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## **Joint Extraterritorial Zoning Committee**

### **ETZ Public Hearing Minutes**

5 PM December 6, 2021

Village of Pepin Municipal Building

Members present: Mike Cedarblade, Gary Samuelson, Tom Latane, Mike Schultz.

Also present: Roy Forstrom, Mike Michaud, Dan Fedie, Tom Brockman, Ron Schlosser, Sarah Ericson, 5-6 on Zoom Call, + about 10-12 others in the room.

Gary Samuelson started the discussion by stating that the Village has a Wellhead Ordinance already for inside their boundaries. This one is for the Township area.

Roy Explained where the Village wells are located.

Mike Michaud introduced the background for the ordinance for the discussion. He discussed Ground water flow patterns and showed the map indicating those patterns. Concerns are upstream from groundwater flow. The Village is relying on a Davy Engineering study done in 2013. DNR has minimum distances from wells for some things. We have a need for a Wellhead Strategic Plan for a 5-year groundwater time of travel. Our plan is based on Davy Engineering calculations on groundwater flow rates and direction. We also need to take into consideration the sandy soil conditions that allow for a quick transfer of surface water into the groundwater system.

Question about whether there are state requirements for this Ordinance? Ans: The state says we have to have a plan. They don't review this Ordinance. We have an ordinance for inside the Village limits. Q: Are People ready for lawsuits? Ans: We can still modify this plan for the Township area.

Tom Brockman stated that I have 100 acres, there are lots of stipulations here. I have concerns about the property values. Roy: We are primarily concerned about dense housing, possible apartments? Feed lots?

Mike M. stated that now only the wells and septic systems are licensed by the county. We are applying the same type restrictions in the township that are already in place for the Village wellhead protection area. We are concerned about 50 septic systems, multi housing units with 50 people. Septic systems just by their nature have a chance to pollute.

Discussion about the existing availability of Village water service only on Sand Ridge Road, no sewer service there. On County Rd CC we have a water main only up to Village limits. This ordinance is designed for allowing residential development including septic system and wells, Commercial Development will need a special review.

Roy discussed that on the east side of the Village we allow some residential septic's because it is not practical to extend the mains.

Ron Schlosser, this is mostly in the township then? Mike Explains that yes, the state law allows for Extra Territorial Zoning for outside the Village limits, state law gives the Village the right to do ETZ out to 1.5 miles.

The process for zoning permits would stay the same, go to county first, then county would forward the application to Village Zoning Administrator if needed, to review before permit is issued.

Sarah: Would we pay extra for fees then? Ans: Yes. Dan Fedie. So, this process started a long time ago? Ans: Yes.

Gary S. commented that last time this was proposed the zone went way up over the top of the hill. This has been going on for years.

Ron Schlosser asked how you know the water is flowing like it is in the map. The Davy Engineering analysis process was explained. Q: Who paid for that? Ans: The Village hired an outside expert consultant.

Mike M: Without an actual field study where wells are drilled to monitor flow, it is all the more reason for a 5-year time of travel target limit to this area. We need 5 years of planning time for an incident so everything isn't an emergency for us to respond.

Mike M. stated that this is a hearing for us to hear what needs to be fixed in this ordinance. Gary S: We are here to represent the Township. There are three town people and three village people on the ETZ committee, and the committee needs four votes to do anything.

Mike M: We will not require any residences to hook up to the village system the way this is written.

Sarah: Will multi-family developments have to hook up? Mike M: They may not have to, the language explains the process for a permit.

Q: How did you come up with the boundary, it looks to easy? Ans: It fits the flow of water and has a common development potential.

Roy F. then discussed the recent train diesel spill of 1600 gallons in the Village. They put pipes down to keep it from getting into the river, big vacuum system for a year.

Mike M: In the middle of page three it discusses Sarah's question about when you would need to hook up. It would take a major expansion before we would require a hook up.

Roy discussed the recently built house on Sand Ridge Road. It was not practical to do a hook up. The landowner chose to put in a well, it was cheaper. Mike M: There is no requirement to hook up at this time. Nor will there be for residences under this Ordinance.

Sarah: Who gets to decide what is economically burdensome? Ans: This ETZ Committee. Appeal of the Zoning Administrator goes to this ETZ committee. Q: At land-owners expense? Ans: Yes.

Mike M: The Village has no interest in spending lots of money extending lines.

Q: Our concerns are that by putting stipulations like this on our property you are reducing the value of them. Can't do this can't do that. Mike M: From a Village perspective we are trying to provide safe water for 800 people here. We have to balance what we need to do.

Q: Biggest problem I have is how you are drawing that map. Look at the distances west, why is County Rd CC the west boundary? Don't you need to go beyond that for time of travel?

Mike Schultz: You are getting way to complicated here. We are not saying you can't, just keep an eye on it. Not saying you can't build, we will look at it and see what you are going to do, nobody wants a 5,000 cow feedlot. That would cost a lot to extend services. I own land out there. I have no problem with this, the EPA is coming if they get there way.

Dan Fedie: You are saying what you can and can't do yet. Mike S: You still go to the county for your permits. If you build a community out there, we would have to extend.

Mike M: See page 3 for permitted uses. For these we wouldn't have to hardly look at it. On Page 4 are conditional uses, not saying you can't do it. We would have to look at it, go through a review process.

