members should have a copy of Nelsen's report in their folder along with a bill. Nelson submitted a bill for maintenance of the monuments in the areas of T23N, R8W and 24N, R7W. Nelson made a motion to approve the report and bill payment, Skoyen seconded. Motion to approve passed unopposed.

Discussion and possible action on Resolution regarding Assembly Bill 582/Senate Bill 464

Brandt referred Committee members to a resolution that has been drafted in regard to this bill. Brandt called on Britzius to update the Committee on what is happening. According to Britzius the Towns Association is very concerned about this bill. It is an ongoing struggle between what could be characterized as personal rights and community rights. Britzius said the Towns' Association has called this particular piece of legislation, "One the most damaging bills to local control in recent memory". Britzius added that one of the things that is really

concerning about this bill is the fast track that it is on. In commenting on the resolution Britzius said there are two full pages of “whereas” so there are a lot of things to object to in this bill. Britzius disagrees with the way this bill is written and feels that personal and private property rights are important. To have a vocal community be able to look at individual situations as this Committee does over and over is an incredibly important thing. One has to look at situations and make decisions based on local happenings, local realities. One of the biggest parts of this bill is that it allows a landowner to make an application in one part of the state and it applies to land that is owned by the applicant all over the state. Britzius is very much in favor of this opposition. Schultz (speaking in every capacity) stated he was glad this is on the agenda. Britzius had mentioned that this bill is a collection of bad ideas that have failed in the past and Schultz thought that was an important message that Madison is going to be receiving from people. Schultz couldn't see how this bill could succeed and he wondered who is truly driving this bill. Schultz made a motion the Committee approve the resolution, Britzius seconded the motion. Brandt read the proposed resolution regarding Assembly Bill 582/Senate Bill 464 aloud. Schultz had contacted Senator Vinehout's office yesterday as he was curious about the timeframe on this and it is moving fast. Upon Skoyen asking who had written the resolution, Britzius replied DLM staff. Zeglin had some comments in the interest of full disclosure, stating both the Senate Bill and the Assembly Bill have had their committee public hearings but it was her understanding that each committee has not voted on these bills yet to bring it out of committee to full Senate and Assembly votes. When the public hearings took place, Zeglin checked the legislative website to see which organizations came out in support of the bill and which opposed. Zeglin was surprised, at that time, to find the Wisconsin Towns' Association had changed its view since the 4 or 5 of us attended the conference in Eau Claire. At that time the Director of the Towns Association came out strongly in opposition of these bills so Zeglin was surprised to see that change. Essentially, they were neutral. Zeglin had an e-mail correspondence exchange with Mike Koles, the Director of the Wisconsin Towns' Association, unfortunately she failed to bring that correspondence with her, but the Towns Association and their lobbyists have been working behind the scenes to make amendments to both of these bills so some of the harsher language had been softened but still not to Zeglin's satisfaction as a town board supervisor. Brandt asked if anyone had a sense of the rationale as to why anybody thinks this is important to do this. Schultz also questioned what is to be gained or what this Bill will accomplish as he didn't understand. Schultz questioned what this Bill is opening the door to in terms of permits, etc. Schultz thought this Bill opens Pandora's Box that the authors probably haven't fully considered and there could be sadly humorous consequences to something like this. Zeglin agreed the Bill could have far reaching consequences and thought this Committee should oppose it. Radtke wanted to let the Committee know that the resolution that is in front of them was prepared based off of the original Bill. Radtke wasn't sure if the Committee was aware that there was an Assembly sub suit amendment offered on the 4th of January and a public hearing on January 7th where that was discussed and it changes some of the provisions and perhaps that is what Zeglin alluded to about “softening” some of the harsher terms. Zeglin commented she didn't know there was a public hearing on the amendment. In the resolution, Radtke said there are references to the different sections in the Bill, i.e. on the second page it talks about Section 22, 23 and 24. Radtke said each of those sections were removed as part of the sub suit amendment so Radtke said it wouldn't make sense to reference those because those section numbers are gone. Radtke continued that there was an amendment to 66.10015 (b) and (d) and those were also removed. Britzius asked if since those were removed were there other parts of the bill that still retain that intent to be able to do things so broadly. Radtke stated he had just learned of the sub suit amendment this morning so he hasn't been able to fully digest what those changes are, he was able to determine what the changes were but hasn't been able to sit down and think about how this all fits together because there are a lot of different topics happening. Britzius suggested asking staff and Corporation Counsel to clean up any parts of this that aren't correct and we could still pass this thing and send it on. Brandt said it appears that Britzius, Schultz and Zeglin are aware that the fast tracking makes it important that we get our message to our legislators as soon as possible. Zeglin didn't think we could wait on this until our next meeting as it may be too late to voice any concern that we have. Bawek commented that some of what was deleted is probably just a tactic to cause confusion in the opposition to simply slow down the process of opposing what was being presented. When he read through this, Bawek thought it boiled down to an issue of money and to him common sense and dollars and cents will always be

