

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

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

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

Committee members and DLM staff introduced themselves. Committee members present: George Brandt, Beth Killian, Jeff Bawek, Aaron Kidd, Mike Nelson, Jon Schultz, Curt Skoyen, and Kathy Zeglin

Staff/Advisors present: Kevin Lien, Virg Gamroth and Kirstie Heidenreich. DLM staff members Mark Carlson, Carla Doelle, Ann Hempel, Kyle Johnson, Chelbi Stromblad and Corporation Counsel Rian Radtke were present for part of the meeting. Others present: Lyman Back, Gary Bixby, Tom Helgeson, Shannon Leer, and Roland Thompson-Town of Gale Chairman, Tom Forrer, Anna Malzacher, Jerry Kreibich, Carla Radsek, Todd Anderson-US Cellular, and TCCTV Videographer Nancy Bergman.

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

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

Adoption of Minutes - Zeglin made a motion to approve the October 12th, 2016 regular meeting minutes, Killian seconded. Killian mentioned she had emailed Gamroth some minor corrections to the minutes. Bawek had several minor corrections. Motion to approve the amended meeting minutes carried with no opposition.

Public Hearing - Land Use Change/Rezone - Exclusive Agriculture 2 (EA2) to Rural Residential (RR) - Verdalee Bjorge Irrevocable Trust, Landowner, Michael Bjorge, Trustee, Petitioner, Whitehall, WI. – Town of Pigeon Brandt opened the public hearing at 9:10 AM. Killian read the public hearing notice aloud. Carlson stated they want to split the property up between family members. Because it is currently zoned Exclusive Agriculture, they had to rezone it a higher density to be allowed to split it up in the number of lots that they desire. Rural Residential zoning allows 4 parcels per forty so they chose to go with that zoning. Carlson has a letter from the town but has not received any other correspondence in regard to this hearing. Ann Malzacher introduced herself and said she is Verdalee Bjorge's daughter. She stated she represents herself and seven other siblings (she is their Power of Attorney) and her brother Michael does not inherit this land however, he is the trustee right now. Malzacher said her mother has him as the trustee. Malzacher explained there are two individuals who are keeping their acreage and eight of them want to sell. Michael Bjorge also wants to buy a portion of that land. So, it has to be rezoned in order to sell. Malzacher said Michael Bjorge wants the middle part and then there is land up on the top and land on the other side of the buildings. The buildings will actually go to Malzacher's brother John. The land has already been surveyed. Brandt stated there are a number of people who are interested in testifying.

Shannon Leer- Registered to testify in opposition. Leer stated he is in opposition to it. He said he might be wrong and questioned if it has to be rezoned to sell it. Carlson responded that is just a zoning designation. That doesn't mean there is going to be five houses there. Leer said they have mapped off four lots. Leer asked if it was sold in one piece, does it have to be rezoned to residential. Carlson explained they are splitting it because they want each person to have certain parts of it. If they weren't splitting it up in that many pieces, it might have been able to be rezoned to Primary Agriculture instead of Rural Residential. Leer explained that he lives just to the

northwest of the property where they are showing what looked like to Leer as two lots here and one here (referring to the overhead aerial map). Leer pointed out where he lives. Leer stated he is in opposition of property being next to his rezoned where it could very easily be lotted off and have a bunch of houses built. Leer said he didn't move and buy a place out in the country to look out and see houses. Leer stated he has spoken to Michael Bjorge and that Malzacher said that Mike's not part of it, but according to Leer, Malzacher just told him while he was sitting in the back of the room that Mike bought out John's share. Malzacher explained that Michael bought out John's 8.7 acres. Leer agreed and stated that Mike is going to stay there. According to Leer, Mike is not for having houses built above him. Leer stated he is willing to work out a deal to purchase the land. Leer does not want to have it rezoned to residential if he is going to be purchasing it because it doesn't need to be rezoned to residential to be sold and you said that if you guys sell off your forty acres that is what you need to get your money. Leer reiterated if there is no need to have it rezoned he would rather not have it rezoned if he is someone that is purchasing the property.

Lyman Back – Registered to appear and testify for information only. Back stated he is a neighbor and he is not for or against it but he really doesn't see the purpose of having this go through and having it as residential because it is in primarily ag country. It's not like it is next to the Village of Pigeon so Back doesn't really see the need for having it done. Back stated he would like to have the letter that the Board sent in and see what they had to say. Brandt noted that would be coming up.