Dan Fedie: Regarding Page 3, uses that are not listed are considered not permitted. This is too restrictive, uses not listed should go to a planning committee and have a hearing. Tom L: It should come up for discussion then?

Dan Fedie: On Page 4, where do your RV trails come into that? Are motorized snow mobile trails allowed? Gary S: I think Township ATV routes are county roads and township roads. Q: What about snow mobile roads? Gary S: we just found out about that issue, we think it's a state trail or county trail. That section should be changed. A Wildlife area is permitted.

Ron S: We are going to expand our campground, we have permits already. What about a Wildlife trail on Tom's land, is that going to be stopped? Mike M: We are going to look at that.

Tom B: we are also doing some running out there. This water thing has to be dealt with. That 3M problem is a terrible thing. I feel like we are taking the brunt of this ordinance. You are

doing the right thing to stop an asphalt plant. We don't want to be the ones targeted, I have the land on the other side of CC, I can do what I want there, it seems arbitrary. The Township would likely not allow a gas station. Mike Cedarblade: Town doesn't have any permits. It goes to the county. Mike M: The county doesn't have any zoning rules either, just Bluffland Zoning and Shoreland Zoning. Tom B: We don't have enough people here to attract something like an Amazon, I don't think you are going to see that.

Sarah: So if it was a commercial project you would have to hook up? Mike M: No, it's a conditional use situation. We would have to have a hearing on it to decide.

Dan Fedie: Go through the uses on page 3, A is OK, B is Ok. Mike clarified those are non uses. Dan F: Auto body repair shop? got two now, Pepin Auto and Mackie's. Gary S: Mac is outside the boundaries; Pepin Auto is hooked up to the Village system. Roy F: Concern about gasoline and oil storage could be a part of conditions on a permit.

Dan F: Lawn & Garden Supplies? Ans: All things listed as not permitted will likely be changed to conditional uses. We will have to talk about it in the committee.

Q: This language does not reach water retention ponds issue? Dan F: Change to possible conditional uses?

Q: Do township building permits come from the county? Ans: There are none. Q: What about a big LP tank out there? Roy: The big LP tank that is there is grandfathered in. He is east of the well, chances are a spill would keep going east. It is very close to one of the wells.

Dan F: We need some way for commercial projects to request a public hearing. Mike M: The Agricultural uses are addressed in the ordinance.

Ron S: Discussed where the rainwater run off goes at the winery under the building, retention ponds.

Q: When does this get approved? More meetings? Gary S: It's clear that changes are going to be made.

Sarah: I am concerned about the costs for a conditional use permit . We have land, don't have a plan yet, always thought, what if? New store? This does limit our plans, plus all legal and engineering fees. How expensive would this be?

Roy S: We would have a public hearing to set conditions, parking lot size, septic system size, if 5 houses two acres each, you would have to pay for the engineering. Dan F: Zoning Permit itself is minimal \$50, the building permit is costly. Money goes to Village for Zoning permit. There is a distinction between zoning and building permits.

Mike M: It all depends on what you want to do, how much it would cost to review it.

Gary S. If building in the township, the Building Inspector is Fred Weber, same as the Village. Maria at the county would pass it to Village.

Q: People in township don't have any say in what happens in the Village. We can't vote them out. We have no say. Mike M: here you do, any issues go to this committee. Dan F. Township would want development, so would the Village.

Roy F: discussed a recent multi housing proposal on CC that wanted sewer and water. Tom B: That was on my property, he would pay well. Mike M: That would be something where we would want to run sewer and water out to it.

Roy: We are concerned about potential polluting businesses. The sewer plant was sized to handle expansion. Q: Discussed the high cost of utilities in the Village. Ron S: It is a bad place for your sewer plant.

Dan F: Go to page 7, #2A, no provision for a person who has a spill to notify the village, need a time limit too, could be 5 minutes in some cases. Mike M: on page 5, item 4, there is a reporting requirement for existing facilities. We will need to ensure it carries forward to new facilities. The committee will need to discuss it.

Dan F: Could combine them, could change language on 5 to cover new ones too.

Sarah: Is there a list of what constitutes a contaminant? Where is the threshold. Roy F: A Sewer backup would not qualify, it is in your basement, not the ground. Mike M: There probably is a state statute that lists them. Q: Even if you are not in the Wellhead area then what?

Q: On boundaries again, west of CC should be part of this area, it is arbitrary. Mike M: The Winery is covered by the Village Ordinance; it is in the Village limits.

Tom B: You got to protect your Village, were so close we should be able to work this out. There are flowers there on my land now, I don't just want a park for the Village, want some rights there to use the land and protect the water. Things could happen you don't expect. Hard to come to agreement.

Q: Is the state mandating this? Mike M: It is the 5 year time of travel that drives this, the way that the groundwater flows. The Boundaries are by section lines.

Mike M: Once this ordinance is done this could still be amended by this ETZ committee. Ron S. Can't burn brush? Mike M: There is nothing in there regarding that. Roy F: It says that permitted uses include Ag uses that the county allows.

The Committee discussion then was to keep meeting to review this draft some more. Then come up with a new draft, then another public hearing.

Motion to Table? Gary S. moves to table for now, and then meet again. There would be another letter to landowners. Then another hearing. Second by Tom L., All in favor. Motion to adjourn by Gary.