opposing forces. Money should not be the only motivating factor when making the decision that will affect the common good. Clearly this Bill is intended to monetarily benefit the few at the expense of the many. Bawek agreed with Britzius and Schultz that this Bill has enough points in it that this definitely needs to have some opposition to undo some of the harm that they are trying to create. Brandt asked Lien and Radtke to clean up those references to the amended Bill in such a way that we retain the urgency but are also more correct in the numbering of the references. Radtke thought they could clean up the resolution but to analyze and inform the Committee what are changes that is going to be hard to do. More discussion took place on changing the resolution. Radtke preferred that any changes to the resolution be made by the Committee and not necessarily he and Lien because Radtke has run into issues in the past where the Committee approves something and then basically presenting words that were not presented to the Committee on behalf of the Committee. Radtke liked Zeglin's idea to just remove those sections that don't exist or are miss-referenced and do the appropriate renumbering. Zeglin made an amendment to the original motion to remove (in the second paragraph on page 2) "Sections 22, 23 & 24" and also at the bottom of the page remove "Section 11 of" and the reference to these particular sections. Britzius clarified that Zeglin still wanted the "Whereas" along with the paragraph, however just strike the sentence that says Sections 22, 23 & 24. Zeglin clarified that just the entire second sentence in that paragraph should be removed. Britzius seconded Zeglin's amendment to the original motion. Brandt read aloud that the section should read, "Whereas AB582 also prevents the Comprehensive Plan from being used, etc." Motion to approve Zeglin's amendment to the resolution passed with no opposition. Motion to approve the resolution and sending it to the people mentioned passed with no opposition. Britzius made a motion to bring this amended resolution (with the appropriate changes for County Board) to the full County Board on January 25th, 2016 for their approval. Zeglin seconded. Lien clarified that the Committee wanted this approved resolution sent out immediately to the appropriate people and then when County Board approves their resolution to send it out again to the appropriate persons. Motion to approve the resolution going to full County Board on January 25th, 2016 passed with no opposition. Brandt stated we did approve a resolution and requested that DLM staff send it to our representatives and a number of other people. Bawek pointed out that we don't have a corrected copy, so to speak, with the amendments/deletions to the original resolution. Brandt suggested that nothing on the page with the signatures is being deleted or changed. Lien left the meeting to get the resolution updated with the changes, for the Committee to sign today.

Notice of Community Forum on Air Quality Testing Results sponsored by the University of Iowa to be held February 4th, 2016 in the Tremple Room of the Courthouse

Brandt reminded the Committee of this meeting starting at 6:30PM. The meeting is to discuss the findings of the University of Iowa based research study to assess environmental air quality exposures in the vicinity of silica sand mines. A brief discussion took place on the meeting content.