Brandt called for any other public testimony. There being none, Carlson read aloud the letter from the Town of Pigeon which stated the Bjorge Family Trust has applied and been approved for a zoning change by the Town of Pigeon board with a unanimous vote on September 7th, 2016 to change from agricultural to residential. We urge the Trempealeau County Land Use Committee and County Board to support such a change. Brandt called for any other public testimony. Brandt closed the public hearing at 9:17AM. Brandt said there seems to be a concern related to the rezone (and they haven't used the word) but the permanence of the rezone and what that will mean in the future related to possible development. Carlson explained it is all a density issue related to the number of parcels for that forty acres. Carlson said houses could be built on it, but that is just a designation for density purposes for zoning to be allowed to split it up into greater than two lots. Exclusive Ag zoning only allows one lot per 35 acres. Carlson didn't know what their intentions are but the whole purpose of the rezone was to allow for the density for the number of lots to be created for that seventy-five acres, but they very well could build a home on each lot. Brandt clarified that by zoning to Rural Residential there is nothing to prevent them from building homes on it but there is nothing that says they have to build. Schultz asked what the desired number of lots was. Upon Carlson inquiring, Malzacher replied there are actually eight that will inherit and want to sell. Malzacher didn't know if that meant eight lots? It is 8.7 acres per child. Lien stated right now the zoning is Exclusive Ag 2 which, as Carlson stated, has a density of 1 per 35. Just looking at the proposed map, Lien said it looks like roughly four lots. The next highest density is Rural Residential which they are applying for which is four lots per forty but there are other caveats to go with that. Every lot has to have 100 feet of public road frontage. They can't be landlocked so one is really limited. Unless they want to spend the money to bring in a town road, they are really limited to how they can subdivide it anyway. Lien said he first understood it as a group of you have a vested interest that want to sell a larger parcel. Malzacher responded we do and we are not selling these individually as there are eight together that are selling. Malzacher stated the reason why it is broke up like this is because her brother Michael wants to buy this one parcel in the middle and sixteen acres of that, right now someone is keeping. He bought John's. John and Patrick are keeping that. We agreed to sell to Michael, Malzacher said but we have to sell the other property because we're not farmers or hunters. We don't need the land or want it. The reason it is four parcels is because of Michael buying. If Michael didn't buy, that sixteen acres would be surveyed in there somewhere but it would probably be only two parcels then. Michael wants to buy that so they want to see if that can happen. Someone asked what if it never happens, they never sell to Michael. Malzacher responded that Michael says he wants to buy it and that he is going to buy it and we said that would be contingent on our selling the other pieces of the land. Malzacher said if Michael never buys it, then she doesn't know what will happen. He is the trustee and he may never deed it over to the rest. Malzacher didn't

know. Brandt stated that in terms of the zoning limitations, Lien pointed out that road frontage is an issue. Brandt asked if B Jorge Road ends at the property line or does it continue into that property. Malzacher replied it continues into the property- the town road continues in enough to give frontage for somebody to purchase that. Brandt clarified it was the northern parcel that says "to be sold" on it and the southern parcel has Tuff Coulee Road going right through it so that has plenty of frontage. Malzacher said where Michael wants to buy there was 100 feet of frontage road kind of on the edge of that property so he would have his frontage. Brandt commented the road is an issue and it appears there are basically four divisions of the 77 acres. As far as the road goes, Zeglin didn't know and there was no one here from the Town of Pigeon who can tell us but Zeglin was thinking most town roads would end at the property line. Malzacher explained they extended it and that part was already done. Ann Hempel from Land Records pointed out what was owned by the Town of Pigeon. In addressing Back and Leer, Brandt said it appears that the division of the property is four parcels each of them with some sort of caveat; Michael will buy, Michael won't buy, this has to be sold first, etc. As Brandt had suggested earlier, it sounds like Malzacher basically needs this rezone to sell. Brandt asked if this had been surveyed. Malzacher replied it isn't going to be surveyed until it's rezoned. They do have a surveyor lined up. Lien reminded the Committee that in Rural Residential zoning all the uses that are allowed in the Exclusive Ag 2 district right now would still be permitted uses in the Rural Residential zoning. The only thing that would change would be the maximum density of four parcels per forty versus one per 35 which is what is allowed under the current Exclusive Ag district. Lien said everything is under the trust under common ownership minus what was surveyed out that says "John's" on it now. Because that was surveyed that creates a parcel in itself so that one has to be subtracted from it so there could be a maximum of seven additional lots providing they meet all the requirements. For everyone's understanding, Schultz clarified that density will match what their hoping to do and those plans may or may not change but that is all out of our control. Brandt noted that we've heard the concerns here and that Leer had said that he would be interested in buying apparently that northern section but that really doesn't weigh on what our decision is here today. Bawek stated that Malzacher had said the average lot would be 8.7 acres so Bawek questioned if this is zoned Rural Residential and one owns one of those 8.7 acres, you can't build a house on it. Lien replied yes you could. Schultz clarified that 8.7 acres isn't the lots that is the breakdown of each share per child of what they got deeded. Lien added that if they group them like Malzacher was talking about there could be larger parcels. Lien stated by allowing the rezone it gives them some options to be able to create some parcels. Right now, with the way it is zoned, they don't have that option. Bawek inquired, that if they each ended up with 8.7 acres, if they could build a house on it? Lien explained that density is every lot that is allowed to be created is assumed to be buildable, so we don't look at whether or not a house will go on it because no lots are deed restricted. They have to meet all the zoning ordinance requirements; whether they can get a septic on it, whether they have a buildable area that isn't exceeding slope requirements and if it meets all that, it is assumed to be buildable. Bawek inquired if you could end up with more than four houses per forty. Lien replied no, that is a maximum density so they can't create more lots than that - that is the maximum amount of lots. Lien added whether or not somebody builds on them or puts houses there is really irrelevant. Lot creation in itself is assumed to be buildable, so every lot that is created in the County goes through the same criteria of having to have road frontage, meeting the width to depth ratio and then it is up to them whether or not you can get a septic system in. Lien elaborated on the few lots in the County that are not buildable and why. Upon Lien stating that in an area like this or looking at this, one would assume every lot created could potentially have a house on it. Bawek commented that would be each 8.7 acres. Lien responded no as Rural Residential zoning has a maximum density of four per forty acres. Bawek questioned if they split the land up in 8.7 acre increments can they build a house on that 8.7 acres if it is zoned Rural Residential. Lien stated they can't split the land up into 8.7 acres under Rural Residential zoning because that would be too many lots for the acreage. They would have to rezone to a higher density such as R-8 or R-20 or something like that to create multiple lots. Bawek asked if anyone wanting to buy this land which is zoned Rural Residential can come back and have it rezoned to Exclusive Ag. Lien said sure. Bawek made a motion to approve the rezone, Schultz seconded. In regard to Parcel B (the big one in the middle of the map), Zeglin asked if that had 100 feet of road frontage. Lien commented it looks like they connected in two spots and asked Malzacher about it. Malzacher said there was a corner where it wasn't quite 100 feet so they had to go the other way. Malzacher stated they have a Realtor® that is working with them on this and so he

figured that out. Lien asked if when the corner on County Road W was surveyed if it came out to exactly 100 feet. Malzacher replied “No, it comes out to about 90 feet or something like that”. Short of building more roads into these parcels, Zeglin verified right now it is limited to the split that we currently see. Brandt stated because of the road frontage. Lien said no because it looks like there is a piece that extends across the town road so by Statute that is a separate, buildable lot in itself. Lien elaborated that lot is a separate, buildable lot without subdividing anything because the public road divides the property. Motion to approve the rezoned passed with no opposition. Brandt noted this rezone needs to go to County Board for final approval.

**Public Hearing - Land Use Change/Rezone –Transitional Agriculture (TA) to Commercial (C)-
Ellen E. Helgeson-Hayes, Landowner/Petitioner, Independence, WI - Town of Burnside**

Brandt opened the public hearing at 9:34 AM. Killian read the public hearing notice aloud. Carlson stated Helgeson-Hayes proposed what she wanted to do with this property and it has to be zoned commercial because it would be considered lodging. A bed and breakfast and a boarding house requires that the owner of the property live at the premises so by rezoning it to commercial it could be considered lodging like a motel except this is much smaller. Carlson received a letter from the Town and from one of the neighboring property owners but other than that Carlson has not received any other correspondence. Tom Helgeson, brother of the applicant was present to represent the applicant, Ellen Helgeson-Hayes who resides in Budapest, Hungary so it wasn't convenient for her to be here. Helgeson explained this is a home that is her residence in the summer or at least part of the summer with her family. Her intent is to provide a guest house for extended family and friends. This is not going to be a commercial hotel. One won't be able to pull up to it and sign up for the night. Helgeson just spoke with Helgeson-Hayes yesterday and he said it is her intent is to be very careful about who stays there. Independence does not have a hotel any longer and so the intent, again, is to be able to rent this out on a fairly short term basis to family and friends, etc. who want to stay in Independence or perhaps other business people. Brandt called for any other public testimony.

Linda Mossman – Registered to testify in favor. Mossman stated she and her family own the Oak Park Inn in Whitehall, WI so we are in the fellow tourism business. On behalf of herself and her family she wanted to thank the Helgeson family for following the rules and regulations as outlined by the Land Management Department. In doing this, Mossman thought it shows a real authentic idea of what our industry should be and that we welcome them and we welcome tourism and tourism type businesses to our County. That is part of the new Parks, Tourism and Economic Development mission - to promote such businesses in Trempealeau County so Mossman would ask that in that same fellowship of us welcoming them that you would do the same.

Brandt called for any other public testimony. Brandt mentioned that Town of Burnside Chairman Fred Boe is present and although this within a “stone's throw” of the City of Independence, apparently, it is in the township. Upon Brandt asking Boe to give some insight as to the town discussion, Boe stated it actually went well. Boe was in contact with Helgeson-Hayes a number of times so she could “get it right” so to speak. Boe said there was no opposition whatsoever in the Town of Burnside. Boe would say that the Board supports tourism as well. Brandt called for any other public testimony. Carlson read a letter from the Town of Burnside which stated the Town of Burnside Supervisors do not oppose a rezone of the Ellen Helgeson-Hayes property from Transitional Ag to commercial for the purpose of a bed and vintage. Carlson read a letter from the Independence School District which stated we received your notice of public hearing regarding the change of land use/zoning by Ellen Helgeson-Hayes. We will not be attending this meeting but the District does not have any opposition regarding the rezone. Brandt called for any other testimony. There being none forthcoming, Brandt closed the public hearing at 9:41 AM. Nelson made a motion to approve the rezone, Skoyen seconded. Bawek questioned if once it is zoned commercial that it will always be zoned commercial and there is nothing the Committee can put on there. Carlson said it can always be rezoned back to some other zoning, it doesn't have to stay commercial unless the building is used for that, then it would have to stay commercial. Lien commented he and Radtke were actually in discussion this morning about that. According to Lien, Radtke has a feel that the County can condition rezones where in the past, previous Corporation Counsels had stated we couldn't so we

are looking at language right now that is in the Ordinance or adopting language that would allow for conditions. Right now, there is language in the Ordinance that talks about nonconforming uses in the district and if the nonconforming use ceases for twelve months it would revert back. Lien said they are researching that but as of right now Lien would suggest the Committee not put any conditions on the rezone. Lien explained that in the past staff has looked at the Table of Uses and if similar uses are allowed we would let them go under commercial. If it was a use that wasn't consistent with this use/zoning, we would probably ask them to come back to the table for another rezone change. Lien reiterated that the property could also come for another rezone if they wanted to change it back to a residential zoning. Schultz asked the width of the lot and added that in itself could restrict any other potential use. Carlson thought it was about 100 feet. Carlson thought that if someone wanted to do something else other than lodging, they would have to meet 30 foot setbacks from the lot line, etc. so one is kind of limited. Motion to approve the rezone passed with no opposition. Brandt did remind Tom Helgeson that the rezone would go before the County Board on Tuesday and that his presence would be helpful.