Review of Comprehensive Zoning Ordinance, Section 2.05, Table of Uses

Lien stated he was having some conversations with Peter Fletcher from MRRPC in relation to the Farmland Preservation and zoning districts and their conversation lead into some work he (Fletcher) is currently doing in Buffalo County. Lien referred to Section 2.05 of the Comprehensive Zoning Ordinance, Table of Uses. Lien stated, historically, we have always had nonmetallic mining under "industrial" uses but it was only permitted as a conditional use permit in an agriculture zoning district. The intent and reasoning behind that was to provide mining activity for local infrastructure, rebuilding of roads, borrow pits, etc., and then they could either stay open, meeting Chapter 13 or Chapter 20 of the County ordinances or they could be reclaimed after the road project was done. Lien noted that has been exercised multiple times in our County. Related to industrial sand mining, in Chapter 13 when we broke out the definitions from construction aggregate mining versus industrial sand and we also expanded the conversation related to metallic mining, construction aggregate fits well with conditional use in an agricultural zoning district. In looking at the Table of Uses that would be a conditional use in Exclusive Agriculture, Exclusive Agriculture 2, Primary Agriculture and Transitional Agriculture. Industrial sand would be a conditional use only in an industrial zoning district and metallic mining would be the same- a conditional use only in an industrial zoning district. Brandt clarified that for industrial sand or metallic

mining there would first have to be a rezone to industrial zoning and then there would be a conditional use permit within that zoning district, therefore it would be a two, public hearing process. Lien said that was correct and that many times we can have the hearings back to back with the rezone petition first and the conditional use permit hearing following that with a condition that it is pending the rezone petition passing at the County Board. Lien thought this change seems to fit the Ordinance better. Lien was perplexed as to why we had some of those uses under “industrial” uses but yet they were conditional in agricultural zoning districts. When one looks at the history of the Ordinance that was adopted back in 1997 and what it was meant to apply to, it was primarily to construction aggregate so that one could get permits where the infrastructure was needed. Brandt commented this is not something new – apparently industrial uses are a conditional use in an industrial zone as are salvage yards and saw mills. Upon Brandt asking if this change would require a public hearing, Lien responded not right now as this is just a proposal to the Committee along with several other agenda items that we will be discussing today. At this point the Committee moved to agenda items #20 and #21.

**Review of and Possible Action on Amendments to Comprehensive Zoning Ordinance –
Chapter 13- Non-Metallic Mining and Review of and Possible Action on Public Hearing Procedures**

Lien reminded the Committee that at the last meeting, they charged him, Radtke and Zeglin with coming up with some language related to some proposed amendments and some of this is a result of that. Lien asked Budish to display the Comprehensive Zoning Ordinance on the overhead screen. Lien didn’t think this was final language but thought the Committee could discuss what the three of them had discussed. Lien referred the Committee to Section 13.01 and stated they had talked about inserting language that applies further back in the Ordinance related to the market values of lands. There would be an insertion in the front part of the Ordinance where it reads “at a given location the impacts of such mining and operation on the general health, safety and welfare” and we would insert in there “the market value of lands”. Lien added we don’t have that change detailed right now but that is what was discussed. Lien stated this came from Section 13.03 if one looks back under “3” on Page 95 of the Ordinance and was related to our discussion with property values. Lien read aloud from “3” “Factors to be considered for adopting conditions”. Lien said we had conversations and had proposed an amendment there to read, “Factors to be considered for conditional use permits” and eliminate the word “adopting” and when one reads factors; 1 through 8 these also talk about property values and are the factors for the Committee to consider. That is where they had added some of that additional language (13.01 upfront) to reaffirm property values and also added the market value of lands. Zeglin recapped that Section 13.03(3) would be re-titled “Factors to be considered for conditional use permits” and then adding “the market value of lands” to the front of Section 13.01. At this time the Committee took a short break.