**Public Hearing – Land Use Change/Rezone – Transitional Agriculture (TA) to Commercial (C)-
Jerome G. Kreibich and Carla A. Radsek, Landowner/Petitioner, Eleva, WI –Town of Albion**

Brandt called the public hearing to order at 9:45 AM. Killian read the public hearing notice aloud. Carlson stated the applicant would like to have some mini-storage buildings in the future and in order to do that the property needs to be rezoned to commercial for that use. Carlson said he has not received any correspondence from anyone in the public and he does have a letter from the Town of Albion. Kreibich stated he is planning for the future. They are looking at either next year or the year after to build storage units. Kreibich added it is about a third of mile out of town right on Highway 10. Carlson noted there is another property that is zoned commercial near there. Brandt called for any public testimony. Carlson read a letter from the Town of Albion which stated the Town of Albion board considered a request by Jerome Kreibich and Carla Radsek during its regular monthly meeting to approve a zoning change from Transitional Ag to Commercial on approximately 2 acres. The board considered the following facts; no neighboring property owners appeared to object, the boundaries were mapped out, Mr. Kreibich and Ms. Radsek are requesting the change to facilitate construction of storage units. The need for changes to commercial; the driveway has not been determined. The Albion Town Board is amendable to changing the zoning back to Transitional Ag in the future if the property is not used for commercial purposes. After careful consideration of the facts and circumstances, the Board passed a motion in favor of granting the zoning change. (There was some inaudible discussion) Brandt closed the public hearing at 9:50AM. Killian made a motion to approve the rezone, Nelson seconded. Nelson asked if the storage units would be right next to Kreibich's current construction business. Kreibich referred Nelson to the overhead aerial map and stated it would be east of the driveway. Motion to approve the rezone passed with no opposition. Brandt reminded Kreibich that the rezone would need to go to the County Board for final approval and if possible he should be present for any questions the Board may have.

**Public Hearing – Land Use Change/Rezone – Industrial (I) to Rural Residential (RR) –
Roger J. Losinski, Trempealeau, WI - Town of Trempealeau**

Brandt called the public hearing to order at 9:52 AM. Killian read the public hearing notice aloud. Carlson stated that currently the property is a salvage yard and it is zoned industrial and he wants to get out of that business. Carlson explained that the bottom 20 acres of Losinski's property, which is displayed on the overhead aerial photo, is what he proposing to rezone to Rural Residential to put in a campground. Carlson received a letter from the Town of Trempealeau. Carlson received no correspondence from the public on this rezone. Carlson added that Losinski can further explain his plans but he wants to go through the rezone so that he has the option to do the campground down the road. Carlson stated there are guidelines in our Ordinance for the construction of the campground and Losinski is aware of those. The first step is to get the land properly zoned because a campground is not allowed in industrial zoning. Losinski stated the salvage business has been deteriorating over the years. Losinski has been in the business since 1976. He has owned this property for 36 years and he bought it right out of high school. Losinski was working for the Northwestern railway and doing that as a hobby. Losinski received

a buyout on the railroad and salvage turned into a full-time job for the last 25 years. Losinski has a portable auto crusher on the road and finally all the yards are gone and now Losinski's is reducing. Losinski said the aerial photo was a little old because there is a lot less stuff there right now. There would be even be less there if the prices had been better the last two years. Basically, Losinski said, my bank account built the campground and everything is in the toilet right now but we keep working with it. Losinski stated the back part of the property (the bottom part of the screen) he basically never had cars on that ten acres. He has planted trees up in there. Losinski noted there were no trees on this property when he bought it. One can see the heavy set of trees he planted near Harris Road and then on the inside of that there is actually a fence line that runs there and there is a fence line on the other end of the property by the town road so it protects it from the roads, from the people and animals getting in and out. Losinski said he is going to keep eight acres with the shop along Schuh Road. That is going to stay as it is and that is where all the major work has ever been done. Losinski has a dismantling building so there has never been any dripping of oil. Losinski said he has always been conscious of all that. He has never dropped anti-freeze on the ground except for a smashed vehicle that came in, but he has always collected everything. He said he has been a responsible owner and he has been the guy working at it day and night. Losinski said he is starting to age a little where he needs to move on. Losinski's son wants him to keep eight acres for him so in case he wants to continue, he can. Losinski is going to work on developing the rest of the land for the campground first from the furthest point, which is the bottom of the screen. Five acres at a time is his plan. Losinski stated it is going to slowly develop and he has been moving things off and crushing materials and cleaning materials off of that area so everything is more towards the shop. Losinski went to Racine this past Monday and picked up 20 picnic tables so he has things in the works. Brandt voiced that the northern part of the County is within view of the backside of Perrot Park. Losinski agreed and added it is also near the Wildlife Refuge. Losinski said a lot of campgrounds have specific attributes and our attribute right now is going to be location because there are lots of people that want to come to our area. Our area is growing and there are home developments right down the road from Losinski's property. One can get from Losinski's over to the golf course two miles away, Trempealeau is three miles away, there are two different pools and a river at Trempealeau. Because of the lock and dam there is a huge amount of fishing. Losinski said he sees a huge amount of bicycle traffic out there around the entire area, on the road by Losinski's place. Brandt mentioned the wineries and the orchards too.

Linda Mossman – Registered to testify in favor. Mossman introduced herself as owner of the Oak Park Inn, tourism council member and bike council member and advocate of tourism. Mossman stated with the development of his park now that she was confused as she thought she knew where this was and questioned where Perrot Park would be. Losinski pointed that out and also where the Wildlife Refuge was and clarified where the camping would be (the south portion of the property). Losinski said his plan is to make the entrance off of Kribs Road. Mossman asked what direction Losinski would be developing his five acre increments? Losinski said the entrance will be on Kribs Road and work from right to left. Mossman asked if they were going to be primitive camping sites or what are they? Losinski said to start out with they will be self-contained sites. Losinski said he is going to market to higher end RV's in the first section, to get it started, which is the back end of the property for Losinski. Mossman stated she is in favor of this project for a number of reasons; 1) he is asking for a rezone from industrial to rural residential which she believes is in the best interest of the whole county, 2) she is in favor of the project as Losinski has now explained it to her because it meets the criteria of parks, recreation, tourism and economic development in our County which is the mission of the new committee (Parks, Tourism and Economic Development). Mossman wanted to register in favor and wished Losinski good luck. Losinski commented he has always received compliments on his yard because he keeps his yard really clean. Brandt called for any other testimony. Carlson read a letter from the Town of Trempealeau which stated the Board has no objection to the rezoning of the property from industrial to rural residential for the use of building a campground. Losinski stated that he has been thinking about this for 15 years and within that process he has been talking with the neighbors for the last two years. The first thing Losinski did is go to the town board and asked them and they sent him to the adjoining landowners who he had already talked to. Losinski went and got signatures from the adjoining landowners and then he went back to the town board. The town board had quite a discussion about that and then they wanted neighboring landowners so he contacted all of them and it worked out pretty good. Brandt stated it

appears that Losinski has “buy-in” from the neighbors as well. Losinski stated he got 100% of the neighbor’s signatures and they thought it was a good idea. Brandt closed the public hearing at 10:07 AM. Schultz made a motion to approve the rezone, Kidd seconded. Schultz commented he has passed Losinski’s salvage yard many times and complimented Losinski on the way he keeps it up. Zeglin questioned if there should be a certified survey map. Lien replied we are not creating a lot, we are just changing the zoning designation. Carlson stated it is staying the same parcel but part of it will be rezoned to commercial, the lot is not changing. Lien added if he were creating a lot to change ownership then a CSM would be required. Zeglin thought one was needed just to change the zoning on a parcel. Lien said just a description is needed. Losinski questioned, i.e. if something were to happen him tonight and he couldn’t do this, would his children have to come back and change the zoning if they wanted to do something with lots. Brandt reminded Losinski that even if this Committee approves it here, it still needs to be approved by County Board, but said “no”. Lien explained if it gets approved by County Board then the zoning is Rural Residential and they could create lots on it provided they meet the frontage requirements, the width to depth ratio and all the other requirements. They can do that on that 20 acres. Brandt clarified that the zoning goes with the property. Lien added to do that, the lots would need to be surveyed, etc. Losinski said he understood that. Motion to approve the rezone passed with no opposition. Losinski still needs to provide the Department of Land Management with a description of the land to be rezoned before the resolution can be sent to County Board for final approval. Losinski commented he is waiting on the surveyor. To clarify Zeglin’s question about the certified survey map, Gamroth stated we don’t need a certified survey map, but we need a land description in order to map the land that he is rezoning and that is what the DLM is waiting on, therefore the rezone will not go on to County Board until we get that and can make the resolution.

Public Hearing – Conditional Use Permit – Mobile Service Facility/Cell Tower Replacement

Todd H. & Josephine F. Koss Revocable Trust, Todd H. & Josephine K. Koss Trustees,

Landowner/Petitioner, Fond Du Lac, WI, United States Cellular, LLC, Madison, WI, Operator-