Brandt asked Radtke if he could proceed with the review of the public hearing procedures. Radtke noted this was part of what he, Lien and Zeglin had discussed in their meetings. Radtke referred the Committee to a handout titled “Formal public hearing notice procedures for Conditional Use Permit application” and then there is a letter as well which would go to a property owner. Radtke said, that when we left the last meeting, one of the things was to come up with a way to deal with the property value problem or issue or how to put some requirement in the Ordinance that efforts be made to resolve any property issues. The big question was what happens if there is an impasse. In thinking about and talking further on it, Radtke didn’t think there was a way to include that as a requirement in the Ordinance without opening up a handful of many other issues and so what Radtke suggested to Lien and Zeglin was that we, instead, notify neighbors in an area and tell them or lay out what the conditional use process is and encourage them to communicate with the applicant if they have concerns and that if they can’t work something out then they will need to appear at the hearing and present evidence so that the Committee would make a decision. Radtke said the next question was who gets a notice and who doesn’t get a notice of public hearing. Right now we provide notice just to the adjacent property owners and if Radtke recalls correctly that is not even an Ordinance requirement, it is just something that we do and it is based off of information provided by the applicant. Radtke said that a point Lien has brought up in a variety of different areas here, is that the topography of Trempealeau County is such that we can’t just lay down a ring of 100 feet, 500 feet or 1000 feet because the impacts vary depending on where you’re located and what

the topography is. The public hearing notice procedure document that the Committee has in front of them sets forth a mechanism for the DLM to make a determination as to who should get a “courtesy” notice (it is not required by law to send this and we’re not creating any special right by saying that they would get this notice). It would be more of looking at the area or topography and consider where the valleys and ridges are and who may be impacted and then send out a notice of the public hearing along with this draft letter which sort of spells out the process briefly and encourages the property owner, if they feel they may be impacted, to contact the applicant and work out issues such as property values, structures, wells and nuisance factors. If those items are not resolved by private agreement and if that property owner desires the Committee to consider such issues and concerns then the letter is telling them that they must appear at the public hearing or submit a written submission for the public hearing in order to present evidence of their issues and concerns to the Committee which is what the letter reads. The letter reads “Please know that evidence you submit should be credible and relevant and geared towards proving or disproving a standard set forth in the Ordinance”. Radtke added that language there, to again, just sort of inform the property owner that these are the appropriate things for the Committee to look at so that the property owner is aware of that and hopefully to not go outside of that type of information. It also indicates that they may desire an attorney to assist them. That is just something to put out there. We’re not giving them advice how to do this, we’re just telling them the process of what the permit goes through and that the Committee is asking the property owners and the applicant to work out private agreements related to any issues that may be out there. Finally, if they don’t appear nor submit anything in writing, their voice wouldn’t be heard and the decision will be made without their input. Radtke stated often times, people in the public, i.e. property owners, neighbors, don’t always understand the process and this would just be an effort to outline the basic procedure that this Committee goes through so that they can be aware of it, at least on an elementary level. Upon Brandt commenting that this is an educational notice as well, Radtke stated the first line says, “as a courtesy” as it is a courtesy notice and is not required by law or our Ordinance, but Radtke is presenting this to the Committee as something they could adopt as procedure for the DLM to follow that would help outline these issues and the process to follow. Bawek asked who pays for the letter. Lien answered that DLM sends out and pays for the letter as part of the application process. When they bring in a completed application, they pay for the public hearing which is a \$200 fee and that pays for the newspaper publication and also some of the fees for mailing out. Bawek clarified that cost will come directly out of the \$200. Lien said yes and that he wasn’t sure if that covers everything but it also depends on how many notices we have to send. Gamroth commented that the fee was basically to cover the statutory newspaper publication and that the number of letters sent to ad joiners varies with each application. Zeglin stated the procedure change and the letters definitely will require more work by DLM staff and the fee will probably need to be reviewed at some point in time to reflect that extra work being put forth. Gamroth asked if the letter being proposed couldn’t be an attachment to the letter we currently send. Gamroth took it as a separate letter. Lien clarified that the proposed letter would go into the envelope with the hearing notice. Bawek commented that, at Lien’s determination, this letter may be sent to a lot more people than is being done right now so we don’t want to put an undue burden on the taxpayers of Trempealeau County. Bawek thought that should come through the permitting process. Gamroth commented DLM currently sends out the letters based on who the applicant puts on as the adjourners and questioned why different people would be getting the letter than who we are currently sending them too. Brandt responded that is the point of the language or of the formal public hearing notice procedure change. Lien commented now DLM will review that list to expand possibly beyond the applicant’s list. Brandt added that the Director or the designee shall determine which other property owners may be impacted by the CUP in addition to the adjacent property owners so that is the assumption, again, that our topography is not conducive to drawing rings around sites. Bawek voiced that it should be noted that not all people get notified from project managers. Bawek said there have been people that have not been notified that are immediate neighbors. Gamroth commented that, on the other hand, there was also a lady that came to the meeting and said she didn’t get a letter, nor does she have a computer or get a newspaper so questioned how we are supposed to notify everyone. Britzius responded that we can’t ever notify everyone but we’re broadening the number of people that we do notify. We’re going to look at the topography, as this is what this is all about. Gamroth thought we are going to be liable for who gets a notice and to her that was going to “open a can of worms” because she has