Town of Gale Brandt called the public hearing to order at 10:10 AM. Killian read the public hearing notice aloud. Carlson stated there is a tower on the site currently. They are removing it and putting a new one in it’s place. There was a conditional use permit issued for the old tower but since they are removing it and putting up a new tower they are required to have a new conditional use permit. Todd Anderson with US Cellular introduced himself. Anderson explained they are replacing the existing tower because of the structural capacity on the existing tower. It is going to be the same height and the same tower design and the carriers will be transferring over once the new tower is built. For people who didn’t have the schematic, Brandt commented it looks like it will be the same footprint just moved to the east a little. Anderson stated he didn’t know the exact size of the existing tower but he was going to guess it is fairly close. The new tower has a 25-foot base and he guessed the new tower has the same width also. Brandt called for any public testimony twice. Upon Brandt inquiring if Town of Gale Chairman Roland Thompson had any comments, Thompson stated we already had the tower there and it was Ok’d at the town meeting two years ago or something like that. Carlson read a letter from the Town of Gale which stated they approve the building of a new cell tower by US Cellular and Hogden Road to replace the existing one. Carlson noted he received one call from the public but they were only looking for information as to what was going on and he was told they are replacing an existing tower and that appeased their question. They had no opposition, they just wanted information. Other than that, Carlson received no other correspondence from the public. Carlson stated he didn’t believe there were any conditions on the old site. Lien added it is just the standard ones as far as the bonding, meeting FAA requirements, etc. Brandt questioned if the bond was already in place. Carlson said it is in place for the current tower. Carlson said that since the cellular ordinance has been re-written, we are pretty limited on what we can put on for conditions. Brandt closed the public hearing at 10:15 AM. Zeglin made a motion to approve the conditional use permit, Nelson seconded. Brandt questioned what an “ice bridge” was. Anderson explained it is about 12 inches wide and covers the coax (cables) and it runs from the tower to the buildings in the eventuality of ice falling off the tower. It is about 8 feet up. Bawek clarified that it is the same height and the same carrying design. Anderson responded it is a self-support tower. Bawek asked how many co-locations are on this tower. Anderson replied there are a bunch; five carriers, US Cellular has microwaves on there, Sprint and Verizon are there and some

other antennae's that it is not called out as to who the carrier is for that. Anderson said that right now, carrier wise, the major carriers are Verizon, Sprint and US Cellular and a lot of the other stuff is probably county. Bawek asked if the other tower was getting old and that is why they are replacing it. Anderson stated that for all the upgrades that all the carriers are doing at this time it just couldn't structurally support all the loading units on it now and in the future. Upon Bawek inquiring if there was room for more, Anderson replied with the new tower, yes, as it has been built with future growth in mind. Motion to approve the Conditional Use Permit passed with no opposition. At this time the Committee took a short recess.

Brandt called the meeting back to order.

Public Hearing - NR115 Shoreland Zoning Ordinance and Resolution

Brandt called the public hearing to order at 10:35 AM. Brandt stated this is a revision of our current ordinance that is required because of changes in the State Statutes. Killian read the Amendment to Shoreland/Zoning Ordinance resolution aloud. Lien stated this Ordinance has been all of ten years in the making. There have been many changes throughout the State related to shoreland and now we are required to adopt something that is not more or less restrictive unless you have pre-existing setbacks and language in the Ordinance. Lien explained this revision started out with Jake Budish doing the actual drafting of it. Carlson and Lien worked with him and Corporation Counsel Rian Radtke did review the Ordinance as well. This will become Chapter 27 in the codification of Ordinances. Carlson stated some of the changes are different Statute requirements. There was language in our existing Ordinance for bluff line from the Black River but that language is no longer in there and we will have to put it into our Comprehensive Zoning somewhere if we still want to keep that. Carlson stated all the towns were notified by registered mail so they are all well aware of the changes coming also. Lien stated this was sent in to the DNR for review and DNR commented back that it does meet the requirements of the code. Brandt asked what area this pertains to in Trempealeau County. Lien responded three hundred feet landward of navigable streams and rivers. According to Lien we have a lot of farmland area in the county that is in the shoreland area and a lot of pre-existing structures in that area. Fortunately, we don't have a lot of lake development in Trempealeau County that we have to regulate. The small lakes and impoundments are in the villages and cities. When Carlson and Lien attend meetings, Lien said they hear the horror stories from other counties where they have a lot of cabins on lakes and how one makes all of this apply. Carlson interjected saying a lot of this is geared towards the lakes in Northern Wisconsin, etc. Carlson thought what they are trying to prevent is that you don't need golf course landscaping by your cabin, you have to leave certain areas of native vegetation and prevent the shoreline from washing away, etc. As Lien, had stated, Carlson said all of our lakes are within city limits so we don't really have to deal with them. Lien commented that in several respects this Ordinance is actually relaxed for people because it does setback averaging for them, allows them to mitigate impervious areas so it actually allows people to develop more than they used to. Brandt clarified the purpose and intent stays the same though; to further the maintenance of safe and healthful conditions and prevent and control water pollution, protect spawning grounds, fish and aquatic life and control building sites, placement of structures and land usage and preserve and restore shoreland vegetation and natural scenic beauty. Brandt stated this is the public hearing related to this Ordinance change. Brandt noted on Page 28 there was a reference to Vilas County which was corrected. Radtke stated that on the proposed resolution (of which the Committee did not have a copy of) the first reading was listed as November 15th which is the upcoming County Board meeting. Radtke said that seemed sort of fast as we are having the public hearing today and next week already we are asking the County Board to approve this but the law set a deadline when we were to have this Ordinance amended and it was October 1st, so we are past the deadline. According to Radtke, Lien has had correspondence with the DNR explaining our situation and there has been a delay on the side of DNR in reviewing the proposed Ordinance as every county is bringing theirs in at once. The DNR has basically said, "Ok, you're working on it but get it in as fast as you can to comply with that date". The question Radtke had for this Committee was do you want to have this go on to the County Board agenda for next Tuesday to try and get this in place as soon as possible or it is something where you want to have this on the County Board agenda at the December meeting. Radtke stated it is a zoning ordinance so under our rules it would be exempt from the second reading. We could still ask the board to do a first and second reading as well if we want to get more