been in that position and our fallback was always that the applicant provided us with the list of adjacent landowners. Radtke responded that the notice is a courtesy, it is not establishing any sort of legal requirement that a certain group of people obtain, and it is a discretionary decision based off a variety of factors and variables that are weighed. The idea is to possibly expand who is currently getting noticed beyond just the adjacent property owners because the issues, as was discussed, is that there are more people who come forward, who say they don't get noticed or may want a notice and may have issues and may be impacted and this is more of a courtesy to say this application has been filed, if you think you might be impacted, contact them in advance or show up at the hearing. This has come up a number of times in the past and Brandt said we have the authority under our Ordinance, which is outlined in the first page of the proposed changes to the formal public hearing notice procedure and the language says, "it allows the Environment and Land Use Committee to adopt any formal or informal procedures related to public hearings" and we have done that a number of times by changing the form, putting seals on things, requiring people to call two weeks in advance to say their bringing in special authorities, etc. so this becomes another one of those procedural changes that we have the authority to do and we have spent hours talking about property value guarantees and have not come up with a desirable solution. This requires the citizens, who are potentially affected, to be more involved in the process of determining how it is they get their wishes satisfied. They will have to work as well. The citizens in this County have done that and more citizens will have to learn how to participate in these processes, so this becomes encouragement as well as education. Britzius is all for encouragement and education but he hears Gamroth's point as she is going to be in the hot seat when someone says why were you courteous to them and not to me. Gamroth re-iterated that our fallback was always the list was provided by the applicant therefore DLM was out of it. Lien stated the last sentence in the fourth paragraph says, "This policy does not create any right to receive notice of the public hearing beyond the notice requirement set forth in the Ordinance". Lien thought this just acknowledges that we will review the application more thoroughly in regard to who receives a letter and expand on it if we see it necessary. Bawek stated one could simply put an addition to the letter worded, "in conjunction with the names given to the DLM by project owners" and that will still give the DLM a fallback. Schultz commented someone else on staff would be compiling the list, but Gamroth will probably be getting the phone call and then she can refer it to Budish or Lien. Gamroth stated if she can answer the call, she does that, if she is unable then she transfers it to someone else. If Gamroth didn't send the letters out, she would have to transfer it to someone else because she should have no idea what they sent or to whom they sent it. Lien added that the same answer will still apply that it is a courtesy. Schultz added and then Gamroth would refer them to whoever the decision maker was. Zeglin added that under current procedure the applicant provides the names of the adjacent landowners and it has been proven that adjacent landowners have been left out of that particular loop whether intentionally or not. This would remove the applicant from doing that, thus giving that responsibility to DLM. Either way DLM gets blamed as they still get blamed under the current procedure for leaving people out and this gives DLM a better handle on exactly who gets a letter and that the right people get the letter, together with our current mapping system, etc. It also allows for the expansion of those letters for people who would be affected geographically, not only the adjacent landowners. Brandt thought it was important to point out that what we have in front of us is a Table of Uses change, a formal public hearing notice procedure change and a copy of the letter that is being suggested by DLM staff and Zeglin. Brandt asked if these items needed to go to a public hearing in order to make that part of our Ordinance. Radtke clarified that the formal public hearing notice procedure would not but the other changes to Chapter 13 and the Table of Uses would require a public hearing. Radtke added that, it may not have been obvious, but this procedure relating to conditional use permit public notices applies to all conditional use permits and not just non-metallic but everything that requires a conditional use permit. Zeglin commented that she didn't think the Committee should schedule a public hearing at this point because there may be some other changes that we would need to do to the Ordinance when we finally complete the study of the Moratorium Committee Health Study Report and we have not concluded discussing that yet. Brandt agreed. The Committee moved on to the recommendations in the changes of policy. Lien clarified, as Zeglin had stated this would eliminate from the applicant submitting the list, that it would not as Lien still wanted the applicant to do that because Lien still wants the applicant to know who they are working around and to provide that list of names and addresses (as

that takes a little bit of the workload off DLM) of adjacent landowners. DLM will then review it and then that gives DLM the ability to expand on that list if needed, related to any conditional use permit or public hearing process. Lien still wants effort to be required on the applicant's part to look those up, just as we require now. At approximately 12:30PM, Skoyen excused himself from the meeting. Brandt asked for a motion to change the procedure related to public hearing procedures; notification. In regard to this letterhead, Linda Mossman questioned where does the property owner know who is the company and phone number and contact? Lien stated when the notice is sent out to people that information will be included. We send out a notice saying who is applying, what they are applying for and then the letter will be an addition to that notice. In regard to Mossman asking if the letter will include the applicant's name, contact name and telephone number, Mossman asked if DLM gave that to the public if that wouldn't eliminate a phone call to the DLM office asking for it. Radtke thought the DLM should ask the applicant to provide a contact name and telephone number to provide to neighbors who have questions. More discussion took place in regard to this issue as to whether that would interfere with information which should be presented at the public hearing. Budish wanted to clarify that the letter would contain the landowner name and phone number and the applicants name and phone number and perhaps a list of all the entities involved. Lien instructed Budish to ask the applicant who to contact and what telephone number they would like people to call. Zeglin felt that was information (a contact person) that the public should have anyway, other than just Land Management. Britzius thought this seemed like an educational effort to get more information out to more people. More discussion followed. Nelson made a motion to approve the policy changes in the public hearing notice procedure which would include the draft letter of recommendation, Britzius seconded. Gamroth clarified that the motion was to approve the Conditional Use Permit application public hearing approval procedure and the formal public hearing notice procedure for Condition Use Permit applications. Motion to approve carried with no opposition. Due to time constraints the Committee decided to set up a special meeting to deal with the Final Report on the Public Health Impacts of Nonmetallic Mining.

Confirm Next Special Meeting Date and Regular Meeting Date

A special Committee meeting date was set for Wednesday, January 27th, 2016 at 1:00 PM in the County Board room. The next regular Committee meeting date was set for February 10th, 2016 at 9:00 AM in the County Board room.

A notice of possible quorum will need to be posted for the February 4th, 2016, Community Forum on Air Quality Testing Results as several Committee members are planning to attend.

At 1:48 PM, Britzius made a motion to adjourn the meeting, Nelson seconded, motion carried unopposed.

Respectfully submitted,
Virginette Gamroth, Recording Secretary

Michael Nelson, Secretary