public awareness to it. Radtke thought it is a question that should be answered today so we can let the County Clerk's office know to get that on the agenda. Killian stated she saw no reason to delay this because it doesn't really pertain much to us and it is mandated. Killian said she did read through the whole thing and it sounds like we have to do what their saying anyway so she didn't think there would be much discussion at the County Board level on it so she would say go ahead and get it done. Zeglin asked if there would be any advantage to delaying it other than making the agenda for the next County Board meeting a little bit lighter. Lien said the only advantage to delaying would be, if the first reading was in November, to allow for more public comment after that. More discussion took place. Bawek asked Lien to speak to the "impervious surface" portion of this and if that, in any way, was going to affect our broiler coop buildings or larger agricultural buildings and if this was strictly within the 300-foot setback of the high-water mark. Lien stated this is strictly within the shoreland area, that is only where this applies and then one looks at the entire lot area so then one just deducts the impervious area or you mitigate the area or consider what you can do instead of having impervious areas. Lien added we do have some control or the guidelines are sort of loose as it isn't a "cookie cutter approach" to development but it is meant to look at individual scenarios. The mitigation plans also get recorded in the Register of Deeds. Bawek asked Carla Doelle if she looks at all of that (impervious surface standards or runoff from the roof) when she permits a broiler barn. Doelle responded she does not. Carlson commented once it gets over a certain threshold it is addressed in the stormwater plan/storm water erosion control. If one gets too much of an impervious area (like subdivisions) they need to have retention ponds. Carlson added it would be addressed but not through shoreland zoning. It would be addressed through erosion control and stormwater. Doelle commented they have to get a DNR permit because they are over an acre of land disturbance. Upon Lien asking Doelle if conservation practices were still considered a reduced setback of 75 feet if they are benefitting or controlling a runoff issue, Doelle nodded yes. Carlson said structures are still allowed 75 feet away, but shoreland encompasses 300 feet so it all has to be addressed but you don't have to be 300 feet away with your buildings. More discussion took place. Zeglin asked Carlson for more information in regard to the distance from the Black River changing. Carlson replied we had in our Ordinance before that wherever the bluff line was considered to be, which is where it changed to be 20%, you had to be 50 feet away from the bluff line and now that language is no longer in our Ordinance. Carlson added it was mostly in there for people who were canoeing the Black River so that when they look up they don't see your house. Lien stated it was put in there back in the 1972 Ordinance for two reasons; the soils and banks along the Black River are very unstable (The County had amended that Ordinance to add that along the Black River only there is a 50-foot setback from where the bluff line changed from 19% to 20% slope) and part of it was for aesthetics. More discussion took place. Killian made a motion to approve to approve the Shoreland Zoning Ordinance and the resolution and that it be put on the November County Board meeting agenda, Schultz seconded. Motion to approve passed with no opposition.

Public Hearing - 2016 Land and Water Resource Management Plan Revision and Resolution

Brandt called the public hearing to order at 10:55 AM. Killian read aloud the resolution entitled "Approve County Land and Water Resource Management Plan". Lien noted that when this process was started, the Committee had suggested that we go back to Advisory Committee and that we include someone from the industrial sand industry. Lien said we did that so that was a new addition to the Advisory Committee which hadn't been there before. Doelle stated the LWRM plan before the Committee was a ten-year plan containing the goals and objectives of the Department of Land Management as far as protecting the resources of the County. Doelle said that last month we had gone through the plan and addressed the Committees questions and concerns. Those changes were made and the final copy was sent out to the Committee. Doelle noted the plan has been on the County website and it was also sent out to the Citizen Advisory Committee for their review as well. Doelle stated she has had no responses from anyone so what the Committee has before them now would be the final plan unless there are changes made today. After today's meeting Doelle will send a final draft to DATCP for their Board to review before our December 6th 2016 meeting with them.

Linda Mossman – Registered to testify/speak- In regards to the Farmland Preservation, Mossman said last evening she was probably the most disappointed in the fact that we have lost an advocate and a friend, Assemblyman Chris Danou who did not reach enough votes to be re-elected. Mossman said Danou has been an advocate of conservation practices, farmland preservation, protection of our water, and a leader on local control for county, city and village government. He has attended these meetings as well as County Board meetings on a frequent basis and Mossman would ask of this Committee, that in regards to how this plan is evolving for the Land and Water Resource Management, that someone from this Committee reach out to the new Assembly person-elect and ask them if they will come so that they can hear the concerns of the residents of Trempealeau County. Just as Lien was explaining about Vilas County being involved in shoreline issues, we have our own issues here and it is important that we are represented in the State legislature on these issues.

Brandt called for any other public testimony. Upon Killian's inquiry, she was referred to the map that was added in the Appendix which referenced the four rivers in the County. Killian and Zeglin each discussed a couple of questions they had about the plan. Zeglin suggested both the adoption date and the revision date for the UDC Ordinance be referenced in the plan. Zeglin read the statement on Page 35 of the plan, "None of the townships within Trempealeau County are currently zoned for Exclusive Agricultural use" and questioned if that was a true statement. Lien said it is true because we never certified our Farmland Preservation plan back when it was first adopted and there is a difference between having a certified plan that is attached to zoning and a non-certified plan. Lien stated Trempealeau County's plan has never been a certified plan attached to zoning, so that is a true statement even though we have zoning districts, they are not Farmland Preservation certified districts and there is a difference. Zeglin suggested that on Page 36, in regard to the Shoreland Zoning Ordinance that we just revised, that the revision date be reflected also. Doelle explained the resolution would not be brought to the December County Board meeting as Doelle preferred not to present it to the Board until the plan has been approved at the Land and Water Board meeting on December 6th. Doelle stated she had consulted Corporation Counsel on this and he suggested doing it this way and taking it to the December County Board meeting and asking for a waiving of the first reading. Doelle said she would be presenting the plan in Madison on December 6th. Lien added that it is mandated by DATCP that the plan be presented in person in Madison. Doelle as the County Conservationist has been the lead on this process and she has good rapport with persons at the State level. Lien had assumed Brandt and since she had expressed an interest, Zeglin, would probably be going with Doelle. Lien wasn't sure if he would be able to make it or not but he felt Doelle was competent to present the plan. Brandt voiced that Doelle's rationale for presenting the plan at the December County Board made sense. Brandt closed the public hearing at 11:10 AM. Bawek made a motion to approve the Land and Water Resource Management Plan with the revision dates for the UDC Ordinance and Shoreland Zoning Ordinance included, Nelson seconded. Motion carried with no opposition.

\$50.00 Donation to 2017 Wisconsin Envirothon

Lien stated that last year the Committee decided to contribute \$50 to benefit Wisconsin students in the Envirothon. The Envirothon is a youth event/competition held in Rosholt, WI where they do activities related to aquatic ecology, forestry, soils and land uses. The Envirothon is typically held the second Friday in April. Upon Zeglin inquiring about the local high schools, Doelle said she has had a little interest but nothing has happened as of yet. Zeglin asked Doelle to further explain what goes on at the Envirothon. Doelle explained the kids are broke up into groups and sent to different stations and then they have a competition in different events that they are scored on. Lien read aloud from the brochure, "The Wisconsin Envirothon is an educational challenge focused on five topic areas. It give teams of middle and high school students technical and public speaking skills to become the confident thinkers to provide leadership for a more sustainable environmentally aware community". Every year they pick a theme and the issues are based on that theme. The year's issues are aquatic ecology, forestry, soil and land use, current issue presentation on a topic they pick and wildlife. Schultz made a motion to donate \$50 to the Envirothon, Skoyen seconded. Motion carried with no opposition.

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

Lien presented the following payments for approval and noted these are non-levied amounts.

Land & Water Resource Management (LWRM)

Name	Type	Amount	New CSA Total	Reason for change	Town
Scott Kampa	Contract	\$11,312.00	\$11,312.00	Nutrient Management	Burnside
Scott Kampa	Pay Request	\$11,312.00		Certify Nutrient Management	
TD Farms	Contract	\$ 2,503.20	\$ 2,503.20	Nutrient Management	Lincoln
TD Farms	Pay Request	\$ 2,503.20		Certify Nutrient Management	

Targeted Runoff Management (TRM)

Name	Type	Amount	New CSA Total	Reason for change	Town
Gerhard Von Uhl	Contract	\$12,131.89	\$12,131.89	Streambank & Rip Rap	Hale
Gerhard Von Uhl	Pay Request	\$12,131.89		Certify Streambank & Rip Rap	

County Cost Share Grants

Name	Type	Amount	New CSA Total	Reason for change	Town
City of Osseo	Contract	\$ 3,430.00	\$3,430.00	Diversion	Sumner
City of Osseo	Pay Request	\$ 3,430.00		Certify Diversion	
Leif Tolokken	Contract	\$ 3,412.50	\$3,412.50	Access Road/Stream Crossing	Etrick
Leif Tolokken	Pay Request	\$ 3,412.50		Certify Access Road/Stream Crossing	
Larry Nelson	Contract	\$11,783.80		Streambank & Shoreland Protection	V.of Strum
Larry Nelson	Pay Request	\$11,783.80		Certify Streambank & Shoreland Protection	

Killian made a motion to make the payouts as presented, Kidd seconded. Motion to approve passed with no opposition.

Confirm Next Special Meeting Date and Regular Meeting Date

Brandt reminded the Committee that the next regular meeting date would be December 7th, 2016 because of the public hearing for the D95 hearing for appeal of activity which was set for Wednesday, December 14th, 2016 and, if needed, Thursday, December 15th, 2016. Kidd stated he would be out of town therefore he is unable to attend the meeting on December 7th. Brandt, Doelle and perhaps Zeglin will be traveling to Madison on December 6th to present the Land and Water Resource Management plan to the Land and Water Board.

Brandt noted that on November 15th, Lien and Kirstie Heidenreich will be giving a presentation before the County Board on the County parks and the work that the Department of Land Management has done in relation to the parks. Killian acknowledged and welcomed Mike Nelson back to the Committee. Nelson was appointed by the County Board Chair to fill the Committee position vacated by Wade Britzius.

At approximately 11:17 AM, Killian made a motion to adjourn, Kidd seconded, motion carried with no opposition.

Respectfully submitted,
Virginette Gamroth, Recording Secretary

Beth Killian, Secretary